

By Senator Simmons

10-00317-13

20131410__

1 A bill to be entitled
2 An act relating to fire safety and prevention;
3 providing a directive to the Division of Law Revision
4 and Information to create part I of ch. 633, F.S.,
5 entitled "General Provisions"; transferring,
6 renumbering, and amending s. 633.021, F.S.; revising
7 and providing definitions; transferring, renumbering,
8 and amending s. 633.01, F.S.; revising provisions
9 relating to the authority of the State Fire Marshal;
10 removing references to the Life Safety Code; revising
11 the renewal period for firesafety inspector
12 requirements for certification; conforming cross-
13 references; authorizing the State Fire Marshal to
14 administer oaths and take testimony; authorizing the
15 State Fire Marshal to enter into contracts with
16 private entities for the administration of
17 examinations; transferring, renumbering, and amending
18 s. 633.163, F.S.; revising provisions relating to the
19 disciplinary authority of the State Fire Marshal;
20 authorizing the State Fire Marshal to deny, suspend,
21 or revoke the licenses of certain persons; providing
22 terms and conditions of probation; transferring and
23 renumbering s. 633.15, F.S., relating to the force and
24 effect of ch. 633, F.S., and rules adopted by the
25 State Fire Marshal on municipalities, counties, and
26 special districts having firesafety responsibilities;
27 transferring, renumbering, and amending s. 633.101,
28 F.S.; revising provisions relating to hearings,
29 investigations, and recordkeeping duties and the

10-00317-13

20131410__

30 authority of the State Fire Marshal; authorizing the
31 State Fire Marshal to designate an agent for various
32 purposes related to hearings; providing for the
33 issuance of subpoenas; transferring, renumbering, and
34 amending s. 633.111, F.S.; requiring the State Fire
35 Marshal to keep records of all fires and explosions;
36 transferring, renumbering, and amending s. 633.02,
37 F.S.; revising provisions relating to the authority of
38 agents of the State Fire Marshal; transferring and
39 renumbering s. 633.14, F.S., relating to the powers of
40 agents of the State Fire Marshal to make arrests,
41 conduct searches and seizures, serve summonses, and
42 carry firearms; transferring, renumbering, and
43 amending s. 633.121, F.S., relating to persons
44 authorized to enforce laws and rules of the State Fire
45 Marshal; revising terminology; transferring,
46 renumbering, and amending s. 633.151, F.S.; clarifying
47 provisions relating to impersonating the State Fire
48 Marshal, a firefighter, a firesafety inspector, or a
49 volunteer firefighter, for which a criminal penalty is
50 provided; transferring, renumbering, and amending s.
51 633.171, F.S.; providing penalties for rendering a
52 fire protection system required by statute or by rule
53 inoperative; providing penalties for using the
54 certificate of another person, holding a license or
55 certificate and allowing another person to use the
56 license or certificate, and using or allowing the use
57 of any certificate or permit by any individual or
58 organization other than the individual to whom the

10-00317-13

20131410__

59 certificate or permit is issued; conforming a cross-
60 reference; transferring, renumbering, and amending s.
61 633.175, F.S., relating to investigation of fraudulent
62 insurance claims and crimes and immunity of insurance
63 companies supplying information relative thereto;
64 defining the term "consultant"; revising provisions to
65 include investigation of explosions in fraudulent
66 insurance claim investigations; authorizing the State
67 Fire Marshal to adopt rules to implement provisions
68 relating to an insurance company's investigation of a
69 suspected fire or explosion by intentional means;
70 revising terminology; conforming a cross-reference;
71 transferring, renumbering, and amending s. 633.45,
72 F.S.; clarifying and revising the powers and duties of
73 the Division of State Fire Marshal; requiring the
74 division to establish by rule uniform minimum
75 standards for the employment and training of
76 firefighters and volunteer firefighters; requiring the
77 division to establish by rule minimum curriculum
78 requirements and criteria for the approval of
79 education or training providers; requiring the
80 division to specify by rule standards for the
81 approval, denial of approval, probation, suspension,
82 and revocation of approval of education or training
83 providers and facilities for training firefighters and
84 volunteer firefighters; requiring the division to
85 specify by rule standards for the certification,
86 denial of certification, probation, and revocation of
87 certification for instructors; requiring the division

10-00317-13

20131410__

88 to establish by rule minimum training qualifications
89 for persons serving as specified firesafety
90 coordinators; requiring the division to issue
91 specified licenses, certificates, and permits;
92 conforming cross-references; creating s. 633.132,
93 F.S.; establishing fees to be collected by the
94 division; authorizing the division to establish by
95 rule fees necessary to cover administrative costs and
96 to collect such fees in advance; providing for the
97 appropriation and deposit of all funds collected by
98 the State Fire Marshal pursuant to ch. 633, F.S.;
99 transferring and renumbering s. 633.39, F.S., relating
100 to acceptance by the division of donations of property
101 and grants of money; transferring, renumbering, and
102 amending s. 633.115, F.S., relating to the Fire and
103 Emergency Incident Information Reporting Program;
104 making technical changes; conforming a cross-
105 reference; creating s. 633.138, F.S.; providing
106 requirements with respect to notice of change of
107 address of record for, and notice of felony actions
108 against, a licensee, permittee, or certificateholder;
109 transferring, renumbering and amending s. 633.042,
110 F.S.; revising the "Reduced Cigarette Ignition
111 Propensity Standard and Firefighter Protection Act" to
112 include preemption by the act of local laws and rules;
113 providing a directive to the Division of Law Revision
114 and Information to create part II of ch. 633, F.S.,
115 entitled "Fire Safety and Prevention"; transferring,
116 renumbering, and amending s. 633.0215, F.S., relating

10-00317-13

20131410__

117 to the Florida Fire Prevention Code; conforming cross-
118 references; deleting an obsolete provision;
119 transferring, renumbering, and amending s. 633.72,
120 F.S., relating to the Florida Fire Code Advisory
121 Council; revising membership of the council; providing
122 for semiannual meetings of the council; authorizing
123 the council to review proposed changes to the Florida
124 Fire Prevention Code and specified uniform fire safety
125 standards; conforming cross-references; transferring,
126 renumbering, and amending s. 633.022, F.S., relating
127 to uniform firesafety standards; revising
128 applicability of uniform firesafety standards;
129 removing obsolete provisions; transferring,
130 renumbering, and amending s. 633.025, F.S., relating
131 to minimum firesafety standards; deleting references
132 to the Life Safety Code; conforming provisions to
133 changes made by the act; conforming a cross-reference;
134 transferring, renumbering, and amending s. 633.026,
135 F.S., relating to informal interpretations of the
136 Florida Fire Prevention Code and legislative intent
137 with respect thereto; conforming provisions to changes
138 made by the act; conforming cross-references; revising
139 terminology to provide for declaratory statements
140 rather than formal interpretations in nonbinding
141 interpretations of Florida Fire Prevention Code
142 provisions; transferring, renumbering, and amending s.
143 633.052, F.S., relating to ordinances relating to
144 firesafety and penalties for violation; conforming
145 terminology; providing that a special district may

10-00317-13

20131410__

146 enact any ordinance relating to firesafety codes that
147 is identical to ch. 633, F.S., or any state law,
148 except as to penalty; transferring, renumbering, and
149 amending s. 633.081, F.S., relating to inspection of
150 buildings and equipment; clarifying persons authorized
151 to inspect buildings and structures; conforming cross-
152 references; revising requirements of persons
153 conducting firesafety inspections; revising the period
154 of validity of, and continuing education requirements
155 for, firesafety inspector certificates; requiring
156 repeat training for certified fire safety inspectors
157 whose certification has lapsed for a specified period;
158 revising grounds for denial, refusal to renew,
159 suspension, or revocation of a firesafety inspector
160 certificate; requiring the department to provide by
161 rule for the certification of Fire Code
162 Administrators; transferring, renumbering, and
163 amending s. 633.085, F.S., relating to inspection of
164 state buildings and premises; defining the terms
165 "high-hazard occupancy" and "state-owned building";
166 providing for identification of state-owned buildings
167 or state-leased buildings or space; authorizing,
168 rather than requiring, the State Fire Marshal or
169 agents thereof to conduct performance tests on any
170 electronic fire warning and smoke detection system,
171 and any pressurized air-handling unit, in any state-
172 owned building or state-leased building or space on a
173 recurring basis; requiring the State Fire Marshal or
174 agents thereof to ensure that fire drills are

10-00317-13

20131410__

175 conducted in all high-hazard state-owned buildings or
176 high-hazard state-leased occupancies at least
177 annually; requiring that all new construction or
178 renovation, alteration, or change of occupancy of any
179 existing, state-owned building or state-leased
180 building or space comply with uniform firesafety
181 standards; authorizing the division to inspect state-
182 owned buildings and spaces and state-leased buildings
183 and spaces as necessary before occupancy or during
184 construction, renovation, or alteration to ascertain
185 compliance with uniform firesafety standards;
186 requiring the division to issue orders to cease
187 construction, renovation, or alteration, or to
188 preclude occupancy, of a state-owned or state-leased
189 building or space for noncompliance; transferring,
190 renumbering, and amending s. 633.027, F.S., relating
191 to buildings with light-frame truss-type construction;
192 conforming cross-references; transferring,
193 renumbering, and amending s. 633.60, F.S., relating to
194 automatic fire sprinkler systems for one-family
195 dwellings, two-family dwellings, and mobile homes;
196 conforming a cross-reference; transferring and
197 renumbering s. 633.557, F.S., relating to the
198 nonapplicability of the act to owners of property who
199 are building or improving farm outbuildings and
200 standpipe systems installed by plumbing contractors;
201 transferring, renumbering, and amending s. 633.161,
202 F.S., relating to violations and enforcement of ch.
203 633, F.S., orders resulting from violations, and

10-00317-13

20131410__

204 penalties for violation; conforming cross-references;
205 providing a directive to the Division of Law Revision
206 and Information to create part III of ch. 633, F.S.,
207 entitled "Fire Protection and Suppression";
208 transferring, renumbering, and amending s. 633.511,
209 F.S., relating to the Florida Fire Safety Board;
210 conforming provisions to changes made by the act;
211 conforming cross-references; requiring the board to
212 act in an advisory capacity; authorizing the board to
213 review complaints and make recommendations; providing
214 for election of officers, quorum, and compensation of
215 the board; requiring the board to adopt a seal;
216 transferring, renumbering, and amending s. 633.061,
217 F.S., relating to licensure to install or maintain
218 fire suppression equipment; removing the fee schedule
219 from such provisions; revising provisions relating to
220 fire equipment dealers who wish to withdraw a
221 previously filed halon equipment exemption affidavit;
222 providing conditions that an applicant for a license
223 of any class who has facilities located outside the
224 state must meet in order to obtain a required
225 equipment inspection; providing for the adoption of
226 rules with respect to the establishment and
227 calculation of inspection costs; revising and
228 clarifying provisions that exclude from licensure for
229 a specified period applicants having a previous
230 criminal conviction; defining the term "convicted";
231 providing conditions under which a licensed fire
232 equipment dealer may apply to convert the license

10-00317-13

20131410__

233 currently held to a higher or lower licensing
234 category; providing a procedure for an applicant who
235 passes an examination for licensure or permit but
236 fails to meet remaining qualifications within 1 year
237 after the application date; transferring, renumbering,
238 and amending s. 633.065, F.S., relating to
239 requirements for installation, inspection, and
240 maintenance of fire suppression equipment; conforming
241 a cross-reference; transferring, renumbering, and
242 amending s. 633.071, F.S., relating to standard
243 service tags required on all fire extinguishers and
244 preengineered systems; conforming a cross-reference;
245 transferring, renumbering, and amending s. 633.082,
246 F.S., relating to inspection of fire control systems,
247 fire hydrants, and fire protection systems; conforming
248 a cross-reference; making technical changes;
249 transferring, renumbering, and amending s. 633.083,
250 F.S., relating to the prohibited sale or use of
251 certain types of fire extinguishers and penalty
252 therefor; making a technical change; transferring,
253 renumbering, and amending s. 633.162, F.S., relating
254 to fire suppression system contractors and
255 disciplinary actions with respect thereto; conforming
256 cross-references; clarifying provisions; transferring,
257 renumbering, and amending s. 633.521, F.S., relating
258 to certification as fire protection system contractor;
259 clarifying provisions and making technical changes;
260 conforming cross-references; transferring,
261 renumbering, and amending s. 633.551, F.S., relating

10-00317-13

20131410__

262 to county and municipal powers and the effect of ch.
263 75-240, Laws of Florida; making technical changes;
264 transferring and renumbering s. 633.527, F.S.,
265 relating to records concerning an applicant and the
266 extent of confidentiality; transferring and
267 renumbering s. 633.531, F.S., relating to statewide
268 effectiveness and nontransferability of certificates;
269 transferring, renumbering, and amending s. 633.534,
270 F.S., relating to the issuance of certificates to
271 individuals and business organizations; making a
272 technical change; transferring, renumbering, and
273 amending s. 633.537, F.S., relating to renewal and
274 expiration of certificates; deleting an obsolete
275 provision; deleting a provision which prescribes the
276 biennial renewal fee for an inactive status
277 certificate; making technical changes; transferring,
278 renumbering, and amending s. 633.539, F.S., relating
279 to requirements for installation, inspection, and
280 maintenance of fire protection systems; conforming a
281 cross-reference; transferring, renumbering, and
282 amending s. 633.541, F.S., relating to the prohibition
283 against contracting as a fire protection contractor
284 without a certificate and penalty for violation
285 thereof; conforming cross-references; making a
286 technical change; transferring, renumbering, and
287 amending s. 633.547, F.S.; relating to disciplinary
288 action concerning fire protection system contractors;
289 revising provisions that authorize the State Fire
290 Marshal to suspend a fire protection system

10-00317-13

20131410__

291 contractor's or permittee's certificate; deleting
292 provisions authorizing revocation of a certificate for
293 a specified period; conforming a cross-reference;
294 transferring, renumbering, and amending s. 633.549,
295 F.S., relating to violations that are subject to
296 injunction; making a technical change; transferring
297 and renumbering s. 633.554, F.S., relating to
298 application of ch. 633, F.S., regulating contracting
299 and contractors; transferring, renumbering, and
300 amending s. 633.70, F.S., relating to jurisdiction of
301 the State Fire Marshal over alarm system contractors
302 and certified unlimited electrical contractors;
303 conforming a cross-reference; transferring and
304 renumbering s. 633.701, F.S., relating to requirements
305 for fire alarm system equipment; transferring,
306 renumbering, and amending s. 633.702, F.S., relating
307 to prohibited acts regarding alarm system contractors
308 or certified unlimited electrical contractors and
309 penalties for violations; making technical changes;
310 providing a directive to the Division of Law Revision
311 and Information to create part IV of ch. 633, F.S.,
312 entitled "Fire Standards and Training"; transferring,
313 renumbering, and amending s. 633.31, F.S.; revising
314 provisions relating to the Firefighters Employment,
315 Standards, and Training Council; providing for an
316 additional member of the council; providing for
317 organization of the council, meetings, quorum,
318 compensation, and adoption of a seal; providing for
319 special powers of the council in connection with the

10-00317-13

20131410__

320 employment and training of firefighters; transferring,
321 renumbering, and amending s. 633.42, F.S., relating to
322 the authority of fire service providers to establish
323 qualifications and standards for hiring, training, or
324 promoting firefighters which exceed the minimum set by
325 the department; conforming terminology; creating s.
326 633.406, F.S.; specifying classes of certification
327 awarded by the division; authorizing the division to
328 establish specified additional certificates by rule;
329 transferring, renumbering, and amending s. 633.35,
330 F.S.; revising provisions relating to firefighter and
331 volunteer firefighter training and certification;
332 requiring the division to establish by rule specified
333 courses and course examinations; providing that
334 courses may only be administered by specified
335 education or training providers and taught by
336 certified instructors; revising provisions with
337 respect to payment of training costs and payment of
338 tuition for attendance at approved courses; providing
339 requirements for issuance by the division of a
340 firefighter certificate of compliance; providing
341 requirements for issuance by the division of a
342 Volunteer Firefighter Certificate of Completion;
343 authorizing the division to issue a Special
344 Certificate of Compliance; providing requirements and
345 limitations with respect thereto; providing procedures
346 and requirements for reexamination after failure of an
347 examination; increasing the required number of hours
348 of the structural fire training program; providing for

10-00317-13

20131410__

349 a Forestry Certificate of Compliance and prescribing
350 the rights, privileges, and benefits thereof;
351 transferring, renumbering, and amending s. 633.34,
352 F.S., relating to qualifications for certification as
353 a firefighter; revising provisions relating to
354 disqualifying offenses; providing requirements of the
355 division with respect to suspension or revocation of a
356 certificate; making technical changes; conforming
357 cross-references; transferring, renumbering, and
358 amending s. 633.352, F.S., relating to firefighter
359 employment and volunteer firefighter service; revising
360 provisions relating to retention of certification as a
361 firefighter; defining the term "active"; transferring,
362 renumbering, and amending s. 633.41, F.S.; prohibiting
363 a fire service provider from employing an individual
364 as a firefighter or supervisor of firefighters and
365 from retaining the services of an individual
366 volunteering as a firefighter or a supervisor of
367 firefighters without required certification; requiring
368 a fire service provider to make a diligent effort to
369 determine possession of required certification prior
370 to employing or retaining an individual for specified
371 services; defining the term "diligent effort";
372 requiring a fire service provider to notify the
373 division of specified hirings, retentions,
374 terminations, decisions not to retain a firefighter,
375 and determinations of failure to meet certain
376 requirements; authorizing the division to conduct site
377 visits to fire departments to monitor compliance;

10-00317-13

20131410__

378 defining the term "employ"; conforming cross-
379 references; transferring, renumbering, and amending s.
380 633.38, F.S., relating to curricula and standards for
381 advanced and specialized training prescribed by the
382 division; revising terminology to conform; conforming
383 cross-references; transferring, renumbering, and
384 amending s. 633.382, F.S., relating to supplemental
385 compensation for firefighters who pursue specified
386 higher educational opportunities; removing
387 definitions; requiring the State Fire Marshal to
388 determine, and adopt by rule, course work or degrees
389 that represent the best practices toward supplemental
390 compensation goals; specifying that supplemental
391 compensation shall be paid to qualifying full-time
392 employees of a fire service provider; conforming
393 terminology; clarifying provisions; specifying that
394 policy guidelines be adopted by rule; classifying the
395 division as a fire service provider responsible for
396 the payment of supplemental compensation to full-time
397 firefighters employed by the division; transferring,
398 renumbering, and amending s. 633.353, F.S., relating
399 to falsification of qualifications; clarifying
400 provisions that provide a penalty for falsification of
401 qualifications provided to the Bureau of Fire
402 Standards and Training of the division; transferring,
403 renumbering, and amending s. 633.351, F.S., relating
404 to disciplinary action and standards for revocation of
405 certification; providing definitions; providing
406 conditions for ineligibility to apply for

10-00317-13

20131410__

407 certification under ch. 633, F.S.; providing
408 conditions for permanent revocation of certification,
409 prospective application of such provisions, and
410 retroactive application with respect to specified
411 convictions; revising provisions relating to
412 revocation of certification; providing requirements
413 with respect to application for certification;
414 requiring specified submission of fingerprints;
415 providing a fee; providing requirements of the
416 Department of Law Enforcement with respect to
417 submitted fingerprints; transferring, renumbering, and
418 amending s. 633.43, F.S., relating to the
419 establishment of the Florida State Fire College;
420 conforming a provision to changes made by the act;
421 transferring, renumbering, and amending s. 633.44,
422 F.S., relating to the purposes of the Florida State
423 Fire College and part IV of ch. 633, F.S.; expanding
424 such purpose; conforming a cross-reference;
425 transferring, renumbering, and amending s. 633.48,
426 F.S., relating to the superintendent of the Florida
427 State Fire College; conforming a cross-reference;
428 transferring, renumbering, and amending s. 633.461,
429 F.S., relating to uses of funds from the Insurance
430 Regulatory Trust Fund; clarifying provisions;
431 transferring and renumbering s. 633.47, F.S., relating
432 to the procedure for making expenditures on behalf of
433 the Florida State Fire College; transferring,
434 renumbering, and amending s. 633.49, F.S., relating to
435 the use of buildings, equipment, and other facilities

10-00317-13

20131410__

436 of the fire college; conforming a cross-reference;
437 transferring, renumbering, and amending s. 633.50,
438 F.S., relating to additional duties of the Division of
439 State Fire Marshal related to the Florida State Fire
440 College; conforming cross-references; providing a
441 directive to the Division of Law Revision and
442 Information to create part V of ch. 633, F.S.,
443 entitled "Florida Firefighters Occupational Safety and
444 Health Act"; transferring, renumbering, and amending
445 s. 633.801, F.S., relating to a short title;
446 conforming a cross-reference; transferring,
447 renumbering, and amending s. 633.802, F.S., relating
448 to definitions; revising definitions of "firefighter
449 employee," "firefighter employer," and "firefighter
450 place of employment"; transferring, renumbering, and
451 amending s. 633.803, F.S., relating to legislative
452 intent to enhance firefighter occupational safety and
453 health in the state; clarifying provisions; conforming
454 cross-references; transferring, renumbering, and
455 amending s. 633.821, F.S., relating to assistance by
456 the division in facilitating firefighter employee
457 workplace safety; revising references to publications;
458 removing obsolete provisions; revising requirements
459 and responsibilities of the division; transferring,
460 renumbering, and amending s. 633.817, F.S., relating
461 to remedies available to the division for
462 noncompliance with part V of ch. 633, F.S.; conforming
463 cross-references; transferring and renumbering s.
464 633.805, F.S., relating to a required study by the

10-00317-13

20131410__

465 division of firefighter employee occupational
466 diseases; transferring, renumbering, and amending s.
467 633.806, F.S., relating to certain duties of the
468 division; revising provisions that require the
469 division to make studies, investigations, inspections,
470 and inquiries with respect to compliance with part V
471 of ch. 633, F.S., or rules authorized thereunder, and
472 the causes of firefighter employee injuries,
473 illnesses, safety-based complaints, or line-of-duty
474 deaths in firefighter employee places of employment;
475 authorizing the division to adopt by rule procedures
476 for conducting inspections and inquiries of
477 firefighter employers under part V of ch. 633, F.S.;
478 authorizing the division to enter premises to
479 investigate compliance; providing a criminal penalty;
480 conforming references; transferring, renumbering, and
481 amending s. 633.807, F.S., relating to safety
482 responsibilities of firefighter employers; revising
483 definitions of the terms "safe" and "safety";
484 transferring, renumbering, and amending s. 633.809,
485 F.S.; relating to firefighter employers with a high
486 frequency of firefighter employee work-related
487 injuries; revising provisions relating to required
488 safety inspections; clarifying that the division may
489 not assess penalties as a result of such inspections;
490 requiring firefighter employers to submit a plan for
491 the correction of noncompliance issues to the division
492 for approval in accordance with division rule;
493 providing procedures if a plan is not submitted, does

10-00317-13

20131410__

494 not provide corrective actions, is incomplete, or is
495 not implemented; providing for workplace safety
496 committees and coordinators, including mandatory
497 negotiations during collective bargaining; requiring
498 the division to adopt rules; providing for
499 compensation of the workplace safety committee;
500 authorizing cancellation of an insurance plan due to
501 noncompliance; transferring, renumbering, and amending
502 s. 633.811, F.S., relating to firefighter employer
503 penalties; prescribing additional administrative
504 penalties for firefighter employers for violation of,
505 or refusal to comply with, part V of ch. 633, F.S.;
506 providing for location of hearings; transferring,
507 renumbering, and amending s. 633.812, F.S., relating
508 to specified cooperation by the division with the
509 Federal Government; clarifying requirements from which
510 private firefighter employers are exempt; eliminating
511 a prerequisite to exemption for specified firefighter
512 employers; requiring reinspection after specified
513 noncompliance; transferring, renumbering, and amending
514 s. 633.816, F.S., relating to firefighter employee
515 rights and responsibilities; conforming cross-
516 references; transferring, renumbering, and amending s.
517 633.818, F.S., relating to false statements;
518 conforming a cross-reference; prohibiting a person
519 from committing certain fraudulent acts in any matter
520 within the jurisdiction of the division; providing
521 criminal penalties; providing a statute of limitation;
522 transferring, renumbering, and amending s. 633.814,

10-00317-13

20131410__

523 F.S., relating to disbursement of expenses to
524 administer part V of ch. 633, F.S.; conforming a
525 cross-reference; amending s. 112.011, F.S.; removing
526 provisions that exclude from employment for a
527 specified period an applicant for employment with a
528 fire department who has a prior felony conviction;
529 amending s. 112.191, F.S.; revising provisions
530 relating to adjustments in payments of accidental
531 death benefits for firefighters; amending s. 120.541,
532 F.S.; providing that certain rules concerning
533 statements of regulatory costs do not apply to the
534 updates and amendments to the Florida Fire Prevention
535 Code; amending s. 196.081, F.S.; revising provisions
536 relating to the homestead exemption for spouses of
537 veterans who died in the line of duty; creating a
538 homestead exemption for surviving spouses of first
539 responders who die in the line of duty; amending s.
540 554.103, F.S.; revising provisions of the State Boiler
541 Code; establishing construction standards for new
542 boilers installed or imported into this state;
543 requiring the installer, rather than the owner, of a
544 boiler placed in use after a specified date to submit
545 a data report before operation; amending s. 633.167,
546 F.S.; deleting a provision providing for terms and
547 conditions of probation; amending s. 633.517, F.S.;
548 deleting a provision authorizing the State Fire
549 Marshal to administer oaths and take testimony;
550 amending s. 791.012, F.S., relating to minimum
551 fireworks safety standards; updating a reference;

10-00317-13

20131410__

552 amending s. 791.015, F.S.; authorizing seasonal
553 retailers of sparklers to submit one registration form
554 for multiple locations; requiring each seasonal
555 retailer of sparklers to pay an annual registration
556 fee for each retail location registered; repealing s.
557 633.024, F.S., relating to legislative findings and
558 intent with respect to ensuring effective fire
559 protection of vulnerable nursing home residents, the
560 expedited retrofit of existing nursing homes through a
561 limited state loan guarantee, and funding thereof;
562 repealing s. 633.0245, F.S., relating to the State
563 Fire Marshal Nursing Home Fire Protection Loan
564 Guarantee Program; repealing s. 633.03, F.S., relating
565 to investigations of fire and reports; repealing s.
566 633.0421, F.S., relating to preemption of the reduced
567 cigarette ignition propensity standard by the state;
568 repealing s. 633.13, F.S., relating to the authority
569 of State Fire Marshal agents; repealing s. 633.18,
570 F.S., relating to hearings and investigations by the
571 State Fire Marshal; repealing s. 633.30, F.S.,
572 relating to definitions with respect to standards for
573 firefighting; repealing s. 633.32, F.S., relating to
574 organization, meetings, quorum, compensation, and seal
575 of the Firefighters Employment, Standards, and
576 Training Council; repealing s. 633.33, F.S., relating
577 to special powers of the Firefighters Employment,
578 Standards, and Training Council in connection with the
579 employment and training of firefighters; repealing s.
580 633.37, F.S., relating to payment of tuition at

10-00317-13

20131410__

581 approved training programs by the employing agency;
582 repealing s. 633.445, F.S., relating to the State Fire
583 Marshal Scholarship Grant Program; repealing s.
584 633.46, F.S., relating to authority of the Division of
585 State Fire Marshal to fix and collect admission fees
586 and other fees it deems necessary to be charged for
587 training; repealing s. 633.514, F.S., relating to
588 Florida Fire Safety Board duties, meetings, officers,
589 quorum, and compensation; repealing s. 633.524, F.S.,
590 relating to certificate and permit fees assessed under
591 ch. 633, F.S., and the use and deposit thereof;
592 repealing s. 633.804, F.S., relating to the adoption
593 of rules governing firefighter employer and
594 firefighter employee safety inspections and
595 consultations; repealing s. 633.808, F.S., relating to
596 division authority; repealing s. 633.810, F.S.,
597 relating to workplace safety committees and safety
598 coordinators; repealing s. 633.813, F.S., relating to
599 cancellation of an insurance policy for failure to
600 implement a safety and health program; repealing s.
601 633.815, F.S., relating to penalties for refusing
602 entry to a firefighter place of employment for the
603 purposes of investigations or inspections by the
604 division; repealing s. 633.819, F.S., relating to
605 matters within the jurisdiction of the division and
606 fraudulent acts, penalties, and statute of
607 limitations; repealing s. 633.820, F.S., relating to
608 the applicability of specified sections of ch. 633,
609 F.S., to volunteer firefighters and volunteer fire

10-00317-13

20131410__

610 departments; amending ss. 112.1815, 112.191, 112.81,
 611 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56,
 612 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45,
 613 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915,
 614 429.41, 429.44, 429.73, 447.203, 468.602, 468.609,
 615 489.103, 489.105, 496.404, 509.032, 513.05, 553.73,
 616 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03,
 617 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.;

618 conforming cross-references; updating terminology;
 619 providing an effective date.

620

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

622

623 Section 1. The Division of Law Revision and Information is
 624 requested to create part I of chapter 633, Florida Statutes,
 625 consisting of sections 633.102, 633.104, 633.106, 633.108,
 626 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,
 627 633.128, 633.132, 633.134, 633.136, and 633.138, Florida
 628 Statutes, to be entitled "General Provisions."

629 Section 2. Section 633.021, Florida Statutes, is
 630 transferred, renumbered as section 633.102, Florida Statutes,
 631 and amended to read:

632 633.102 ~~633.021~~ Definitions.—As used in this chapter, the
 633 term:

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

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

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

10-00317-13

20131410__

639 (2)~~(4)~~ "Contracting" means engaging in business as a
640 contractor.

641 (3)~~(5)~~(a) "Contractor I" means a contractor whose business
642 includes the execution of contracts requiring the ability to lay
643 out, fabricate, install, inspect, alter, repair, and service all
644 types of fire protection systems, excluding preengineered
645 systems.

646 (b) "Contractor II" means a contractor whose business is
647 limited to the execution of contracts requiring the ability to
648 lay out, fabricate, install, inspect, alter, repair, and service
649 water sprinkler systems, water spray systems, foam-water
650 sprinkler systems, foam -water spray systems, standpipes,
651 combination standpipes and sprinkler risers, all piping that is
652 an integral part of the system beginning at the point of service
653 as defined in this section, sprinkler tank heaters, air lines,
654 thermal systems used in connection with sprinklers, and tanks
655 and pumps connected thereto, excluding preengineered systems.

656 (c) "Contractor III" means a contractor whose business is
657 limited to the execution of contracts requiring the ability to
658 fabricate, install, inspect, alter, repair, and service carbon
659 dioxide ~~CO₂~~ systems, foam extinguishing systems, dry chemical
660 systems, and Halon and other chemical systems, excluding
661 preengineered systems.

662 (d) "Contractor IV" means a contractor whose business is
663 limited to the execution of contracts requiring the ability to
664 lay out, fabricate, install, inspect, alter, repair, and service
665 automatic fire sprinkler systems for detached one-family
666 dwellings, detached two-family dwellings, and mobile homes,
667 excluding preengineered systems and excluding single-family

10-00317-13

20131410__

668 homes in cluster units, such as apartments, condominiums, and
669 assisted living facilities or any building that is connected to
670 other dwellings.

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

678
679 The definitions in this subsection may ~~must~~ not be construed to
680 include ~~fire-protection~~ engineers or architects and do not limit
681 or prohibit a licensed fire protection engineer or architect
682 with fire protection design experience from designing any type
683 of fire protection system. A distinction is made between system
684 design concepts prepared by the design professional and system
685 layout as defined in this section and typically prepared by the
686 contractor. However, a person ~~persons~~ certified as a Contractor
687 I, Contractor II, or Contractor IV under this chapter may design
688 fire protection systems of 49 or fewer sprinklers, and may
689 design the alteration of an existing fire sprinkler system if
690 the alteration consists of the relocation, addition, or deletion
691 of not more than 49 sprinklers, notwithstanding the size of the
692 existing fire sprinkler system. A person certified as a
693 Contractor I, Contractor II, or Contractor IV may design a fire
694 protection system the scope of which complies with NFPA 13D,
695 Standard for the Installation of Sprinkler Systems in One- and
696 Two-Family Dwellings and Manufactured Homes, as adopted by the

10-00317-13

20131410__

697 State Fire Marshal, notwithstanding the number of fire
698 sprinklers. Contractor-developed plans may not be required by
699 any local permitting authority to be sealed by a registered
700 professional engineer.

701 (4) "Department" means the Department of Financial
702 Services.

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

705 (6) "Explosives" means any chemical compound or mixture
706 that has the property of yielding readily to combustion or
707 oxidation upon the application of heat, flame, or shock and is
708 capable of producing an explosion and is commonly used for that
709 purpose, including but not limited to dynamite, nitroglycerin,
710 trinitrotoluene, ammonium nitrate when combined with other
711 ingredients to form an explosive mixture, blasting caps, and
712 detonators; but the term does not include cartridges for
713 firearms or fireworks as defined in chapter 791.

714 (7) (a) "Fire equipment dealer Class A" means a licensed
715 fire equipment dealer whose business is limited to servicing,
716 recharging, repairing, installing, or inspecting all types of
717 fire extinguishers and conducting hydrostatic tests on all types
718 of fire extinguishers.

719 (b) "Fire equipment dealer Class B" means a licensed fire
720 equipment dealer whose business is limited to servicing,
721 recharging, repairing, installing, or inspecting all types of
722 fire extinguishers, including recharging carbon dioxide units
723 and conducting hydrostatic tests on all types of fire
724 extinguishers, except carbon dioxide units.

725 (c) "Fire equipment dealer Class C" means a licensed fire

10-00317-13

20131410__

726 equipment dealer whose business is limited to servicing,
727 recharging, repairing, installing, or inspecting all types of
728 fire extinguishers, except recharging carbon dioxide units, and
729 conducting hydrostatic tests on all types of fire extinguishers,
730 except carbon dioxide units.

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

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

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

737 (b) Is manually operated.

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

740 (d) Is rechargeable or nonrechargeable.

741 (e) Is installed, serviced, repaired, recharged, inspected,
742 and hydrotested according to applicable procedures of the
743 manufacturer, standards of the National Fire Protection
744 Association, and the Code of Federal Regulations.

745 (f) Is listed by a nationally recognized testing
746 laboratory.

747 (9) "Firefighter" means an individual who holds a current
748 and valid Firefighter Certificate of Compliance or Special
749 Certificate of Compliance issued by the division under s.
750 633.408.

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

754 (11) ~~(9)~~ ~~A~~ "Fire hydrant" means ~~is~~ a connection to a water

10-00317-13

20131410__

755 main, elevated water tank, or other source of water for the
756 purpose of supplying water to a fire hose or other fire
757 protection apparatus for fire suppression operations. The term
758 does not include a fire protection system.

759 (12)~~(10)~~ A "Fire protection system" means ~~is~~ a system
760 individually designed to protect the interior or exterior of a
761 specific building or buildings, structure, or other special
762 hazard from fire. Such systems include, but are not limited to,
763 water sprinkler systems, water spray systems, foam-water
764 sprinkler systems, foam-water spray systems, carbon dioxide CO₂
765 systems, foam extinguishing systems, dry chemical systems, and
766 Halon and other chemical systems used for fire protection use.
767 Such systems also include any overhead and underground fire
768 mains, fire hydrants and hydrant mains, standpipes and hoses
769 connected to sprinkler systems, sprinkler tank heaters, air
770 lines, thermal systems used in connection with fire sprinkler
771 systems, and tanks and pumps connected to fire sprinkler
772 systems.

773 (13)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual
774 who holds a current and valid Fire Safety Inspector Certificate
775 of Compliance issued ~~certified~~ by the division ~~State Fire~~
776 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned
777 the duties of conducting firesafety inspections of buildings and
778 facilities on a recurring or regular basis on behalf of the
779 state or any county, municipality, or special district with fire
780 safety responsibilities.

781 (14) "Fire service provider" means a municipality or
782 county, the state, or any political subdivision of the state,
783 including authorities and special districts, employing

10-00317-13

20131410__

784 firefighters or utilizing volunteer firefighters to provide fire
785 extinguishment for the protection of life and property. The term
786 includes any organization under contract or other agreement with
787 such entity to provide such services.

788 (15)~~(12)~~ "Handling" means touching, holding, taking up,
789 moving, controlling, or otherwise affecting with the hand or by
790 any other agency.

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

793 ~~1. That contains combustible or explosive matter or~~
794 ~~flammable conditions dangerous to the safety of life or~~
795 ~~property.~~

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

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

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

799
800 ~~Such buildings or structures include, but are not limited to,~~
801 ~~all hospitals and residential health care facilities, nursing~~
802 ~~homes and other adult care facilities, correctional or detention~~
803 ~~facilities, public schools, public lodging establishments,~~
804 ~~migrant labor camps, residential child care facilities, and~~
805 ~~self-service gasoline stations.~~

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

811 (16)~~(14)~~ "Highway" means every way or place of whatever
812 nature within the state open to the use of the public, as a

10-00317-13

20131410__

813 matter of right, for purposes of vehicular traffic and includes
814 public streets, alleys, roadways, or driveways upon grounds of
815 colleges, universities, and institutions and other ways open to
816 travel by the public, notwithstanding that the same have been
817 temporarily closed for the purpose of construction,
818 reconstruction, maintenance, or repair. The term does not
819 include a roadway or driveway upon grounds owned by a private
820 person.

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

824 (18)~~(15)~~ "Keeping" means possessing, holding, retaining,
825 maintaining, or having habitually in stock for sale.

826 (19)~~(16)~~ "Layout" ~~as used in this chapter~~ means the layout
827 of risers, cross mains, branch lines, sprinkler heads, sizing of
828 pipe, hanger locations, and hydraulic calculations in accordance
829 with the design concepts established through ~~the provisions of~~
830 the Responsibility Rules adopted by the Board of Professional
831 Engineers.

832 (20)~~(17)~~ "Manufacture" means the compounding, combining,
833 producing, or making of anything or the working of anything by
834 hand, by machinery, or by any other agency into forms suitable
835 for use.

836 (21)~~(18)~~ A "Minimum firesafety standard" means ~~is~~ a
837 requirement or group of requirements adopted pursuant to s.
838 633.208 ~~633.025~~ by a county, municipality, or special district
839 with firesafety responsibilities, or by the State Fire Marshal
840 pursuant to s. 394.879, for the protection of life and property
841 from loss by fire which shall be met, as a minimum, by every

10-00317-13

20131410__

842 occupancy, facility, building, structure, premises, device, or
843 activity to which it applies.

844 (22) "Minimum Standards Course" means training of at least
845 360 hours as prescribed by rule adopted by the division which is
846 required to obtain a Firefighter Certificate of Compliance under
847 s. 633.408.

848 (23)~~(19)~~ "Motor vehicle" means any device propelled by
849 power other than muscular power in, upon, or by which any
850 individual person or property is or may be transported or drawn
851 upon a highway, except a device moved or used exclusively upon
852 stationary rails or tracks.

853 (24)~~(20)~~ "Point-of-service" means the point at which the
854 underground piping for a fire protection system as defined in
855 this section using water as the extinguishing agent becomes used
856 exclusively for the fire protection system.

857 (25)~~(21)~~ (a) A "Preengineered system" means ~~is~~ a fire
858 suppression system which:

- 859 1. Uses any of a variety of extinguishing agents.
- 860 2. Is designed to protect specific hazards.
- 861 3. Must be installed according to pretested limitations and
862 configurations specified by the manufacturer and applicable
863 National Fire Protection Association (NFPA) standards. Only
864 those chapters within the National Fire Protection Association
865 standards which ~~that~~ pertain to servicing, recharging,
866 repairing, installing, hydrotesting, or inspecting any type of
867 preengineered fire extinguishing system may be used.
- 868 4. Must be installed using components specified by the
869 manufacturer or components that are listed as equal parts by a
870 nationally recognized testing laboratory such as Underwriters

10-00317-13

20131410__

871 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

872 5. Must be listed by a nationally recognized testing
873 laboratory.

874 (b) Preengineered systems consist of and include all of the
875 components and parts providing fire suppression protection, but
876 do not include the equipment being protected, and may
877 incorporate special nozzles, flow rates, methods of application,
878 pressurization levels, and quantities of agents designed by the
879 manufacturer for specific hazards.

880 (26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,
881 aircraft, or vessel operating intrastate in which there is
882 identity of ownership between freight and carrier.

883 (27)~~(23)~~ "Sale" means the act of selling; the act whereby
884 the ownership of property is transferred from one person to
885 another for a sum of money or, loosely, for any consideration.
886 The term includes the delivery of merchandise with or without
887 consideration.

888 (28)~~(24)~~ "Special state firesafety inspector" means an
889 individual officially assigned to the duties of conducting
890 firesafety inspections required by law on behalf of or by an
891 agency of the state having authority for inspections other than
892 the division ~~of State Fire Marshal~~.

893 (29)~~(25)~~ A "Sprinkler system" means is a type of fire
894 protection system, ~~either~~ manual or automatic, using water as an
895 extinguishing agent and installed in accordance with applicable
896 National Fire Protection Association standards.

897 (30)~~(26)~~ "Storing" means accumulating, laying away, or
898 depositing for preservation or as a reserve fund in a store,
899 warehouse, or other source from which supplies may be drawn or

10-00317-13

20131410__

900 within which they may be deposited. The term is limited in
901 meaning and application to storage having a direct relationship
902 to transportation.

903 (31) "Support services" means those activities that a fire
904 service provider has trained an individual to perform safely
905 outside the hot zone of an emergency scene, including pulling
906 hoses, opening and closing fire hydrants, driving and operating
907 apparatus, carrying tools, carrying or moving equipment,
908 directing traffic, manning a resource pool, or similar
909 activities.

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

912 (33)~~(27)~~ "Transportation" means the conveying or carrying
913 of property from one place to another by motor vehicle (except a
914 motor vehicle subject to ~~the provisions of~~ s. 316.302),
915 aircraft, or vessel, subject to such limitations as are set
916 forth in s. 552.12, in which only the motor vehicles, aircraft,
917 or vessels of the Armed Forces and other federal agencies are
918 specifically exempted.

919 (34)~~(28)~~ A "Uniform firesafety standard" means ~~is~~ a
920 requirement or group of requirements for the protection of life
921 and property from loss by fire which shall be met by every
922 building and structure specified in s. 633.206 ~~633.022(1)~~, and
923 is not ~~neither~~ weakened or ~~nor~~ exceeded by law, rule, or
924 ordinance of any other state agency or political subdivision or
925 county, municipality, or special district with firesafety
926 responsibilities.

927 (35)~~(29)~~ "Use" means application, employment; that
928 enjoyment of property which consists of its employment,

10-00317-13

20131410__

929 occupation, exercise, or practice.

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

933 Section 3. Section 633.01, Florida Statutes, is transferred
934 and renumbered as section 633.104, Florida Statutes, subsections
935 (1), (3), (5), (6), and (7) of that section are amended, and
936 subsections (8) and (9) are added to that section, to read:

937 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~
938 ~~duties;~~ rules.—

939 (1) The Chief Financial Officer is designated as "State
940 Fire Marshal." The State Fire Marshal has authority to adopt
941 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
942 ~~provisions of this chapter conferring powers or duties upon the~~
943 ~~department.~~ Rules must ~~shall~~ be in substantial conformity with
944 generally accepted standards of firesafety; must ~~shall~~ take into
945 consideration the direct supervision of children in
946 nonresidential child care facilities; and must ~~shall~~ balance and
947 temper the need of the State Fire Marshal to protect all
948 Floridians from fire hazards with the social and economic
949 inconveniences that may be caused or created by the rules. The
950 department shall adopt the Florida Fire Prevention Code ~~and the~~
951 ~~Life Safety Code.~~

952 (3) The State Fire Marshal shall establish by rule
953 guidelines and procedures for ~~triennial~~ renewal of firesafety
954 inspector requirements for certification every four years.

955 (5) It is the intent of the Legislature that there are to
956 be no conflicting requirements between the Florida Fire
957 Prevention Code ~~and the Life Safety Code authorized by this~~

10-00317-13

20131410__

958 ~~chapter and the provisions of~~ the Florida Building Code or
959 conflicts in their enforcement and interpretation. Potential
960 conflicts shall be resolved through coordination and cooperation
961 of the State Fire Marshal and the Florida Building Commission as
962 provided by this chapter and part IV of chapter 553.

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

968 (7) The State Fire Marshal, in consultation with the
969 Department of Education, shall adopt and administer rules
970 prescribing standards for the safety and health of occupants of
971 educational and ancillary facilities pursuant to ss. 633.206
972 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any
973 county, municipality, or special district that does not employ
974 or appoint a firesafety inspector certified under s. 633.216
975 ~~633.081~~, the State Fire Marshal shall assume the duties of the
976 local county, municipality, or independent special fire control
977 district as defined in s. 191.003 with respect to firesafety
978 inspections of educational property required under s.
979 1013.12(3)(b), and the State Fire Marshal may take necessary
980 corrective action as authorized under s. 1013.12(7).

981 (8) The State Fire Marshal or her or his duly appointed
982 hearing officer may administer oaths and take testimony about
983 all matters within the jurisdiction of this chapter. Chapter 120
984 governs hearings conducted by or on behalf of the State Fire
985 Marshal.

986 (9) The State Fire Marshal may contract with any qualified

10-00317-13

20131410

987 public entity or private company in accordance with chapter 287
988 to provide examinations for any applicant for any examination
989 administered under the jurisdiction of the State Fire Marshal.
990 The State Fire Marshal may direct payments from each applicant
991 for each examination directly to such contracted entity or
992 company.

993 Section 4. Section 633.163, Florida Statutes, is
994 transferred, renumbered as section 633.106, Florida Statutes,
995 and amended to read:

996 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;
997 administrative fine and probation in lieu of suspension,
998 revocation, or refusal to issue a license, permit, or
999 certificate.-

1000 (1) The State Fire Marshal may deny, suspend, or revoke the
1001 license, certificate, or permit of any individual who does not
1002 meet the qualifications established by, or who violates any
1003 provision under, this chapter or any rule authorized by this
1004 chapter.

1005 (2) ~~(1)~~ If the State Fire Marshal finds that one or more
1006 grounds exist for the suspension, revocation, or refusal to
1007 issue, renew, or continue any license, certificate, or permit
1008 issued under this chapter, the State Fire Marshal may, in its
1009 discretion, in lieu of the suspension, revocation, or refusal to
1010 issue, renew, or continue, and, except on a second offense or
1011 when the suspension, revocation, or refusal to issue, renew, or
1012 continue is mandatory, impose upon the licensee,
1013 certificateholder, or permittee one or more of the following:

1014 (a) An administrative fine not to exceed \$1,000 for each
1015 violation, and not to exceed a total of \$10,000 in any one

10-00317-13

20131410__

1016 proceeding.

1017 (b) Probation for a period not to exceed 2 years, as
 1018 specified by the State Fire Marshal in her or his order.

1019 (3)~~(2)~~ The State Fire Marshal may allow the licensee,
 1020 certificateholder, or permittee a reasonable period, not to
 1021 exceed 30 days, within which to pay to the State Fire Marshal
 1022 the amount of the fine. If the licensee, certificateholder, or
 1023 permittee fails to pay the administrative fine in its entirety
 1024 to the State Fire Marshal within such period, the license,
 1025 permit, or certificate shall stand suspended until payment of
 1026 the administrative fine.

1027 (4) As a condition to probation or in connection therewith,
 1028 the State Fire Marshal may specify in her or his order
 1029 reasonable terms and conditions to be fulfilled by the
 1030 probationer during the probation period. If during the probation
 1031 period the State Fire Marshal has good cause to believe that the
 1032 probationer has violated any of the terms and conditions, she or
 1033 he shall suspend, revoke, or refuse to issue, renew, or continue
 1034 the license, certificate, or permit of the probationer, as upon
 1035 the original ground or grounds referred to in subsection (2).

1036 Section 5. Section 633.15, Florida Statutes, is transferred
 1037 and renumbered as section 633.108, Florida Statutes.

1038 Section 6. Section 633.101, Florida Statutes, is
 1039 transferred, renumbered as section 633.112, Florida Statutes,
 1040 and amended to read:

1041 633.112 ~~633.101~~ State Fire Marshal; hearings;
 1042 investigations; recordkeeping and reports; subpoenas of
 1043 witnesses; orders of circuit court ~~investigatory powers of State~~
 1044 ~~Fire Marshal; costs of service and witness fees.-~~

10-00317-13

20131410__

1045 (1) The State Fire Marshal may in his or her discretion
1046 take or cause to be taken the testimony on oath of a person ~~all~~
1047 ~~persons~~ whom he or she believes to be cognizant of any facts in
1048 relation to matters under investigation.

1049 (2) If the State Fire Marshal is ~~shall be~~ of the opinion
1050 that there is sufficient evidence to charge a ~~any~~ person with an
1051 offense, he or she must ~~shall~~ cause the arrest of such person
1052 and must ~~shall~~ furnish to the prosecuting officer of any court
1053 having jurisdiction of the ~~said~~ offense all information obtained
1054 by him or her, including a copy of all pertinent and material
1055 testimony taken, together with the names and addresses of all
1056 witnesses. In the conduct of such investigations, the State Fire
1057 Marshal may request such assistance as may reasonably be given
1058 by such prosecuting officers and other local officials.

1059 (3) The State Fire Marshal may summon and compel the
1060 attendance of witnesses before him or her to testify in relation
1061 to any matter ~~manner~~ which is, by ~~the provisions of~~ this
1062 chapter, a subject of inquiry and investigation, and he or she
1063 may require the production of any book, paper, or document
1064 deemed pertinent thereto by him or her, and may seize furniture
1065 and other personal property to be held for evidence.

1066 (4) A person ~~All persons~~ so summoned and so testifying
1067 shall be entitled to the same witness fees and mileage as
1068 provided for witnesses testifying in the circuit courts of this
1069 state, and officers serving subpoenas or orders of the State
1070 Fire Marshal shall be paid in like manner for like services in
1071 such courts, from the funds herein provided.

1072 (5) Any agent designated by the State Fire Marshal for such
1073 purposes, may hold hearings, sign and issue subpoenas,

10-00317-13

20131410

1074 administer oaths, examine witnesses, receive evidence, and
1075 require by subpoena the attendance and testimony of witnesses
1076 and the production of such accounts, records, memoranda, or
1077 other evidence, as may be material for the determination of any
1078 complaint or conducting any inquiry or investigation under this
1079 chapter. In the case of disobedience to a subpoena, the State
1080 Fire Marshal or her or his agent may invoke the aid of any court
1081 of competent jurisdiction in requiring the attendance and
1082 testimony of witnesses and the production of accounts, records,
1083 memoranda, or other evidence and any such court may in case of
1084 refusal to obey a subpoena issued to a person, issue an order
1085 requiring the person to appear before the State Fire Marshal's
1086 agent or produce accounts, records, memoranda, or other
1087 evidence, as so ordered, or to give evidence touching any matter
1088 pertinent to any complaint or the subject of any inquiry or
1089 investigation, and any failure to obey such order of the court
1090 shall be punished by the court as contempt.

1091 (6) The State Fire Marshal shall investigate the cause,
1092 origin, and circumstances of every fire or explosion occurring
1093 in this state if property has been damaged or destroyed and
1094 there is probable cause to believe that the fire or explosion
1095 was the result of carelessness or design. Report of all such
1096 investigations shall be made on approved forms to be furnished
1097 by the State Fire Marshal.

1098 Section 7. Section 633.111, Florida Statutes, is
1099 transferred, renumbered as subsections (7) and (8) of section
1100 633.112, Florida Statutes, and amended to read:

1101 633.112 State Fire Marshal; hearings; investigations;
1102 recordkeeping and reports; subpoenas of witnesses; orders of

10-00317-13

20131410__

1103 ~~circuit court investigatory powers of State Fire Marshal; costs~~
1104 ~~of service and witness fees.-~~

1105 (7) The State Fire Marshal shall keep ~~in her or his office~~
1106 a record of all fires and explosions occurring in this state
1107 upon which she or he had caused an investigation to be made and
1108 all facts concerning the same. These records, obtained or
1109 prepared by the State Fire Marshal pursuant to her or his
1110 investigation, include documents, papers, letters, maps,
1111 diagrams, tapes, photographs, films, sound recordings, and
1112 evidence. These records are confidential and exempt from the
1113 provisions of s. 119.07(1) until the investigation is completed
1114 or ceases to be active. For purposes of this section, an
1115 investigation is considered "active" while such investigation is
1116 being conducted by the department with a reasonable, good faith
1117 belief that it may lead to the filing of administrative, civil,
1118 or criminal proceedings. An investigation does not cease to be
1119 active if the department is proceeding with reasonable dispatch,
1120 and there is a good faith belief that action may be initiated by
1121 the department or other administrative or law enforcement
1122 agency. Further, these documents, papers, letters, maps,
1123 diagrams, tapes, photographs, films, sound recordings, and
1124 evidence relative to the subject of an investigation shall not
1125 be subject to subpoena until the investigation is completed or
1126 ceases to be active, unless the State Fire Marshal consents.
1127 These records shall be made daily from the reports furnished the
1128 State Fire Marshal by her or his agents or others.

1129 (8) Whenever the State Fire Marshal releases an
1130 investigative report, any person requesting a copy of the report
1131 shall pay in advance, and the State Fire Marshal shall collect

10-00317-13

20131410__

1132 in advance, notwithstanding the provisions of s. 624.501(19) (a)
1133 and (b), a fee of \$10 for the copy of the report, which fee
1134 shall be deposited into the Insurance Regulatory Trust Fund. The
1135 State Fire Marshal may release the report without charge to any
1136 state attorney or to any law enforcement agency or fire
1137 department assisting in the investigation.

1138 Section 8. Section 633.02, Florida Statutes, is
1139 transferred, renumbered as section 633.114, Florida Statutes,
1140 and amended to read:

1141 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents; authority;~~
1142 ~~powers and duties; compensation.-~~

1143 (1) The State Fire Marshal shall appoint such agents as may
1144 be necessary to carry out effectively ~~the provisions of this~~
1145 chapter, who shall be reimbursed for travel expenses as provided
1146 in s. 112.061, in addition to their salary, when traveling or
1147 making investigations in the performance of their duties. Such
1148 agents shall be at all times under the direction and control of
1149 the State Fire Marshal, who shall fix their compensation, and
1150 all orders shall be issued in the State Fire Marshal's name and
1151 by her or his authority.

1152 (2) The authority given the State Fire Marshal under this
1153 chapter may be exercised by her or his agents, individually or
1154 in conjunction with any other state or local official charged
1155 with similar responsibilities.

1156 Section 9. Section 633.14, Florida Statutes, is transferred
1157 and renumbered as section 633.116, Florida Statutes.

1158 Section 10. Section 633.121, Florida Statutes, is
1159 transferred, renumbered as section 633.118, Florida Statutes,
1160 and amended to read:

10-00317-13

20131410__

1161 633.118 ~~633.121~~ Persons authorized to enforce laws and
 1162 rules of State Fire Marshal.—The chiefs of county, municipal,
 1163 and special-district fire service providers ~~departments~~; other
 1164 fire service provider ~~department~~ personnel designated by their
 1165 respective chiefs; and personnel designated by local governments
 1166 having no organized fire service providers ~~departments~~ are
 1167 authorized to enforce this chapter ~~law~~ and all rules prescribed
 1168 by the State Fire Marshal within their respective jurisdictions.
 1169 Such personnel acting under the authority of this section shall
 1170 be ~~deemed to be~~ agents of their respective jurisdictions, not
 1171 agents of the State Fire Marshal.

1172 Section 11. Section 633.151, Florida Statutes, is
 1173 transferred, renumbered as section 633.122, Florida Statutes,
 1174 and amended to read:

1175 633.122 ~~633.151~~ Impersonating State Fire Marshal,
 1176 firefighter ~~firefighters~~, volunteer firefighter, or firesafety
 1177 inspector; criminal penalties.—A person who falsely assumes or
 1178 pretends to be the State Fire Marshal, an agent of the division
 1179 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a
 1180 volunteer firefighter, or a firesafety inspector by identifying
 1181 himself or herself as the State Fire Marshal, an agent of the
 1182 division, a firefighter, a volunteer firefighter, or a
 1183 firesafety inspector by wearing a uniform or presenting or
 1184 displaying a badge as credentials that would cause a reasonable
 1185 person to believe that he or she is a State Fire Marshal, an
 1186 agent of the division, a firefighter, a volunteer firefighter,
 1187 or firesafety inspector commits ~~and who acts as such to require~~
 1188 ~~a person to aid or assist him or her in any matter relating to~~
 1189 ~~the duties of the State Fire Marshal, an agent of the division,~~

10-00317-13

20131410__

1190 ~~a firefighter, or a firesafety inspector is guilty of a felony~~
1191 of the third degree, punishable as provided in ss. 775.082 and
1192 775.083 or, if the impersonation occurs during the commission of
1193 a separate felony by that person, commits ~~is guilty of~~ a felony
1194 of the first degree, punishable as provided in ss. 775.082 and
1195 775.083.

1196 Section 12. Section 633.171, Florida Statutes, is
1197 transferred and renumbered as section 633.124, Florida Statutes,
1198 and subsections (1) and (2) and paragraph (b) of subsection (3)
1199 of that section are amended, to read:

1200 633.124 ~~633.171~~ Penalty for violation of law, rule, or
1201 order to cease and desist or for failure to comply with
1202 corrective order.—

1203 (1) A ~~Any~~ person who violates any provision of this chapter
1204 ~~law~~, any order or rule of the State Fire Marshal, or any order
1205 to cease and desist or to correct conditions issued under this
1206 chapter commits a misdemeanor of the second degree, punishable
1207 as provided in s. 775.082 or s. 775.083.

1208 (2) It is a misdemeanor of the first degree, punishable as
1209 provided in s. 775.082 or s. 775.083, to intentionally or
1210 willfully:

1211 (a) Render a fire protection system, fire extinguisher, or
1212 preengineered system required by statute or by rule inoperative
1213 except while ~~during such time as the~~ fire protection system,
1214 fire extinguisher, or preengineered system is being serviced,
1215 hydrottested, tested, repaired, or recharged, except pursuant to
1216 court order.

1217 (b) Obliterate the serial number on a fire extinguisher for
1218 purposes of falsifying service records.

10-00317-13

20131410__

1219 (c) Improperly service, recharge, repair, hydrotest, test,
1220 or inspect a fire extinguisher or preengineered system.

1221 (d) Use the license, certificate, or permit ~~number~~ of
1222 another person.

1223 (e) Hold a license, certificate, or permit and allow
1224 another person to use the license, certificate, or ~~said~~ permit
1225 ~~number~~.

1226 (f) Use, or allow ~~permit~~ the use of, any license,
1227 certificate, or permit by any individual or organization other
1228 than the one to whom the license, certificate, or permit is
1229 issued.

1230 (3)

1231 (b) A person who initiates a pyrotechnic display within any
1232 structure commits a felony of the third degree, punishable as
1233 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1234 1. The structure has a fire protection system installed in
1235 compliance with s. 633.334 ~~633.065~~.

1236 2. The owner of the structure has authorized in writing the
1237 pyrotechnic display.

1238 3. If the local jurisdiction requires a permit for the use
1239 of a pyrotechnic display in an occupied structure, such permit
1240 has been obtained and all conditions of the permit complied with
1241 or, if the local jurisdiction does not require a permit for the
1242 use of a pyrotechnic display in an occupied structure, the
1243 person initiating the display has complied with National Fire
1244 Protection Association, Inc., Standard 1126, 2001 Edition,
1245 Standard for the Use of Pyrotechnics before a Proximate
1246 Audience.

1247 Section 13. Section 633.175, Florida Statutes, is

10-00317-13

20131410__

1248 transferred and renumbered as section 633.126, Florida Statutes,
 1249 and subsections (1), (2), (3), (6), and (9) of that section are
 1250 amended, to read:

1251 633.126 ~~633.175~~ Investigation of fraudulent insurance
 1252 claims and crimes; immunity of insurance companies supplying
 1253 information.—

1254 (1)(a) As used in this section, the term "consultant" means
 1255 any individual or entity, or employee of the individual or
 1256 entity, retained by an insurer to assist in the investigation of
 1257 a fire, explosion, or suspected fraudulent insurance act.

1258 (b) The State Fire Marshal or an agent appointed pursuant
 1259 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in
 1260 s. 111.065, any law enforcement officer of a federal agency, or
 1261 any fire service provider ~~department~~ official who is engaged in
 1262 the investigation of a fire or explosion loss may request any
 1263 insurance company or its agent, adjuster, employee, or attorney,
 1264 investigating a claim under an insurance policy or contract with
 1265 respect to a fire or explosion to release any information
 1266 whatsoever in the possession of the insurance company or its
 1267 agent, adjuster, employee, or attorney relative to a loss from
 1268 that fire or explosion. The insurance company shall release the
 1269 available information to and cooperate with any official
 1270 authorized to request such information pursuant to this section.
 1271 The information shall include, but shall not be limited to:

1272 1.~~(a)~~ Any insurance policy relevant to a loss under
 1273 investigation and any application for such a policy.

1274 2.~~(b)~~ Any policy premium payment records.

1275 3.~~(c)~~ The records, reports, and all material pertaining to
 1276 any previous claims made by the insured with the reporting

10-00317-13

20131410__

1277 company.

1278 4.~~(d)~~ Material relating to the investigation of the loss,
1279 including statements of a any person, proof of loss, and other
1280 relevant evidence.

1281 5.~~(e)~~ Memoranda, notes, and correspondence relating to the
1282 investigation of the loss in the possession of the insurance
1283 company or its agents, adjusters, employees, or attorneys.

1284 (2) If an insurance company has reason to suspect that a
1285 fire or explosion loss to its insured's real or personal
1286 property was caused by intentional ~~incendiary~~ means, the company
1287 shall notify the State Fire Marshal and shall furnish her or him
1288 with all material acquired by the company during ~~the course of~~
1289 its investigation. The State Fire Marshal may adopt rules to
1290 implement this subsection.

1291 (3) In the absence of fraud, bad faith, or malice, a ne
1292 representative of or consultant to an insurance company or of
1293 the National Insurance Crime Bureau employed to adjust or
1294 investigate losses caused by fire or explosion is not ~~shall be~~
1295 liable for damages in a civil action for furnishing information
1296 concerning fires or explosion suspected to be other than
1297 accidental to investigators employed by other insurance
1298 companies or the National Insurance Crime Bureau.

1299 (6) The actions of an insurance company or of its agents,
1300 employees, adjusters, consultants, or attorneys, in complying
1301 with the statutory obligation of this section may not ~~shall in~~
1302 ~~no way~~ be construed by a court as a waiver or abandonment of any
1303 privilege or confidentiality of attorney work product, attorney-
1304 client communication, or such other privilege or immunity as is
1305 provided by law.

10-00317-13

20131410__

1306 (9) A ~~Any~~ person who willfully violates ~~the provisions of~~
1307 this section commits ~~is guilty of~~ a misdemeanor of the first
1308 degree, punishable as provided in s. 775.082 or s. 775.083.

1309 Section 14. Section 633.45, Florida Statutes, is
1310 transferred, renumbered as section 633.128, Florida Statutes,
1311 and amended to read:

1312 633.128 ~~633.45~~ Division of State Fire Marshal; powers,
1313 duties.-

1314 (1) The division shall:

1315 (a) Establish, by rule, uniform minimum standards for the
1316 ~~employment and training of firefighters and volunteer~~
1317 firefighters.

1318 (b) Establish, by rule, minimum curriculum requirements and
1319 criteria used to approve education or training providers,
1320 including for schools operated by or for any fire service
1321 provider, employing agency for the specific purpose of training
1322 individuals seeking to become a firefighter recruits or
1323 volunteer firefighter firefighters.

1324 (c) Specify, by rule, standards for the approval, denial of
1325 approval, probation, suspension, and revocation of approval of
1326 education or training providers and facilities for training
1327 firefighters and volunteer firefighters ~~Approve institutions,~~
1328 ~~instructors, and facilities for school operation by or for any~~
1329 ~~employing agency for the specific purpose of training~~
1330 ~~firefighters and firefighter recruits.~~

1331 (d) Specify, by rule, standards for the certification,
1332 denial of certification, probation, and revocation of
1333 certification for instructors, approval, denial of approval,
1334 ~~probation, and revocation of approval of institutions,~~

10-00317-13

20131410__

1335 ~~instructors, and facilities for training firefighters and~~
1336 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~
1337 instructor to ~~must~~ complete 40 hours of continuing education
1338 every 3 years in order to maintain her or his certification ~~the~~
1339 ~~approval of the department.~~

1340 (e) Issue certificates of competency to persons who, by
1341 reason of experience and completion of basic inservice training,
1342 advanced education, or specialized training, are especially
1343 qualified for particular aspects or classes of firefighting
1344 ~~firefighter~~ duties.

1345 (f) Establish, by rule, minimum training qualifications for
1346 persons serving as firesafety coordinators for their respective
1347 departments of state government and certify ~~all~~ persons who
1348 satisfy such qualifications.

1349 (g) Establish a uniform lesson plan to be followed by
1350 firesafety instructors in the training of state employees in
1351 firesafety and emergency evacuation procedures.

1352 (h) Have complete jurisdiction over, and complete
1353 management and control of, the Florida State Fire College and be
1354 invested with full power and authority to make all rules ~~and~~
1355 ~~regulations~~ necessary for the governance of the ~~said~~
1356 institution.

1357 (i) Appoint a superintendent of the Florida State Fire
1358 College and such other instructors, experimental helpers, and
1359 laborers as may be necessary and remove the same as in the
1360 division's ~~its~~ judgment and discretion may be best, fix their
1361 compensation, and provide for their payment.

1362 (j) Have full management, possession, and control of the
1363 lands, buildings, structures, and property belonging to the

10-00317-13

20131410__

1364 Florida State Fire College.

1365 (k) Provide for the courses of study and curriculum of the
1366 Florida State Fire College.

1367 (l) Make rules ~~and regulations~~ for the admission of
1368 trainees to the Florida State Fire College.

1369 (m) Visit and inspect the Florida State Fire College ~~and~~
1370 ~~every department thereof~~ and provide for the proper keeping of
1371 accounts and records thereof.

1372 (n) Make and prepare all necessary budgets of expenditures
1373 for the enlargement, proper furnishing, maintenance, support,
1374 and conduct of the Florida State Fire College.

1375 (o) Select and purchase all property, furniture, fixtures,
1376 and paraphernalia necessary for the Florida State Fire College.

1377 (p) Build, construct, change, enlarge, repair, and maintain
1378 any and all buildings or structures of the Florida State Fire
1379 College that may at any time be necessary for the said
1380 institution and purchase and acquire all lands and property
1381 necessary for same, of every nature and description whatsoever.

1382 (q) Care for and maintain the Florida State Fire College
1383 and do and perform every other matter or thing requisite to the
1384 proper management, maintenance, support, and control of the said
1385 institution, necessary or requisite to carry out fully the
1386 purpose of this chapter act and for raising it to, and
1387 maintaining it at, the proper efficiency and standard as
1388 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

1389 (r) Issue a license, certificate, or permit of a specific
1390 class to an individual who successfully completes the training,
1391 education, and examination required under this chapter or by
1392 rule for such class of license, certificate, or permit.

10-00317-13

20131410__

1393 (2) The division, subject to the limitations and
 1394 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1395 (a) Adopt rules ~~and regulations~~ for the administration of
 1396 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1397 (b) Adopt a seal and alter the same at its pleasure.

1398 (c) Sue and be sued.

1399 (d) Acquire any real or personal property by purchase,
 1400 gift, or donation, and have water rights.

1401 (e) Exercise the right of eminent domain to acquire any
 1402 property and lands necessary to the establishment, operation,
 1403 and expansion of the Florida State Fire College.

1404 (f) Make contracts and execute necessary or convenient
 1405 instruments.

1406 (g) Undertake by contract or contracts, or by its own agent
 1407 and employees, and otherwise than by contract, any project or
 1408 projects, and operate and maintain such projects.

1409 (h) Accept grants of money, materials, or property of any
 1410 kind from a federal agency, private agency, county, municipality
 1411 ~~city, town,~~ corporation, partnership, or individual upon such
 1412 terms and conditions as the grantor may impose.

1413 (i) Perform all acts and do all things necessary or
 1414 convenient to carry out the powers granted herein and the
 1415 purposes of this chapter ~~ss. 633.30-633.49~~.

1416 (3) The title to all property referred to in part IV ~~ss.~~
 1417 ~~633.43-633.49~~, however acquired, shall be vested in the
 1418 department and shall only be transferred and conveyed by it.

1419 Section 15. Section 633.132, Florida Statutes, is created
 1420 to read:

1421 633.132 Fees.-

10-00317-13

20131410__

- 1422 (1) The division shall collect in advance the following
1423 fees that it deems necessary to be charged:
- 1424 (a) Pursuant to part III of this chapter:
- 1425 1. Contractor certificate initial application: \$300 for
1426 each class of certificate.
- 1427 2. Contractor biennial renewal fee: \$150 for each class of
1428 certificate.
- 1429 3. Contractor permit initial application fee: \$100 for each
1430 class of permit.
- 1431 4. Contractor permit biennial renewal fee: \$50 for each
1432 class of permit.
- 1433 5. Contractor examination or reexamination fee: \$100 for
1434 each class of certificate.
- 1435 6. Fire equipment dealer license:
- 1436 a. Class A: \$250.
- 1437 b. Class B: \$150.
- 1438 c. Class C: \$150.
- 1439 d. Class D: \$200.
- 1440 7. Fire equipment dealer or contractor application and
1441 renewal fee for an inactive license: \$75.
- 1442 8. Fire equipment dealer license or permit exam or
1443 reexamination: \$50.
- 1444 9. Reinspection fee for a dealer equipment inspection
1445 conducted by the State Fire Marshal under s. 633.304(1): \$50 for
1446 each reinspection.
- 1447 10. Permit for a portable fire extinguisher
1448 installer/repairer/inspector: \$90.
- 1449 11. Permit for a preengineered fire extinguishing system
1450 installer/repairer/inspector: \$120.

10-00317-13

20131410__

1451 12. Conversion of a fire equipment dealer's license to a
 1452 different category: \$10 for each permit and license.

1453 (b) Pursuant to part IV of this chapter:

1454 1. Certificate of compliance: \$30.

1455 2. Certificate of competency: \$30.

1456 3. Renewal fee for a certificate of compliance, competency,
 1457 or instruction: \$15.

1458 (c) Duplicate or change of address for any license, permit,
 1459 or certificate: \$10.

1460 (2) The division may establish by rule any fee necessary to
 1461 cover administrative costs associated with administering this
 1462 chapter and may provide by rule for the advance collection of
 1463 such fees.

1464 (3) All moneys collected by the State Fire Marshal pursuant
 1465 to this chapter are appropriated for the use of the State Fire
 1466 Marshal in the administration of this chapter and shall be
 1467 deposited in the Insurance Regulatory Trust Fund.

1468 Section 16. Section 633.39, Florida Statutes, is
 1469 transferred and renumbered as section 633.134, Florida Statutes.

1470 Section 17. Section 633.115, Florida Statutes, is
 1471 transferred, renumbered as section 633.136, Florida Statutes,
 1472 and amended to read:

1473 633.136 ~~633.115~~ Fire and Emergency Incident Information
 1474 Reporting Program; duties; fire reports.-

1475 (1) (a) The Fire and Emergency Incident Information
 1476 Reporting Program is created within the division of ~~State Fire~~
 1477 ~~Marshal~~. The program shall:

1478 1. Establish and maintain an electronic communication
 1479 system capable of transmitting fire and emergency incident

10-00317-13

20131410__

1480 information to and between fire protection agencies.

1481 2. Initiate a Fire and Emergency Incident Information
1482 Reporting System that shall be responsible for:

1483 a. Receiving fire and emergency incident information from
1484 fire protection agencies.

1485 b. Preparing and disseminating annual reports to the
1486 Governor, the President of the Senate, the Speaker of the House
1487 of Representatives, fire protection agencies, and, upon request,
1488 the public. Each report shall include, but not be limited to,
1489 the information listed in the National Fire Incident Reporting
1490 System.

1491 c. Upon request, providing other states and federal
1492 agencies with fire and emergency incident data of this state.

1493 3. Adopt rules to effectively and efficiently implement,
1494 administer, manage, maintain, and use the Fire and Emergency
1495 Incident Information Reporting Program. The rules shall be
1496 considered minimum requirements and shall not preclude a fire
1497 protection agency from implementing its own requirements which
1498 may ~~shall~~ not conflict with the rules of the division ~~of State~~
1499 ~~Fire Marshal~~.

1500 4. By rule, establish procedures and a format for each fire
1501 protection agency to voluntarily monitor its records and submit
1502 reports to the program.

1503 5. Establish an electronic information database that ~~which~~
1504 is accessible and searchable by fire protection agencies.

1505 (b) The division ~~of State Fire Marshal~~ shall consult with
1506 the Florida Forest Service of the Department of Agriculture and
1507 Consumer Services and the State Surgeon General of the
1508 Department of Health to coordinate data, ensure accuracy of the

10-00317-13

20131410__

1509 data, and limit duplication of efforts in data collection,
1510 analysis, and reporting.

1511 (2) The Fire and Emergency Incident Information System
1512 Technical Advisory Panel is created within the division ~~of State~~
1513 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
1514 the State Fire Marshal with respect to the requirements of this
1515 section. The membership of the panel shall consist of the
1516 following 15 members:

1517 (a) The current 13 members of the Firefighters Employment,
1518 Standards, and Training Council as established in s. 633.402
1519 ~~633.31~~.

1520 (b) One member from the Florida Forest Service of the
1521 Department of Agriculture and Consumer Services, appointed by
1522 the director of the Florida Forest Service.

1523 (c) One member from the Department of Health, appointed by
1524 the State Surgeon General.

1525 (3) For the purpose of this section, the term "fire
1526 protection agency" shall be defined by rule by the division ~~of~~
1527 ~~State Fire Marshal~~.

1528 Section 18. Section 633.138, Florida Statutes, is created
1529 to read:

1530 633.138 Notice of change of address of record; notice of
1531 felony actions.-

1532 (1) Any individual issued a license, permit, or certificate
1533 under this chapter shall notify the division in writing of any
1534 changes to her or his current mailing address, e-mail address,
1535 and place of practice as specified in rule adopted by the
1536 division.

1537 (2) Notwithstanding any other provision of law, delivery by

10-00317-13

20131410__

1538 regular mail or e-mail to a licensee, permittee, or
1539 certificateholder, using the last known mailing address or e-
1540 mail address on record with the division, constitutes adequate
1541 and sufficient notice to the licensee, permittee, or
1542 certificateholder of any official communication by the division.

1543 (3) Any individual issued a license, permit, or certificate
1544 under this chapter shall notify the division in writing within
1545 30 days after pleading guilty or nolo contendere to, or being
1546 convicted or found guilty of, any felony or a crime punishable
1547 by imprisonment of 1 year or more under the law of the United
1548 States or of any state thereof, or under the law of any other
1549 country, without regard to whether a judgment of conviction has
1550 been entered by the court having jurisdiction of the case.

1551 Section 19. Section 633.042, Florida Statutes, is
1552 transferred and renumbered as section 633.142, Florida Statutes,
1553 and subsection (11) of that section is amended, to read:

1554 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity
1555 Standard and Firefighter Protection Act; preemption.-

1556 (11) PREEMPTION.-

1557 (a) This section shall be repealed if a federal reduced
1558 cigarette ignition propensity standard that preempts this
1559 section is adopted and becomes effective.

1560 (b) Notwithstanding any other provision of law, local
1561 governmental units of this state may not enact or enforce any
1562 ordinance or other local law or rule conflicting with, or
1563 preempted by, any provision of this act or any policy of this
1564 state expressed by this act, whether that policy be expressed by
1565 inclusion of a provision in this act or by exclusion of that
1566 subject from this act.

10-00317-13

20131410__

1567 Section 20. The Division of Law Revision and Information is
 1568 requested to create part II of chapter 633, Florida Statutes,
 1569 consisting of sections 633.202, 633.204, 633.206, 633.208,
 1570 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,
 1571 and 633.228, Florida Statutes, to be entitled "Fire Safety and
 1572 Prevention."

1573 Section 21. Section 633.0215, Florida Statutes, is
 1574 transferred and renumbered as section 633.202, Florida Statutes,
 1575 and subsections (2), (4), (7), (9), (10), and (12) through (15)
 1576 of that section are amended, to read:

1577 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

1578 (2) The State Fire Marshal shall adopt the current edition
 1579 of the National Fire Protection Association's Standard 1, Fire
 1580 Prevention Code but may ~~shall~~ not adopt a building, mechanical,
 1581 or plumbing code. The State Fire Marshal shall adopt the current
 1582 edition of the Life Safety Code, NFPA Pamphlet 101, current
 1583 editions, by reference. The State Fire Marshal may modify the
 1584 selected codes and standards as needed to accommodate the
 1585 specific needs of the state. Standards or criteria in the
 1586 selected codes shall be similarly incorporated by reference. The
 1587 State Fire Marshal shall incorporate within sections of the
 1588 Florida Fire Prevention Code provisions that address uniform
 1589 firesafety standards as established in s. 633.206 ~~633.022~~. The
 1590 State Fire Marshal shall incorporate within sections of the
 1591 Florida Fire Prevention Code provisions addressing regional and
 1592 local concerns and variations.

1593 (4) The State Fire Marshal shall update, by rule adopted
 1594 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
 1595 Prevention Code every 3 years. Once initially adopted and

10-00317-13

20131410__

1596 subsequently updated, the Florida Fire Prevention Code ~~and the~~
1597 ~~Life Safety Code~~ shall be adopted for use statewide without
1598 adoptions by local governments. When updating the Florida Fire
1599 Prevention Code ~~and the most recent edition of the Life Safety~~
1600 ~~Code~~, the State Fire Marshal shall consider changes made by the
1601 national model fire codes incorporated into the Florida Fire
1602 Prevention Code, the State Fire Marshal's own interpretations,
1603 declaratory statements, appellate decisions, and approved
1604 statewide and local technical amendments.

1605 (7) Any local amendment adopted by a local government must
1606 strengthen the Fire Prevention Code requirements of the minimum
1607 firesafety code.

1608 (9) The State Fire Marshal shall make rules that implement
1609 this section and ss. 633.104 and 633.208 ~~633.01 and 633.025~~ for
1610 the purpose of accomplishing the objectives set forth in those
1611 sections.

1612 (10) Notwithstanding other provisions of this chapter, if a
1613 county or a municipality within that county adopts an ordinance
1614 providing for a local amendment to the Florida Fire Prevention
1615 Code and that amendment provides a higher level of protection to
1616 the public than the level specified in the Florida Fire
1617 Prevention Code, the local amendment becomes effective without
1618 approval of the State Fire Marshal and is not rescinded pursuant
1619 to ~~the provisions of~~ this section, provided that the ordinance
1620 meets one or more of the following criteria:

1621 (a) The local authority has adopted, by ordinance, a fire
1622 service facilities and operation plan that outlines goals and
1623 objectives for related equipment, personnel, and capital
1624 improvement needs of the local authority related to the specific

10-00317-13

20131410__

1625 amendment for the next 5 years;

1626 (b) The local authority has adopted, by ordinance, a
 1627 provision requiring proportionate reduction in, or rebate or
 1628 waivers of, impact or other fees or assessments levied on
 1629 buildings that are built or modified in compliance with the more
 1630 stringent firesafety standards required by the local amendment;
 1631 or

1632 (c) The local authority has adopted, by ordinance, a growth
 1633 management plan that requires buildings and structures to be
 1634 equipped with more stringent firesafety requirements required by
 1635 the local amendment when these firesafety requirements are used
 1636 as the basis for planning infrastructure development, uses, or
 1637 housing densities.

1638
 1639 Except as provided in s. 633.206 ~~633.022~~, the local appeals
 1640 process shall be the venue if there is a dispute between parties
 1641 affected by the provisions of the more stringent local
 1642 firesafety amendment adopted as part of the Florida Fire
 1643 Prevention Code pursuant to the authority in this subsection.
 1644 Local amendments adopted pursuant to this subsection shall be
 1645 deemed local or regional variations and published as such in the
 1646 Florida Fire Prevention Code. The act of publishing locally
 1647 adopted firesafety amendments to the Florida Fire Prevention
 1648 Code may ~~shall~~ not be construed to mean that the State Fire
 1649 Marshal approves or denies the authenticity or appropriateness
 1650 of the locally adopted firesafety provision, and the burden of
 1651 protecting the local firesafety amendment remains solely with
 1652 the adopting local governmental authority.

1653 ~~(12) Notwithstanding other provisions of this section, the~~

10-00317-13

20131410__

1654 ~~State Fire Marshal shall study the use of managed, facilities-~~
 1655 ~~based, voice-over-Internet-protocol telephone service for~~
 1656 ~~monitoring fire alarm signals. If the study determines that~~
 1657 ~~voice-over-Internet-protocol telephone service technology~~
 1658 ~~provides a level of protection equivalent to that required by~~
 1659 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
 1660 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
 1661 ~~December 1, 2008, to allow the use of this technology as an~~
 1662 ~~additional method of monitoring fire alarm systems.~~

1663 ~~(12)~~⁽¹³⁾ (a) The State Fire Marshal shall issue an expedited
 1664 declaratory statement relating to interpretations of ~~provisions~~
 1665 ~~of~~ the Florida Fire Prevention Code according to the following
 1666 guidelines:

1667 1. The declaratory statement shall be rendered in
 1668 accordance with s. 120.565, except that a final decision must be
 1669 issued by the State Fire Marshal within 45 days after the
 1670 division's receipt of a petition seeking an expedited
 1671 declaratory statement. The State Fire Marshal shall give notice
 1672 of the petition and the expedited declaratory statement or the
 1673 denial of the petition in the next available issue of the
 1674 Florida Administrative Register ~~Weekly~~ after the petition is
 1675 filed and after the statement or denial is rendered.

1676 2. The petitioner must be the owner of the disputed project
 1677 or the owner's representative.

1678 3. The petition for an expedited declaratory statement must
 1679 be:

1680 a. Related to an active project that is under construction
 1681 or must have been submitted for a permit.

1682 b. The subject of a written notice citing a specific

10-00317-13

20131410__

1683 provision of the Florida Fire Prevention Code which is in
1684 dispute.

1685 c. Limited to a single question that is capable of being
1686 answered with a "yes" or "no" response.

1687 (b) A petition for a declaratory statement which does not
1688 meet all of the requirements of this subsection must be denied
1689 without prejudice. This subsection does not affect the right of
1690 the petitioner as a substantially affected person to seek a
1691 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1692 (13)~~(14)~~ A condominium, cooperative, or multifamily
1693 residential building that is less than four stories in height
1694 and has an exterior corridor providing a means of egress is
1695 exempt from installing a manual fire alarm system as required in
1696 s. 9.6 of the most recent edition of the Life Safety Code
1697 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
1698 ~~clarify existing law.~~

1699 (14)~~(15)~~ The Legislature finds that the electronic filing
1700 of construction plans will increase governmental efficiency,
1701 reduce costs, and increase timeliness of processing permits. If
1702 the fire code administrator or fire official provides for
1703 electronic filing, any construction plans, drawings,
1704 specifications, reports, final documents, or documents prepared
1705 or issued by a licensee may be dated and electronically signed
1706 and sealed by the licensee in accordance with part I of chapter
1707 668, and may be transmitted electronically to the fire code
1708 administrator or fire official for approval.

1709 Section 22. Section 633.72, Florida Statutes, is
1710 transferred, renumbered as section 633.204, Florida Statutes,
1711 and amended to read:

10-00317-13

20131410__

1712 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1713 (1) There is created within the department the Florida Fire
1714 Code Advisory Council with 11 members appointed by the State
1715 Fire Marshal. The council shall advise and recommend to the
1716 State Fire Marshal changes to and interpretation of the uniform
1717 firesafety standards adopted under s. 633.206 ~~633.022~~, the
1718 Florida Fire Prevention Code, and those portions of the Florida
1719 Fire Prevention Code that have the effect of conflicting with
1720 building construction standards that are adopted pursuant to ss.
1721 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of the
1722 council shall represent the following groups and professions:

1723 (a) One member shall be the State Fire Marshal, or his or
1724 her designated appointee who shall be an administrative employee
1725 of the marshal.†

1726 (b) One member shall be an administrative officer from a
1727 fire department representing a municipality, ~~or~~ a county, or a
1728 special district selected from a list of persons submitted by
1729 the Florida Fire Chiefs Association.†

1730 (c) One member shall be an architect licensed in the state
1731 selected from a list of persons submitted by the Florida
1732 Association/American Institute of Architects.†

1733 (d) One member shall be an engineer with fire protection
1734 design experience registered to practice in the state selected
1735 from a list of persons submitted by the Florida Engineering
1736 Society.†

1737 (e) One member shall be an administrative officer from a
1738 building department of a county or municipality selected from a
1739 list of persons submitted by the Building Officials Association
1740 of Florida.†

10-00317-13

20131410__

1741 (f) One member shall be a contractor licensed in the state
 1742 selected from a list submitted by the Florida Home Builders
 1743 Association.~~†~~

1744 (g) One member shall be a Florida ~~certified~~ firefighter
 1745 selected from a list submitted by the Florida Professional
 1746 Firefighters' Association.~~†~~

1747 (h) One member shall be a Florida certified firesafety
 1748 ~~municipal fire~~ inspector selected from a list submitted by the
 1749 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.~~†~~

1750 (i) One member shall be selected from a list submitted by
 1751 the Department of Education.~~†~~

1752 (j) One member shall be selected from a list submitted by
 1753 the Chancellor of the State University System.~~†~~~~and~~

1754 (k) One member shall be representative of the general
 1755 public.

1756 (2) The State Fire Marshal and the Florida Building
 1757 Commission shall coordinate efforts to provide consistency
 1758 between the Florida Building Code and the Florida Fire
 1759 Prevention Code ~~and the Life Safety Code~~.

1760 (3) The council shall meet at least semiannually if
 1761 necessary to advise the State Fire Marshal's Office on matters
 1762 subject to this section.

1763 (4) The council may review proposed changes to the Florida
 1764 Fire Prevention Code and the uniform fire safety standards
 1765 pursuant to s. 633.202(4).

1766 (5)~~(3)~~ The council and Florida Building Commission shall
 1767 cooperate through joint representation and coordination of codes
 1768 and standards to resolve conflicts in their development,
 1769 updating, and interpretation.

10-00317-13

20131410__

1770 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member
 1771 shall serve more than two consecutive terms. A ~~No~~ member of the
 1772 council may not shall be paid a salary as such member, but each
 1773 shall receive travel and expense reimbursement as provided in s.
 1774 112.061.

1775 Section 23. Section 633.022, Florida Statutes, is
 1776 transferred and renumbered as section 633.206, Florida Statutes,
 1777 and subsection (1) and paragraph (a) of subsection (4) of that
 1778 section are amended, to read:

1779 633.206 ~~633.022~~ Uniform firesafety standards.—The
 1780 Legislature hereby determines that to protect the public health,
 1781 safety, and welfare it is necessary to provide for firesafety
 1782 standards governing the construction and utilization of certain
 1783 buildings and structures. The Legislature further determines
 1784 that certain buildings or structures, due to their specialized
 1785 use or to the special characteristics of the person utilizing or
 1786 occupying these buildings or structures, should be subject to
 1787 firesafety standards reflecting these special needs as may be
 1788 appropriate.

1789 (1) The department shall establish uniform firesafety
 1790 standards that apply to:

1791 (a) All new, existing, and proposed state-owned and state-
 1792 leased buildings, including state universities as defined under
 1793 s. 1000.21.

1794 (b) All new, existing, and proposed hospitals, nursing
 1795 homes, assisted living facilities, adult family-care homes,
 1796 correctional facilities, public schools, transient public
 1797 lodging establishments, ~~public food service establishments,~~
 1798 elevators, migrant labor camps, mobile home parks, ~~lodging~~

10-00317-13

20131410__

1799 ~~parks, recreational vehicle parks, recreational camps,~~
1800 residential and nonresidential child care facilities, facilities
1801 for the developmentally disabled, motion picture and television
1802 special effects productions, and tunnels, ~~and self-service~~
1803 ~~gasoline stations,~~ of which standards the State Fire Marshal is
1804 the final administrative interpreting authority.

1805
1806 In the event there is a dispute between the owners of the
1807 buildings specified in paragraph (b) and a local authority
1808 requiring a more stringent uniform firesafety standard for
1809 sprinkler systems, the State Fire Marshal shall be the final
1810 administrative interpreting authority and the State Fire
1811 Marshal's interpretation regarding the uniform firesafety
1812 standards shall be considered final agency action.

1813 (4) (a) Notwithstanding any provision of law to the
1814 contrary, each nursing home licensed under part II of chapter
1815 400 shall be protected throughout by an approved, supervised
1816 automatic sprinkler system in accordance with s. 9 of National
1817 Fire Protection Association, Inc., Life Safety Code, no later
1818 than December 31, 2010. ~~A nursing home licensee shall submit~~
1819 ~~complete sprinkler construction documents to the Agency for~~
1820 ~~Health Care Administration for review by December 31, 2008, and~~
1821 ~~the licensee must gain final approval to start construction from~~
1822 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~
1823 ~~extension to a nursing home licensee if the completion and~~
1824 ~~submission of the sprinkler construction documents are~~
1825 ~~contingent upon the approval of the application for the loan~~
1826 ~~guarantee program authorized under s. 633.0245. In such case,~~
1827 ~~the agency may extend the deadline for final approval to begin~~

10-00317-13

20131410

1828 ~~construction beyond June 30, 2009, but the deadline may not be~~
 1829 ~~extended beyond December 31, 2009.~~

1830 Section 24. Section 633.025, Florida Statutes, is
 1831 transferred, renumbered as section 633.208, Florida Statutes,
 1832 and amended to read:

1833 633.208 ~~633.025~~ Minimum firesafety standards.—

1834 (1) The Florida Fire Prevention Code ~~and the Life Safety~~
 1835 ~~Code~~ adopted by the State Fire Marshal, which shall operate in
 1836 conjunction with the Florida Building Code, shall be deemed
 1837 adopted by each municipality, county, and special district with
 1838 firesafety responsibilities. The minimum firesafety codes do
 1839 ~~shall~~ not apply to buildings and structures subject to the
 1840 uniform firesafety standards under s. 633.206 ~~633.022~~ and
 1841 buildings and structures subject to the minimum firesafety
 1842 standards adopted pursuant to s. 394.879.

1843 (2) Pursuant to subsection (1), each municipality, county,
 1844 and special district with firesafety responsibilities shall
 1845 enforce the Florida Fire Prevention Code ~~and the Life Safety~~
 1846 ~~Code~~ as the minimum firesafety code required by this section.

1847 ~~(3) The most current edition of the National Fire~~
 1848 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~
 1849 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
 1850 ~~municipality, county, and special district with firesafety~~
 1851 ~~responsibilities as part of the minimum firesafety code.~~

1852 (3)~~(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
 1853 municipality, county, or special district with firesafety
 1854 responsibilities may adopt more stringent firesafety standards,
 1855 subject to the requirements of this subsection. Such county,
 1856 municipality, or special district may establish alternative

10-00317-13

20131410__

1857 requirements to those requirements which are required under the
1858 minimum firesafety standards on a case-by-case basis, in order
1859 to meet special situations arising from historic, geographic, or
1860 unusual conditions, if the alternative requirements result in a
1861 level of protection to life, safety, or property equal to or
1862 greater than the applicable minimum firesafety standards. For
1863 the purpose of this subsection, the term "historic" means that
1864 the building or structure is listed on the National Register of
1865 Historic Places of the United States Department of the Interior.

1866 (a) The local governing body shall determine, following a
1867 public hearing which has been advertised in a newspaper of
1868 general circulation at least 10 days before the hearing, if
1869 there is a need to strengthen the requirements of the minimum
1870 firesafety code adopted by such governing body. The
1871 determination must be based upon a review of local conditions by
1872 the local governing body, which review demonstrates that local
1873 conditions justify more stringent requirements than those
1874 specified in the minimum firesafety code for the protection of
1875 life and property or justify requirements that meet special
1876 situations arising from historic, geographic, or unusual
1877 conditions.

1878 (b) Such additional requirements may ~~shall~~ not be
1879 discriminatory as to materials, products, or construction
1880 techniques of demonstrated capabilities.

1881 (c) Paragraphs (a) and (b) apply solely to the local
1882 enforcing agency's adoption of requirements more stringent than
1883 those specified in the Florida Fire Prevention Code and the Life
1884 Safety Code that have the effect of amending building
1885 construction standards. Upon request, the enforcing agency must

10-00317-13

20131410__

1886 shall provide a person making application for a building permit,
1887 or any state agency or board with construction-related
1888 regulation responsibilities, a listing of all such requirements
1889 and codes.

1890 (d) A local government which adopts amendments to the
1891 minimum firesafety code must provide a procedure by which the
1892 validity of such amendments may be challenged by any
1893 substantially affected party to test the amendment's compliance
1894 with ~~the provisions of~~ this section.

1895 1. Unless the local government agrees to stay enforcement
1896 of the amendment, or other good cause is shown, the challenging
1897 party shall be entitled to a hearing on the challenge within 45
1898 days.

1899 2. For purposes of such challenge, the burden of proof
1900 shall be on the challenging party, but the amendment may ~~shall~~
1901 not be presumed to be valid or invalid.

1902
1903 This subsection gives local government the authority to
1904 establish firesafety codes that exceed the Florida Fire
1905 Prevention Code ~~minimum firesafety codes and standards~~ adopted
1906 by the State Fire Marshal. The Legislature intends that local
1907 government give proper public notice and hold public hearings
1908 before adopting more stringent firesafety codes ~~and standards~~. A
1909 substantially affected person may appeal, to the department, the
1910 local government's resolution of the challenge, and the
1911 department shall determine if the amendment complies with this
1912 section. Actions of the department are subject to judicial
1913 review pursuant to s. 120.68. The department shall consider
1914 reports of the Florida Building Commission, pursuant to part IV

10-00317-13

20131410__

1915 of chapter 553, when evaluating building code enforcement.

1916 ~~(4)-(5)~~ The new building or structure provisions enumerated
 1917 within the Florida Fire Prevention Code ~~firesafety code~~ adopted
 1918 pursuant to this section shall apply only to buildings or
 1919 structures for which the building permit is issued on or after
 1920 the effective date of the current edition of the Florida Fire
 1921 Prevention Code ~~this act~~. Subject to ~~the provisions of~~
 1922 subsection (5) ~~(6)~~, the existing building or structure
 1923 provisions enumerated within the firesafety code adopted
 1924 pursuant to this section shall apply to buildings or structures
 1925 for which the building permit was issued or the building or
 1926 structure was constructed before ~~prior to~~ the effective date of
 1927 this act.

1928 ~~(5)-(6)~~ With regard to existing buildings, the Legislature
 1929 recognizes that it is not always practical to apply any or all
 1930 of the provisions of the Florida Fire Prevention Code ~~minimum~~
 1931 ~~firesafety code~~ and that physical limitations may require
 1932 disproportionate effort or expense with little increase in fire
 1933 or life safety ~~lifesafety~~. ~~Prior to applying the minimum~~
 1934 ~~firesafety code to an existing building, the local fire official~~
 1935 ~~shall determine that a threat to lifesafety or property exists.~~
 1936 If a threat to lifesafety or property exists, the firesafety
 1937 inspector ~~fire official~~ shall apply the applicable firesafety
 1938 code for existing buildings to the extent practical to assure a
 1939 reasonable degree of lifesafety and safety of property or the
 1940 firesafety inspector ~~fire official~~ shall fashion a reasonable
 1941 alternative which affords an equivalent degree of lifesafety and
 1942 safety of property. The decision of the local firesafety
 1943 inspector ~~fire official~~ may be appealed to the local

10-00317-13

20131410__

1944 administrative board described in s. 553.73.

1945 (6)~~(7)~~ Nothing herein shall preclude a municipality,
1946 county, or special district from requiring a structure to be
1947 maintained in accordance with the Florida Fire Prevention Code
1948 ~~applicable firesafety code.~~

1949 (7)~~(8)~~ Electrically operated single station smoke detectors
1950 required for residential buildings are not required to be
1951 interconnected within individual living units in all buildings
1952 having direct access to the outside from each living unit and
1953 having three stories or less. This subsection does not apply to
1954 any residential building required to have a manual or an
1955 automatic fire alarm system.

1956 (8)~~(9)~~ The provisions of the Life Safety Code, as contained
1957 in the Florida Fire Prevention Code, do ~~shall~~ not apply to newly
1958 constructed one-family and two-family dwellings. However, fire
1959 sprinkler protection may be permitted by local government in
1960 lieu of other fire protection-related development requirements
1961 for such structures. While local governments may adopt fire
1962 sprinkler requirements for one- and two-family dwellings under
1963 this subsection, it is the intent of the Legislature that the
1964 economic consequences of the fire sprinkler mandate on home
1965 owners be studied before the enactment of such a requirement.
1966 After the effective date of this act, any local government that
1967 desires to adopt a fire sprinkler requirement on one- or two-
1968 family dwellings must prepare an economic cost and benefit
1969 report that analyzes the application of fire sprinklers to one-
1970 or two-family dwellings or any proposed residential subdivision.
1971 The report must consider the tradeoffs and specific cost savings
1972 and benefits of fire sprinklers for future owners of property.

10-00317-13

20131410__

1973 The report must include an assessment of the cost savings from
 1974 any reduced or eliminated impact fees if applicable, the
 1975 reduction in special fire district tax, insurance fees, and
 1976 other taxes or fees imposed, and the waiver of certain
 1977 infrastructure requirements including the reduction of roadway
 1978 widths, the reduction of water line sizes, increased fire
 1979 hydrant spacing, increased dead-end roadway length and a
 1980 reduction in cul-de-sac sizes relative to the costs from fire
 1981 sprinkling. A failure to prepare an economic report shall result
 1982 in the invalidation of the fire sprinkler requirement to any
 1983 one- or two-family dwelling or any proposed subdivision. In
 1984 addition, a local jurisdiction or utility may not charge any
 1985 additional fee, above what is charged to a non-fire sprinklered
 1986 dwelling, on the basis that a one- or two-family dwelling unit
 1987 is protected by a fire sprinkler system.

1988 (9)~~(10)~~ Before imposing a fire sprinkler requirement on any
 1989 one- or two-family dwelling, a local government must provide the
 1990 owner of any one- or two-family dwelling a letter documenting
 1991 specific infrastructure or other tax or fee allowances and
 1992 waivers that are listed in but not limited to those described in
 1993 subsection (8)~~(9)~~ for the dwelling. The documentation must show
 1994 that the cost savings reasonably approximate the cost of the
 1995 purchase and installation of a fire protection system.

1996 (10)~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)
 1997 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire
 1998 sprinklers in any residential property based upon the use of
 1999 such property as a rental property or any change in or
 2000 reclassification of the property's primary use to a rental
 2001 property.

10-00317-13

20131410__

2002 Section 25. Section 633.026, Florida Statutes, is
2003 transferred, renumbered as section 633.212, Florida Statutes,
2004 and amended to read:

2005 633.212 ~~633.026~~ Legislative intent; informal
2006 interpretations of the Florida Fire Prevention Code.—It is the
2007 intent of the Legislature that the Florida Fire Prevention Code
2008 be interpreted by fire officials and local enforcement agencies
2009 in a manner that reasonably and cost-effectively protects the
2010 public safety, health, and welfare; ensures uniform
2011 interpretations throughout this state; and provides just and
2012 expeditious processes for resolving disputes regarding such
2013 interpretations. It is the further intent of the Legislature
2014 that such processes provide for the expeditious resolution of
2015 the issues presented and that the resulting interpretation of
2016 such issues be published on the website of the division ~~of State~~
2017 ~~Fire Marshal~~.

2018 (1) The division ~~of State Fire Marshal~~ shall by rule
2019 establish an informal process of rendering nonbinding
2020 interpretations of the Florida Fire Prevention Code. The
2021 division ~~of State Fire Marshal~~ may contract with and refer
2022 interpretive issues to a third party, selected based upon cost
2023 effectiveness, quality of services to be performed, and other
2024 performance-based criteria, which has experience in interpreting
2025 and enforcing the Florida Fire Prevention Code. It is the intent
2026 of the Legislature that the division ~~of State Fire Marshal~~
2027 establish a Fire Code Interpretation Committee composed of seven
2028 persons and seven alternates, equally representing each area of
2029 the state, to which a party can pose questions regarding the
2030 interpretation of the Florida Fire Prevention Code provisions.

10-00317-13

20131410__

2031 (2) Each member and alternate member of the Fire Code
2032 Interpretation Committee must be certified as a firesafety
2033 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a
2034 minimum of 5 years of experience interpreting and enforcing the
2035 Florida Fire Prevention Code and the Life Safety Code. Each
2036 member and alternate member must be approved by the division ~~of~~
2037 ~~State Fire Marshal~~ and deemed by the division to have met these
2038 requirements for at least 30 days before participating in a
2039 review of a nonbinding interpretation.

2040 (3) Each nonbinding interpretation of code provisions must
2041 be provided within 10 business days after receipt of a request
2042 for interpretation. The response period established in this
2043 subsection may be waived only with the written consent of the
2044 party requesting the nonbinding interpretation and the division
2045 ~~of State Fire Marshal~~. Nonbinding interpretations shall be
2046 advisory only and nonbinding on the parties or the State Fire
2047 Marshal.

2048 (4) In order to administer this section, the division ~~of~~
2049 ~~State Fire Marshal~~ shall charge a fee for nonbinding
2050 interpretations. The fee may not exceed \$150 for each request
2051 for a review or interpretation. The division may authorize
2052 payment of fees directly to the nonprofit organization under
2053 contract pursuant to subsection (1).

2054 (5) A party requesting a nonbinding interpretation who
2055 disagrees with the interpretation issued under this section may
2056 apply for a declaratory statement ~~formal interpretation~~ from the
2057 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2058 (6) The division ~~of State Fire Marshal~~ shall issue or cause
2059 to be issued a nonbinding interpretation of the Florida Fire

10-00317-13

20131410__

2060 Prevention Code pursuant to this section when requested to do so
2061 upon submission of a petition by a fire official or by the owner
2062 or owner's representative or the contractor or contractor's
2063 representative of a project in dispute. The division shall adopt
2064 a petition form by rule, and the petition form must be published
2065 on the State Fire Marshal's website. The form must ~~shall~~, at a
2066 minimum, require:

2067 (a) The name and address of the local fire official,
2068 including the address of the county, municipality, or special
2069 district.

2070 (b) The name and address of the owner or owner's
2071 representative or the contractor or contractor's representative.

2072 (c) A statement of the specific sections of the Florida
2073 Fire Prevention Code being interpreted by the local fire
2074 official.

2075 (d) An explanation of how the petitioner's substantial
2076 interests are being affected by the local interpretation of the
2077 Florida Fire Prevention Code.

2078 (e) A statement of the interpretation of the specific
2079 sections of the Florida Fire Prevention Code by the local fire
2080 official.

2081 (f) A statement of the interpretation that the petitioner
2082 contends should be given to the specific sections of the Florida
2083 Fire Prevention Code and a statement supporting the petitioner's
2084 interpretation.

2085 (7) Upon receipt of a petition that meets the requirements
2086 of subsection (6), the division ~~of State Fire Marshal~~ shall
2087 immediately provide copies of the petition to the Fire Code
2088 Interpretation Committee, and shall publish the petition and any

10-00317-13

20131410__

2089 response submitted by the local fire official on the State Fire
2090 Marshal's website.

2091 (8) The committee shall conduct proceedings as necessary to
2092 resolve the issues and give due regard to the petition, the
2093 facts of the matter at issue, specific code sections cited, and
2094 any statutory implications affecting the Florida Fire Prevention
2095 Code. The committee shall issue an interpretation regarding the
2096 provisions of the Florida Fire Prevention Code within 10 days
2097 after the filing of a petition. The committee shall issue an
2098 interpretation based upon the Florida Fire Prevention Code or,
2099 if the code is ambiguous, the intent of the code. The
2100 committee's interpretation shall be provided to the petitioner
2101 and shall include a notice that if the petitioner disagrees with
2102 the interpretation, the petitioner may file a request for a
2103 declaratory statement ~~formal interpretation~~ by the State Fire
2104 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's
2105 interpretation shall be provided to the State Fire Marshal, and
2106 the division shall publish the declaratory statement
2107 ~~interpretation~~ on the State Fire Marshal's website and in the
2108 Florida Administrative Register ~~Weekly~~.

2109 Section 26. Section 633.052, Florida Statutes, is
2110 transferred and renumbered as section 633.214, Florida Statutes,
2111 and paragraphs (a) and (b) of subsection (1), paragraph (d) of
2112 subsection (2), and subsections (3) and (4) of that section are
2113 amended, to read:

2114 633.214 ~~633.052~~ Ordinances relating to firesafety;
2115 definitions; penalties.-

2116 (1) As used in this section:

2117 (a) A "firesafety inspector" is an individual certified by

10-00317-13

20131410__

2118 the division ~~of State Fire Marshal~~, officially assigned the
2119 duties of conducting firesafety inspections of buildings and
2120 facilities on a recurring or regular basis, investigating civil
2121 infractions relating to firesafety, and issuing citations
2122 pursuant to this section on behalf of the state or any county,
2123 municipality, or special district with firesafety
2124 responsibilities.

2125 (b) "Citation" means a written notice, issued only after a
2126 written warning has been previously issued and a minimum time
2127 period of 45 days, except for major structural changes, which
2128 may be corrected within an extended adequate period of time,
2129 from the date of the issuance of the warning whereby the party
2130 warned may correct the alleged violation, issued to a person by
2131 a firesafety inspector, that the firesafety inspector has
2132 probable cause to believe that the person has committed a civil
2133 infraction in violation of a duly enacted ordinance and that the
2134 county court will hear the charge. The citation must ~~shall~~
2135 contain:

- 2136 1. The date and time of issuance.
- 2137 2. The name and address of the person.
- 2138 3. The date and time the civil infraction was committed.
- 2139 4. The facts constituting probable cause.
- 2140 5. The Florida Fire Prevention Code ordinance violated.
- 2141 6. The name and authority of the firesafety inspector
2142 ~~officer~~.
- 2143 7. The procedure for the person to follow in order to pay
2144 the civil penalty or to contest the citation.
- 2145 8. The applicable civil penalty if the person elects to
2146 contest the citation.

10-00317-13

20131410__

2147 9. The applicable civil penalty if the person elects not to
2148 contest the citation.

2149 10. A conspicuous statement that if the person fails to pay
2150 the civil penalty within the time allowed or fails to appear in
2151 court to contest the citation, then she or he shall be deemed to
2152 have waived her or his right to contest the citation and that,
2153 in such case, judgment may be entered against the person for an
2154 amount up to the maximum civil penalty.

2155 (2) A county or municipality that has created a code
2156 enforcement board or special magistrate system pursuant to
2157 chapter 162 may enforce firesafety code violations as provided
2158 in chapter 162. The governing body of a county or municipality
2159 which has not created a code enforcement board or special
2160 magistrate system for firesafety under chapter 162 may ~~is~~
2161 ~~authorized to~~ enact ordinances relating to firesafety codes,
2162 which ordinances shall provide:

2163 (d) For the issuance of a citation by an officer who has
2164 probable cause to believe that a person has committed a
2165 violation of an ordinance relating to firesafety or the Florida
2166 Fire Prevention Code.

2167 (3) A person ~~Any person~~ who willfully refuses to sign and
2168 accept a citation issued by a firesafety inspector commits ~~shall~~
2169 ~~be guilty of~~ a misdemeanor of the second degree, punishable as
2170 provided in s. 775.082 or s. 775.083.

2171 (4) ~~Nothing contained in~~ This section does not ~~shall~~
2172 prevent any county, ~~or~~ municipality, or special district from
2173 enacting any ordinance relating to firesafety codes which is
2174 identical to ~~the provisions of~~ this chapter or any state law,
2175 except as to penalty; however, a ~~no~~ county or municipal

10-00317-13

20131410__

2176 ordinance relating to firesafety codes may not ~~shall~~ conflict
2177 with ~~the provisions of~~ this chapter or any other state law.

2178 Section 27. Section 633.081, Florida Statutes, is
2179 transferred and renumbered as section 633.216, Florida Statutes,
2180 a new subsection (6) is added to that section, and present
2181 subsections (1) and (2), paragraph (c) of subsection (3), and
2182 subsections (4) through (9) of that section are amended, to
2183 read:

2184 633.216 ~~633.081~~ Inspection of buildings and equipment;
2185 orders; firesafety inspection training requirements;
2186 certification; disciplinary action.—The State Fire Marshal and
2187 her or his agents or persons authorized to enforce laws and
2188 rules of the State Fire Marshal shall, at any reasonable hour,
2189 when the State Fire Marshal has reasonable cause to believe that
2190 a violation of this chapter or s. 509.215, or a rule adopted
2191 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by
2192 the State Fire Marshal or a local authority, may exist, inspect
2193 any and all buildings and structures which are subject to the
2194 requirements of this chapter or s. 509.215 and rules adopted
2195 ~~promulgated~~ thereunder. The authority to inspect shall extend to
2196 all equipment, vehicles, and chemicals which are located on or
2197 within the premises of any such building or structure.

2198 (1) Each county, municipality, and special district that
2199 has firesafety enforcement responsibilities shall employ or
2200 contract with a firesafety inspector. Except as provided in s.
2201 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must
2202 conduct all firesafety inspections that are required by law. The
2203 governing body of a county, municipality, or special district
2204 that has firesafety enforcement responsibilities may provide a

10-00317-13

20131410__

2205 schedule of fees to pay only the costs of inspections conducted
 2206 pursuant to this subsection and related administrative expenses.
 2207 Two or more counties, municipalities, or special districts that
 2208 have firesafety enforcement responsibilities may jointly employ
 2209 or contract with a firesafety inspector.

2210 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
 2211 firesafety inspection conducted pursuant to state or local
 2212 firesafety requirements shall be by a person certified as having
 2213 met the inspection training requirements set by the State Fire
 2214 Marshal. Such person shall meet the requirements of s.
 2215 633.412(1)(a)-(d), and:

2216 ~~(a) Be a high school graduate or the equivalent as~~
 2217 ~~determined by the department;~~

2218 ~~(b) Not have been found guilty of, or having pleaded guilty~~
 2219 ~~or nolo contendere to, a felony or a crime punishable by~~
 2220 ~~imprisonment of 1 year or more under the law of the United~~
 2221 ~~States, or of any state thereof, which involves moral turpitude,~~
 2222 ~~without regard to whether a judgment of conviction has been~~
 2223 ~~entered by the court having jurisdiction of such cases;~~

2224 ~~(c) Have her or his fingerprints on file with the~~
 2225 ~~department or with an agency designated by the department;~~

2226 ~~(d) Have good moral character as determined by the~~
 2227 ~~department;~~

2228 ~~(e) Be at least 18 years of age;~~

2229 ~~(f) Have satisfactorily completed the firesafety inspector~~
 2230 ~~certification examination as prescribed by division rule ~~the~~~~
 2231 ~~department; and~~

2232 (b)(g)1. Have satisfactorily completed, as determined by
 2233 division rule ~~the department~~, a firesafety inspector training

10-00317-13

20131410__

2234 program of at least ~~not less than~~ 200 hours established by the
2235 department and administered by education or training providers
2236 ~~agencies and institutions~~ approved by the department for the
2237 purpose of providing basic certification training for firesafety
2238 inspectors; or

2239 2. Have received ~~in another state~~ training in another state
2240 which is determined by the division ~~department~~ to be at least
2241 equivalent to that required by the department for approved
2242 firesafety inspector education and training programs in this
2243 state.

2244 (3)

2245 (c)1. To be certified as a firesafety inspector under this
2246 section, a ~~any~~ person who:

2247 a. Is a special state firesafety inspector on July 1, 2011,
2248 and who does not have 5 years of experience as a special state
2249 firesafety inspector as of July 1, 2011; or

2250 b. Has 5 years of experience as a special state firesafety
2251 inspector but has failed the examination taken as provided in
2252 paragraph (2)(a) ~~(2)(f)~~, must take an additional 80 hours of the
2253 courses described in paragraph (2)(b) ~~(2)(g)~~.

2254 2. After successfully completing the courses described in
2255 this paragraph, such person may take the firesafety inspection
2256 examination as provided in paragraph (2)(a) ~~(2)(f)~~, if such
2257 examination is taken before July 1, 2013.

2258 3. Upon passing the examination, the person shall be
2259 certified as a firesafety inspector as provided in this section.

2260 4. A person who fails the course of study or the
2261 examination described in this paragraph may not perform any
2262 firesafety inspection required by law on or after July 1, 2013.

10-00317-13

20131410

2263 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
2264 may conduct firesafety inspections, under the supervision of a
2265 certified firesafety inspector, while on duty as a member of a
2266 fire department company conducting inservice firesafety
2267 inspections without being certified as a firesafety inspector,
2268 if such firefighter has satisfactorily completed an inservice
2269 fire department company inspector training program of at least
2270 24 hours' duration as provided by rule of the department.

2271 (5) Every firesafety inspector certificate is valid for a
2272 period of 4 ~~3~~ years from the date of issuance. Renewal of
2273 certification is subject to the affected person's completing
2274 proper application for renewal and meeting all of the
2275 requirements for renewal as established under this chapter or by
2276 rule adopted under this chapter, which must ~~shall~~ include
2277 completion of at least 54 ~~40~~ hours during the preceding 4-year
2278 ~~3-year~~ period of continuing education as required by the rule of
2279 the department or, in lieu thereof, successful passage of an
2280 examination as established by the department.

2281 (6) A previously certified firesafety inspector whose
2282 certification has lapsed for 8 years or more must repeat the
2283 fire safety inspector training as specified by the division.

2284 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,
2285 suspend, or revoke the certificate of a firesafety inspector if
2286 the State Fire Marshal finds that any of the following grounds
2287 exist:

2288 (a) Any cause for which issuance of a certificate could
2289 have been refused had it then existed and been known to the
2290 division ~~State Fire Marshal~~.

2291 (b) Violation of this chapter or any rule or order of the

10-00317-13

20131410__

2292 State Fire Marshal.

2293 (c) Falsification of records relating to the certificate.

2294 ~~(d) Having been found guilty of or having pleaded guilty or~~
2295 ~~nolo contendere to a felony, whether or not a judgment of~~
2296 ~~conviction has been entered.~~

2297 (d) ~~(e)~~ Failure to meet any of the renewal requirements.

2298 ~~(f) Having been convicted of a crime in any jurisdiction~~
2299 ~~which directly relates to the practice of fire code inspection,~~
2300 ~~plan review, or administration.~~

2301 (e) ~~(g)~~ Making or filing a report or record that the
2302 certificateholder knows to be false, or knowingly inducing
2303 another to file a false report or record, or knowingly failing
2304 to file a report or record required by state or local law, or
2305 knowingly impeding or obstructing such filing, or knowingly
2306 inducing another person to impede or obstruct such filing.

2307 (f) ~~(h)~~ Failing to properly enforce applicable fire codes or
2308 permit requirements within this state which the
2309 certificateholder knows are applicable by committing willful
2310 misconduct, gross negligence, gross misconduct, repeated
2311 negligence, or negligence resulting in a significant danger to
2312 life or property.

2313 (g) ~~(i)~~ Accepting labor, services, or materials at no charge
2314 or at a noncompetitive rate from a ~~any~~ person who performs work
2315 that is under the enforcement authority of the certificateholder
2316 and who is not an immediate family member of the
2317 certificateholder. For the purpose of this paragraph, the term
2318 "immediate family member" means a spouse, child, parent,
2319 sibling, grandparent, aunt, uncle, or first cousin of the person
2320 or the person's spouse or a ~~any~~ person who resides in the

10-00317-13

20131410__

2321 primary residence of the certificateholder.

2322 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida
2323 Building Code Administrators and Inspectors Board, established
2324 pursuant to s. 468.605, shall enter into a reciprocity agreement
2325 to facilitate joint recognition of continuing education
2326 recertification hours for certificateholders licensed under s.
2327 468.609 and firesafety inspectors certified under subsection
2328 (2).

2329 (9)~~(8)~~ The State Fire Marshal shall develop by rule an
2330 advanced training and certification program for firesafety
2331 inspectors having fire code management responsibilities. The
2332 program must be consistent with the appropriate provisions of
2333 NFPA 1037, or similar standards adopted by the division, and
2334 establish minimum training, education, and experience levels for
2335 firesafety inspectors having fire code management
2336 responsibilities.

2337 (10)~~(9)~~ The department shall provide by rule for the
2338 certification of firesafety inspectors and Fire Code
2339 Administrators.

2340 Section 28. Section 633.085, Florida Statutes, is
2341 transferred and renumbered as section 633.218, Florida Statutes,
2342 paragraph (a) of subsection (1) and subsections (2) through (5)
2343 of that section are amended, and paragraphs (e) and (f) are
2344 added to subsection (1) of that section, to read:

2345 633.218 ~~633.085~~ Inspections of state buildings and
2346 premises; tests of firesafety equipment; building plans to be
2347 approved.—

2348 (1) (a) It is the duty of the State Fire Marshal and her or
2349 his agents to inspect, or cause to be inspected, each state-

10-00317-13

20131410__

2350 owned building on a recurring basis established by rule, and to
2351 ensure that high-hazard occupancies are inspected at least
2352 annually, for the purpose of ascertaining and causing to be
2353 corrected any conditions liable to cause fire or endanger life
2354 from fire and any violation of the firesafety standards for
2355 state-owned buildings, ~~the provisions of~~ this chapter, or the
2356 rules ~~or regulations~~ adopted and ~~promulgated~~ pursuant hereto.
2357 The State Fire Marshal shall, within 7 days following an
2358 inspection, submit a report of such inspection to the head of
2359 the ~~department of state~~ agency government responsible for the
2360 building.

2361 (e) For purposes of this section:

2362 1.a. The term "high-hazard occupancy" means any building or
2363 structure:

2364 (I) That contains combustible or explosive matter or
2365 flammable conditions dangerous to the safety of life or
2366 property;

2367 (II) At which persons receive educational instruction;

2368 (III) At which persons reside, excluding private dwellings;

2369 or

2370 (IV) Containing three or more floor levels.

2371 b. As used in this subparagraph, the phrase "building or
2372 structure":

2373 (I) Includes, but is not limited to, all hospitals and
2374 residential health care facilities, nursing homes and other
2375 adult care facilities, correctional or detention facilities,
2376 public schools, public lodging establishments, migrant labor
2377 camps, residential child care facilities, and self-service
2378 gasoline stations.

10-00317-13

20131410__

2379 (II) Does not include any residential condominium where the
2380 declaration of condominium or the bylaws provide that the rental
2381 of units shall not be permitted for less than 90 days.

2382 2. The term "state-owned building," includes private
2383 correctional facilities as defined under s. 944.710(3) and state
2384 universities as defined under s. 1000.21(6).

2385 (f) A state-owned building or state-leased building or
2386 space shall be identified through use of the United States
2387 National Grid Coordinate System.

2388 (2) The State Fire Marshal and her or his agents may ~~shall~~
2389 conduct performance tests on any electronic fire warning and
2390 smoke detection system, and any pressurized air-handling unit,
2391 in any state-owned building or state-leased building or space on
2392 a recurring basis as provided in subsection (1). The State Fire
2393 Marshal and her or his agents shall also ensure that fire drills
2394 are conducted in all high-hazard state-owned buildings or high-
2395 hazard state-leased ~~high-hazard~~ occupancies at least annually.

2396 (3) All construction of any new state-owned building or
2397 state-leased building or space, or any renovation, alteration,
2398 or change of occupancy of any existing, state-owned building or
2399 state-leased building or space must ~~shall~~ comply with the
2400 uniform firesafety standards of the State Fire Marshal.

2401 (a) For all new construction or renovation, alteration, or
2402 change of occupancy of state-leased space, compliance with the
2403 uniform firesafety standards shall be determined by reviewing
2404 the plans for the proposed construction or occupancy submitted
2405 by the lessor to the division ~~of State Fire Marshal~~ for review
2406 and approval before ~~prior to~~ commencement of construction or
2407 occupancy, which review shall be completed within 10 working

10-00317-13

20131410__

2408 days after receipt of the plans by the division ~~of State Fire~~
2409 ~~Marshal~~.

2410 (b) The plans for all construction of any new, or
2411 renovation or alteration of any existing, state-owned building
2412 are subject to the review and approval of the division ~~of State~~
2413 ~~Fire Marshal~~ for compliance with the uniform firesafety
2414 standards before ~~prior to~~ commencement of construction or change
2415 of occupancy, which review shall be completed within 30 calendar
2416 days of receipt of the plans by the division ~~of State Fire~~
2417 ~~Marshal~~.

2418 (4) The division ~~of State Fire Marshal~~ may inspect state-
2419 owned buildings and space and state-leased buildings and space
2420 as necessary before ~~prior to~~ occupancy or during construction,
2421 renovation, or alteration to ascertain compliance with the
2422 uniform firesafety standards. Whenever the division ~~of State~~
2423 ~~Fire Marshal~~ determines by virtue of such inspection or by
2424 review of plans that construction, renovation, or alteration of
2425 state-owned buildings and state-leased buildings or space is not
2426 in compliance with the uniform firesafety standards, the
2427 division ~~of State Fire Marshal~~ shall issue an order to cease
2428 construction, renovation, or alteration, or to preclude
2429 occupancy, of a building until compliance is obtained, except
2430 for those activities required to achieve such compliance.

2431 (5) The division ~~of State Fire Marshal~~ shall by rule
2432 provide a schedule of fees to pay for the costs of the
2433 inspections, whether recurring or high hazard, any firesafety
2434 review or plans for proposed construction, renovations, or
2435 occupancy, and related administrative expenses.

2436 Section 29. Section 633.027, Florida Statutes, is

10-00317-13

20131410__

2437 transferred and renumbered as section 633.222, Florida Statutes,
2438 and subsection (3) of that section is amended to read:

2439 633.222 ~~633.027~~ Buildings with light-frame truss-type
2440 construction; notice requirements; enforcement.-

2441 (3) The State Fire Marshal, and local fire officials in
2442 accordance with s. 633.118 ~~633.121~~, shall enforce ~~the provisions~~
2443 ~~of~~ this section. An ~~Any~~ owner who fails to comply with the
2444 requirements of this section is subject to penalties as provided
2445 in s. 633.228 ~~633.161~~.

2446 Section 30. Section 633.60, Florida Statutes, is
2447 transferred and renumbered as section 633.224, Florida Statutes,
2448 and subsection (1) of that section is amended to read:

2449 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-
2450 family dwellings, two-family dwellings, and mobile homes.-

2451 (1) It is unlawful for a ~~any~~ person to engage in the
2452 business or act in the capacity of a contractor of automatic
2453 fire sprinkler systems for one-family dwellings, two-family
2454 dwellings, and mobile homes without having been duly certified
2455 and holding a current certificate as a Contractor I, Contractor
2456 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

2457 Section 31. Section 633.557, Florida Statutes, is
2458 transferred and renumbered as section 633.226, Florida Statutes.

2459 Section 32. Section 633.161, Florida Statutes, is
2460 transferred and renumbered as section 633.228, Florida Statutes,
2461 and paragraphs (a) and (b) of subsection (1), paragraph (a) of
2462 subsection (2), and subsection (3) of that section are amended,
2463 to read:

2464 633.228 ~~633.161~~ Violations; orders to cease and desist,
2465 correct hazardous conditions, preclude occupancy, or vacate;

10-00317-13

20131410__

2466 enforcement; penalties.-

2467 (1) If it is determined by the department that a violation
2468 specified in this subsection exists, the State Fire Marshal or
2469 her or his deputy may issue and deliver to the person committing
2470 the violation an order to cease and desist from such violation,
2471 to correct any hazardous condition, to preclude occupancy of the
2472 affected building or structure, or to vacate the premises of the
2473 affected building or structure. Such violations are:

2474 (a) Except as set forth in paragraph (b), a violation of
2475 any provision of this chapter, of any rule adopted pursuant
2476 thereto, of any applicable uniform firesafety standard adopted
2477 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed
2478 by any alternative requirements adopted on a local level, or of
2479 any minimum firesafety standard adopted pursuant to s. 394.879.

2480 (b) A substantial violation of an applicable minimum
2481 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which
2482 is not reasonably addressed by any alternative requirement
2483 imposed at the local level, or an unreasonable interpretation of
2484 an applicable minimum firesafety standard, and which violation
2485 or interpretation clearly constitutes a danger to lifesafety.

2486 (2) (a) If, during the conduct of a firesafety inspection
2487 authorized by ss. 633.216 and 633.218 ~~633.081~~ and ~~633.085~~, it is
2488 determined that a violation described in this section exists
2489 which poses an immediate danger to the public health, safety, or
2490 welfare, the State Fire Marshal may issue an order to vacate the
2491 building in question, which order shall be immediately effective
2492 and shall be an immediate final order under s. 120.569(2) (n).
2493 With respect to a facility under the jurisdiction of a district
2494 school board or community college board of trustees, the order

10-00317-13

20131410__

2495 to vacate shall be issued jointly by the district superintendent
2496 or college president and the State Fire Marshal.

2497 (3) A ~~Any~~ person who violates or fails to comply with any
2498 order under subsection (1) or subsection (2) commits is guilty
2499 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

2500 Section 33. The Division of Law Revision and Information is
2501 requested to create part III of chapter 633, Florida Statutes,
2502 consisting of sections 633.302, 633.304, 633.306, 633.308,
2503 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,
2504 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
2505 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled
2506 "Fire Protection and Suppression."

2507 Section 34. Section 633.511, Florida Statutes, is
2508 transferred, renumbered as section 633.302, Florida Statutes,
2509 and amended to read:

2510 633.302 ~~633.511~~ Florida Fire Safety Board; membership;
2511 duties; meetings; officers; quorum; compensation; seal.-

2512 (1) The Florida Fire Safety Board is created consisting of
2513 seven members who are ~~citizens and~~ residents of this state. One
2514 shall be the State Fire Marshal, or her or his designee
2515 ~~designated appointee~~ who shall be an administrative employee of
2516 the marshal; one shall be an administrative officer from a
2517 building department representing an incorporated municipality or
2518 a county; one shall be an administrative officer from a fire
2519 department representing an incorporated municipality or a
2520 county; two shall be contractors licensed pursuant to s. 633.318
2521 ~~633.521~~; and two shall be persons who hold valid licenses under
2522 s. 633.304 ~~633.061~~.

2523 (2) (a) To be eligible for appointment, each contractor must

10-00317-13

20131410__

2524 ~~shall~~ personally hold a current certificate of competency and a
2525 current license issued by the division ~~State Fire Marshal~~,
2526 together with an unexpired occupational license to operate as a
2527 contractor issued by an incorporated municipality or a county;
2528 be actively engaged in such business and have been so engaged
2529 for a period of not less than 5 consecutive years before the
2530 date of her or his appointment; and be a ~~citizen and~~ resident of
2531 the state.

2532 (b) To be eligible for appointment, each fire equipment
2533 dealer must ~~shall~~ personally hold a current Class A, B, or C and
2534 Class D fire equipment dealer license issued by the division
2535 ~~State Fire Marshal~~, together with an unexpired occupational
2536 license to operate as a fire equipment dealer issued by an
2537 incorporated municipality or a county; must ~~shall~~ be actively
2538 engaged in such business and have been so engaged for a period
2539 of not less than 5 consecutive years before the date of
2540 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this
2541 state.

2542 (3) The State Fire Marshal's term on the board, or that of
2543 her or his designee ~~designated administrative employee~~, shall
2544 coincide with the State Fire Marshal's term of office. Of the
2545 other six members of the board, one member shall be appointed
2546 for a term of 1 year, one member for a term of 2 years, two
2547 members for terms of 3 years, and two members for terms of 4
2548 years. All terms expire on June 30 of the last year of the term.
2549 When Effective July 1, 1997, ~~as~~ the term of a each member
2550 expires, the State Fire Marshal shall appoint a member to fill
2551 the vacancy for a term of 4 years. The State Fire Marshal may
2552 remove any appointed member for cause. A vacancy in the

10-00317-13

20131410__

2553 membership of the board for any cause shall be filled by
2554 appointment by the State Fire Marshal for the balance of the
2555 unexpired term.

2556 (4) The board shall act in an advisory capacity to the
2557 State Fire Marshal and shall meet regularly as the need presents
2558 itself. The board shall have the authority to review complaints
2559 and disputed administrative action and make recommendations for
2560 disciplinary action to the division at the request of the
2561 licenseholder, permitholder, or certificateholder. The board
2562 will serve in an advisory capacity to the division regarding
2563 rules, codes, standards, interpretations, and training. As soon
2564 as practicable after July 1, 2013, the board shall meet to elect
2565 officers from its membership, whose terms shall expire on June
2566 30 and annually thereafter. A majority of the board shall
2567 constitute a quorum. A member of the advisory board may not be
2568 paid a salary as such member, but shall be reimbursed for
2569 necessary expenses while attending advisory board meetings,
2570 including travel in the performance of her or his duties, as
2571 provided in s. 112.061.

2572 (5) The board shall adopt a seal for its use containing the
2573 words "Florida Fire Safety Board."

2574 Section 35. Section 633.061, Florida Statutes, is
2575 transferred and renumbered as section 633.304, Florida Statutes,
2576 and subsections (1) through (4) and (9) of that section are
2577 amended, to read:

2578 633.304 ~~633.061~~ Fire suppression equipment; license to
2579 install or maintain.—

2580 (1) It is unlawful for any organization or individual to
2581 engage in the business of servicing, repairing, recharging,

10-00317-13

20131410__

2582 testing, marking, inspecting, installing, or hydrotesting any
2583 fire extinguisher or preengineered system in this state except
2584 in conformity with ~~the provisions of~~ this chapter. Each
2585 organization or individual that engages in such activity must
2586 possess a valid and subsisting license issued by the division
2587 ~~State Fire Marshal~~. All fire extinguishers and preengineered
2588 systems required by statute or by rule must be serviced by an
2589 organization or individual licensed under ~~the provisions of~~ this
2590 chapter. A licensee who receives appropriate training shall not
2591 be prohibited by a manufacturer from servicing any particular
2592 brand of fire extinguisher or preengineered system. The licensee
2593 is legally qualified to act for the business organization in all
2594 matters connected with its business, and the licensee must
2595 supervise all activities undertaken by such business
2596 organization. Each licensee shall maintain a specific business
2597 location. A further requirement, in the case of multiple
2598 locations where such servicing or recharging is taking place, is
2599 that each licensee who maintains more than one place of business
2600 where actual work is carried on must possess an additional
2601 license, as set forth in this section, for each location, except
2602 that a licensed individual may not qualify for more than five
2603 locations. A licensee is limited to a specific type of work
2604 performed depending upon the class of license held. Licenses ~~and~~
2605 ~~license fees~~ are required for the following:

2606 (a) Class A: ~~—\$250~~

2607 To service, recharge, repair, install, or inspect all types of
2608 fire extinguishers and to conduct hydrostatic tests on all types
2609 of fire extinguishers.

2610 (b) Class B: ~~—\$150~~

10-00317-13

20131410__

2611 To service, recharge, repair, install, or inspect all types of
 2612 fire extinguishers, including recharging carbon dioxide units
 2613 and conducting hydrostatic tests on all types of fire
 2614 extinguishers, except carbon dioxide units.

2615 (c) Class C: ~~—\$150~~

2616 To service, recharge, repair, install, or inspect all types of
 2617 fire extinguishers, except recharging carbon dioxide units, and
 2618 to conduct hydrostatic tests on all types of fire extinguishers,
 2619 except carbon dioxide units.

2620 (d) Class D: ~~—\$200~~

2621 To service, repair, recharge, hydrotest, install, or inspect all
 2622 types of preengineered fire extinguishing systems.

2623 ~~(e) Licenses issued as duplicates or to reflect a change of~~
 2624 ~~address—\$10~~

2625

2626 Any fire equipment dealer licensed pursuant to this subsection
 2627 who does not want to engage in the business of servicing,
 2628 inspecting, recharging, repairing, hydrotesting, or installing
 2629 halon equipment must file an affidavit on a form provided by the
 2630 division so stating. Licenses will be issued by the division to
 2631 show ~~reflect~~ the work authorized thereunder. It is unlawful,
 2632 unlicensed activity for a any person or firm to falsely hold
 2633 himself or herself or a business organization out to perform any
 2634 service, inspection, recharge, repair, hydrotest, or
 2635 installation except as specifically described in the license. A
 2636 fire equipment dealer licensed pursuant to this subsection who
 2637 wishes to withdraw a previously filed halon equipment exemption
 2638 affidavit and engage in the business of servicing, inspecting,
 2639 recharging, repairing, hydrotesting, or installing halon

10-00317-13

20131410__

2640 equipment must submit a written statement requesting the
2641 withdrawal to the division. The dealer must also submit to an
2642 inspection by the State Fire Marshal or her or his designee in
2643 order to determine that the dealer possesses the equipment
2644 required to service, inspect, recharge, repair, hydrotest, or
2645 install halon equipment.

2646 (2) A person who holds a valid fire equipment dealer
2647 license may maintain such license in an inactive status during
2648 which time he or she may not engage in any work under the
2649 definition of the license held. An inactive status license shall
2650 be void after 2 years or when ~~at the time~~ that the license is
2651 renewed, whichever comes first. ~~The biennial renewal fee for an~~
2652 ~~inactive status license shall be \$75.~~ An inactive status license
2653 may not be reactivated unless the continuing education
2654 requirements of this chapter have been fulfilled.

2655 (3) Each individual actually performing the work of
2656 servicing, recharging, repairing, hydrotesting, installing,
2657 testing, or inspecting fire extinguishers or preengineered
2658 systems must possess a valid and subsisting permit issued by the
2659 division ~~State Fire Marshal~~. Permittees are limited as to
2660 specific type of work performed to allow work no more extensive
2661 than the class of license held by the licensee under whom the
2662 permittee is working. Permits will be issued by the division ~~and~~
2663 ~~the fees required are as follows:~~

2664 (a) Portable permit: ~~—\$90~~ "Portable permittee" means a
2665 person who is limited to performing work no more extensive than
2666 the employing licensee in the servicing, recharging, repairing,
2667 installing, or inspecting all types of portable fire
2668 extinguishers.

10-00317-13

20131410__

2669 (b) Preengineered permit: ~~_____~~ \$120 "Preengineered
 2670 permittee" means a person who is limited to the servicing,
 2671 recharging, repairing, installing, or inspecting of all types of
 2672 preengineered fire extinguishing systems.

2673 ~~(c) Permits issued as duplicates or to reflect a change of~~
 2674 ~~address _____ \$10~~

2675
 2676 Any fire equipment permittee licensed pursuant to this
 2677 subsection who does not want to engage in servicing, inspecting,
 2678 recharging, repairing, hydrotesting, or installing halon
 2679 equipment must file an affidavit on a form provided by the
 2680 division so stating. Permits will be issued by the division to
 2681 show ~~reflect~~ the work authorized thereunder. It is unlawful,
 2682 unlicensed activity for a ~~any~~ person or firm to falsely hold
 2683 himself or herself out to perform any service, inspection,
 2684 recharge, repair, hydrotest, or installation except as
 2685 specifically described in the permit.

2686 (4) (a) Such licenses and permits shall be issued by the
 2687 division ~~State Fire Marshal~~ for 2 years beginning January 1,
 2688 2000, and each 2-year period thereafter and expiring December 31
 2689 of the second year. All licenses or permits issued will expire
 2690 on December 31 of each odd-numbered year. The failure to renew a
 2691 license or permit by December 31 of the second year will cause
 2692 the license or permit to become inoperative. The holder of an
 2693 inoperative license or permit may ~~shall~~ not engage in any
 2694 activities for which a license or permit is required by this
 2695 section. A license or permit which is inoperative because of the
 2696 failure to renew it shall be restored upon payment of the
 2697 applicable fee plus a penalty equal to the applicable fee, if

10-00317-13

20131410__

2698 the application for renewal is filed no later than the following
2699 March 31. If the application for restoration is not made before
2700 the March 31st deadline, the fee for restoration shall be equal
2701 to the original application fee and the penalty provided for
2702 herein, and, in addition, the State Fire Marshal shall require
2703 reexamination of the applicant. The fee for a license or permit
2704 issued for 1 year or less shall be prorated at 50 percent of the
2705 applicable fee for a biennial license or permit.

2706 (b) After initial licensure, each licensee or permittee
2707 must successfully complete a course or courses of continuing
2708 education for fire equipment technicians of at least 16 hours. A
2709 license or permit may not be renewed unless the licensee or
2710 permittee produces documentation of the completion of at least
2711 16 hours of continuing education for fire equipment technicians
2712 during the biennial licensure period. A person who is both a
2713 licensee and a permittee shall be required to complete 16 hours
2714 of continuing education during each renewal period. Each
2715 licensee shall ensure that all permittees in his or her
2716 employment meet their continuing education requirements. The
2717 State Fire Marshal shall adopt rules describing the continuing
2718 education requirements and shall have the authority upon
2719 reasonable belief, to audit a fire equipment dealer to determine
2720 compliance with continuing education requirements.

2721 (c) ~~(b)~~ The forms of such licenses and permits and
2722 applications therefor shall be prescribed by the State Fire
2723 Marshal; in addition to such other information and data as that
2724 officer determines is appropriate and required for such forms,
2725 there shall be included in such forms the following matters.
2726 Each such application must ~~shall~~ be in such form as to provide

10-00317-13

20131410__

2727 that the data and other information set forth therein shall be
2728 sworn to by the applicant or, if a corporation, by an officer
2729 thereof. An application for a permit must ~~shall~~ include the name
2730 of the licensee employing such permittee, and the permit issued
2731 in pursuance of such application must ~~shall~~ also set forth the
2732 name of such licensee. A permit is valid solely for use by the
2733 holder thereof in his or her employment by the licensee named in
2734 the permit.

2735 (d) ~~(e)~~ A license of any class may ~~shall~~ not be issued or
2736 renewed by the division ~~State Fire Marshal~~ and a license of any
2737 class does ~~shall~~ not remain operative unless:

2738 1. The applicant has submitted to the State Fire Marshal
2739 evidence of registration as a Florida corporation or evidence of
2740 compliance with s. 865.09.

2741 2. The State Fire Marshal or his or her designee has by
2742 inspection determined that the applicant possesses the equipment
2743 required for the class of license sought. The State Fire Marshal
2744 shall give an applicant a reasonable opportunity to correct any
2745 deficiencies discovered by inspection. To obtain such
2746 inspection, an applicant with facilities located outside this
2747 state must:

2748 a. Provide a notarized statement from a professional
2749 engineer licensed by the applicant's state of domicile
2750 certifying that the applicant possesses the equipment required
2751 for the class of license sought and that all such equipment is
2752 operable; or

2753 b. Allow the State Fire Marshal or her or his designee to
2754 inspect the facility. All costs associated with the State Fire
2755 Marshal's inspection shall be paid by the applicant. The State

10-00317-13

20131410__

2756 Fire Marshal shall, in accordance with s. 120.54, adopt by rule
2757 standards for the calculation and establishment of the amount of
2758 costs associated with any inspection conducted by the State Fire
2759 Marshal under this section. Such rules shall include procedures
2760 for invoicing and receiving funds in advance of the inspection A
2761 fee of \$50, payable to the State Fire Marshal, shall be required
2762 for any subsequent reinspection.

2763 3. The applicant has submitted to the State Fire Marshal
2764 proof of insurance providing coverage for comprehensive general
2765 liability for bodily injury and property damage, products
2766 liability, completed operations, and contractual liability. The
2767 State Fire Marshal shall adopt rules providing for the amounts
2768 of such coverage, but such amounts shall not be less than
2769 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2770 licenses, and \$100,000 for Class C licenses; and the total
2771 coverage for any class of license held in conjunction with a
2772 Class D license may ~~shall~~ not be less than \$300,000. The State
2773 Fire Marshal may, at any time after the issuance of a license or
2774 its renewal, require upon demand, and in no event more than 30
2775 days after notice of such demand, the licensee to provide proof
2776 of insurance, on a form provided by the State Fire Marshal,
2777 containing confirmation of insurance coverage as required by
2778 this chapter. Failure, for any length of time, to provide proof
2779 of insurance coverage as required shall result in the immediate
2780 suspension of the license until proof of proper insurance is
2781 provided to the State Fire Marshal. An insurer which provides
2782 such coverage shall notify the State Fire Marshal of any change
2783 in coverage or of any termination, cancellation, or nonrenewal
2784 of any coverage.

10-00317-13

20131410__

2785 4. The applicant applies to the State Fire Marshal,
2786 provides proof of experience, and successfully completes a
2787 prescribed training course offered by the State Fire College or
2788 an equivalent course approved by the State Fire Marshal. This
2789 subparagraph does not apply to any holder of or applicant for a
2790 permit under paragraph (g) ~~(f)~~ or to a business organization or
2791 a governmental entity seeking initial licensure or renewal of an
2792 existing license solely for the purpose of inspecting,
2793 servicing, repairing, marking, recharging, and maintaining fire
2794 extinguishers used and located on the premises of and owned by
2795 such organization or entity.

2796 5. The applicant has a current retestor identification
2797 number that is appropriate for the license for which the
2798 applicant is applying and that is listed with the United States
2799 Department of Transportation.

2800 6. The applicant has passed, with a grade of at least 70
2801 percent, a written examination testing his or her knowledge of
2802 the rules and statutes governing ~~regulating~~ the activities
2803 authorized by the license and demonstrating his or her knowledge
2804 and ability to perform those tasks in a competent, lawful, and
2805 safe manner. Such examination shall be developed and
2806 administered by the State Fire Marshal, or his or her designee
2807 in accordance with policies and procedures of the State Fire
2808 Marshal. An applicant shall pay a nonrefundable examination fee
2809 of \$50 for each examination or reexamination scheduled. A ~~No~~
2810 reexamination may not ~~shall~~ be scheduled sooner than 30 days
2811 after any administration of an examination to an applicant. An
2812 ~~No~~ applicant may not ~~shall~~ be permitted to take an examination
2813 for any level of license more than a total of four times during

10-00317-13

20131410__

2814 1 year, regardless of the number of applications submitted. As a
2815 prerequisite to licensure of the applicant, he or she:

2816 a. Must be at least 18 years of age.

2817 b. Must have 4 years of proven experience as a fire
2818 equipment permittee at a level equal to or greater than the
2819 level of license applied for or have a combination of education
2820 and experience determined to be equivalent thereto by the State
2821 Fire Marshal. Having held a permit at the appropriate level for
2822 the required period constitutes the required experience.

2823 c. Must not have been convicted of a felony or a crime
2824 punishable by imprisonment of 1 year or more under the law of
2825 the United States or of any state thereof or under the law of
2826 any other country, ~~or pled nolo contendere to, any felony.~~

2827 "Convicted" means a finding of guilt or the acceptance of a plea
2828 of guilty or nolo contendere in any federal or state court or a
2829 court in any other country, without regard to whether a judgment
2830 of conviction has been entered by the court having jurisdiction
2831 of the case. If an applicant has been convicted of any such
2832 felony, the applicant shall be excluded from licensure for a
2833 period of 4 years after expiration of sentence or final release
2834 by the Parole Commission unless the applicant, before the
2835 expiration of the 4-year period, has received a full pardon or
2836 has had her or his civil rights restored ~~must comply with s.~~
2837 112.011(1)(b).

2838

2839 This subparagraph does not apply to any holder of or applicant
2840 for a permit under paragraph (g) ~~(f)~~ or to a business
2841 organization or a governmental entity seeking initial licensure
2842 or renewal of an existing license solely for the purpose of

10-00317-13

20131410__

2843 inspecting, servicing, repairing, marking, recharging,
2844 hydrotesting, and maintaining fire extinguishers used and
2845 located on the premises of and owned by such organization or
2846 entity.

2847 ~~(d) An applicant who fails the examination may take it~~
2848 ~~three more times during the 1-year period after he or she~~
2849 ~~originally filed an application for the examination. If the~~
2850 ~~applicant fails the examination within 1 year after the~~
2851 ~~application date and seeks to retake the examination, he or she~~
2852 ~~must file a new application, pay the application and examination~~
2853 ~~fees, and successfully complete a prescribed training course~~
2854 ~~approved by the State Fire College or an equivalent course~~
2855 ~~approved by the State Fire Marshal. An applicant may not submit~~
2856 ~~a new application within 6 months after the date of his or her~~
2857 ~~last reexamination.~~

2858 (e) A fire equipment dealer licensed under this section may
2859 apply to convert ~~upgrade~~ the license currently held to a higher
2860 licensing category, if the licensed dealer:

2861 1. Submits an application for the license on a form in
2862 conformance with paragraph (c) ~~(b)~~. The application must be
2863 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~
2864 for the type of license requested.

2865 2. Provides evidence of 2 years' experience as a licensed
2866 dealer and meets such relevant educational requirements as are
2867 established by rule by the State Fire Marshal for purposes of
2868 upgrading a license.

2869 3. Meets the requirements of paragraph (d) ~~(e)~~.

2870 (f) A fire equipment dealer licensed under this section may
2871 apply to convert the license currently held to a lower licensing

10-00317-13

20131410__

2872 category, if the licensed dealer:

2873 1. Submits an application for the license on a form in
2874 conformance with paragraph (c). The application must be
2875 accompanied by a fee as prescribed in s. 633.132 for the type of
2876 license requested.

2877 2. Submits proof of insurance providing coverage meeting
2878 the requirements prescribed in subparagraph (d)3.

2879 3. Submits to an inspection of the facility to ensure all
2880 equipment associated with the higher class of license has been
2881 removed and submits the required reinspection fee.

2882 (g) A ~~Ne~~ permit of any class may not ~~shall~~ be issued or
2883 renewed to a person by the division ~~State Fire Marshal~~, and a ne
2884 permit of any class does not ~~shall~~ remain operative, unless the
2885 person has:

2886 1. Submitted a nonrefundable examination fee in the amount
2887 of \$50.~~7~~

2888 2. Successfully completed a training course offered by the
2889 State Fire College or an equivalent course approved by the State
2890 Fire Marshal.~~7~~ ~~and~~

2891 3. Passed, with a grade of at least 70 percent, a written
2892 examination testing his or her knowledge of the rules and
2893 statutes governing ~~regulating~~ the activities authorized by the
2894 permit and demonstrating his or her knowledge and ability to
2895 perform those tasks in a competent, lawful, and safe manner.
2896 Such examination must ~~shall~~ be developed and administered by the
2897 State Fire Marshal in accordance with the policies and
2898 procedures of the State Fire Marshal. An examination fee must
2899 ~~shall~~ be paid for each examination scheduled. A ~~Ne~~ reexamination
2900 may not ~~shall~~ be scheduled sooner than 30 days after any

10-00317-13

20131410__

2901 administration of an examination to an applicant. ~~An~~ ~~Ne~~
2902 applicant may not ~~shall~~ be permitted to take an examination for
2903 any level of permit more than four times during 1 year,
2904 regardless of the number of applications submitted. As a
2905 prerequisite to taking the permit examination, the applicant
2906 must be at least 16 years of age.

2907 (h) ~~(g)~~ An applicant for a license or permit under this
2908 section who fails the examination may take it three more times
2909 during the 1-year period after he or she originally filed an
2910 application for the examination. If the applicant fails the
2911 examination within 1 year after the application date and he or
2912 she seeks to retake the examination, he or she must file a new
2913 application, pay the application and examination fees, and
2914 successfully complete a prescribed training course offered by
2915 the State Fire College or an equivalent course approved by the
2916 State Fire Marshal. The applicant may not submit a new
2917 application within 6 months after the date of his or her fourth
2918 ~~last~~ reexamination. An applicant who passes the examination but
2919 ~~does not meet the remaining qualifications prescribed by law and~~
2920 ~~rule within 1 year after the application date must file a new~~
2921 ~~application, pay the application and examination fee,~~
2922 ~~successfully complete a prescribed training course approved by~~
2923 ~~the State Fire College or an equivalent course approved by the~~
2924 ~~State Fire Marshal, and pass the written examination.~~

2925 ~~(9) The provisions of This section does chapter do not~~
2926 ~~apply to inspections by fire chiefs, fire inspectors, fire~~
2927 ~~marshals, or insurance company inspectors.~~

2928 Section 36. Section 633.065, Florida Statutes, is
2929 transferred and renumbered as section 633.306, Florida Statutes,

10-00317-13

20131410__

2930 and paragraph (a) of subsection (1) of that section is amended,
2931 to read:

2932 633.306 ~~633.065~~ Requirements for installation, inspection,
2933 and maintenance of fire suppression equipment.—

2934 (1) The requirements for installation of fire extinguishers
2935 and preengineered systems are as follows:

2936 (a) Fire equipment dealers shall be licensed under s.
2937 633.304 ~~633.061~~.

2938 Section 37. Section 633.071, Florida Statutes, is
2939 transferred and renumbered as section 633.308, Florida Statutes,
2940 and subsection (2) of that section is amended, to read:

2941 633.308 ~~633.071~~ Standard service tag required on all fire
2942 extinguishers and preengineered systems; serial number required
2943 on all portable fire extinguishers; standard inspection tags
2944 required on all fire protection systems.—

2945 (2) All portable fire extinguishers required by statute or
2946 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,
2947 or approved by Factory Mutual Laboratories, Inc., or listed by a
2948 nationally recognized testing laboratory in accordance with
2949 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and
2950 carry an Underwriters Laboratories, Inc., or manufacturer's
2951 serial number. These listings, approvals, and serial numbers may
2952 be stamped on the manufacturer's identification and instructions
2953 plate or on a separate Underwriters Laboratories, Inc., or
2954 Factory Mutual Laboratories, Inc., plate soldered or attached to
2955 the extinguisher shell in some permanent manner.

2956 Section 38. Section 633.082, Florida Statutes, is
2957 transferred and renumbered as section 633.312, Florida Statutes,
2958 and subsections (2) and (3) of that section are amended, to

10-00317-13

20131410__

2959 read:

2960 633.312 ~~633.082~~ Inspection of fire control systems, fire
2961 hydrants, and fire protection systems.-

2962 (2) Fire hydrants and fire protection systems installed in
2963 public and private properties, except one-family or two-family
2964 dwellings, shall be inspected following procedures established
2965 in the nationally recognized inspection, testing, and
2966 maintenance standards publications NFPA-24 and NFPA-25 as set
2967 forth in the edition adopted by the State Fire Marshal.
2968 Quarterly, annual, 3-year, and 5-year inspections consistent
2969 with the contractual provisions with the owner shall be
2970 conducted by the certificateholder or permittees employed by the
2971 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

2972 (a) Public fire hydrants owned by a governmental entity
2973 shall be inspected following procedures established in the
2974 inspection, testing, and maintenance standards adopted by the
2975 State Fire Marshal or equivalent standards such as those
2976 contained in the latest edition of the American Water Works
2977 Association's Manual M17, "Installation, Field Testing, and
2978 Maintenance of Fire Hydrants."

2979 (b) County, municipal, and special district utilities may
2980 perform fire hydrant inspections required by this section using
2981 designated employees. Such designated employees need not be
2982 certified under this chapter. However, counties, municipalities,
2983 or special districts that use designated employees are
2984 responsible for ensuring that the designated employees are
2985 qualified to perform such inspections.

2986 (3) The inspecting contractor shall provide to the building
2987 owner or hydrant owner and the local authority having

10-00317-13

20131410__

2988 jurisdiction a copy of the applicable inspection report
 2989 established under this chapter. The maintenance of fire hydrant
 2990 and fire protection systems as well as corrective actions on
 2991 deficient systems is the responsibility of the owner of the
 2992 system or hydrant. Equipment requiring periodic testing or
 2993 operation to ensure its maintenance shall be tested or operated
 2994 as specified in the Fire Prevention Code, Life Safety Code,
 2995 National Fire Protection Association standards, or as directed
 2996 by the appropriate authority ~~agency having jurisdiction~~,
 2997 provided that such appropriate authority may ~~agency shall~~ not
 2998 require a sprinkler system not required by the Fire Prevention
 2999 Code, Life Safety Code, or National Fire Protection Association
 3000 standards to be removed regardless of its condition. This
 3001 section does not prohibit governmental entities from inspecting
 3002 and enforcing firesafety codes.

3003 Section 39. Section 633.083, Florida Statutes, is
 3004 transferred and renumbered as section 633.314, Florida Statutes,
 3005 and subsection (3) of that section is amended, to read:

3006 633.314 ~~633.083~~ Sale or use of certain types of fire
 3007 extinguishers prohibited; penalty.—

3008 (3) A person who violates ~~any of the provisions of this~~
 3009 section commits ~~is guilty of~~ a misdemeanor of the second degree,
 3010 punishable as provided in s. 775.082 or s. 775.083.

3011 Section 40. Section 633.162, Florida Statutes, is
 3012 transferred and renumbered as section 633.316, Florida Statutes,
 3013 and subsection (1) and paragraph (e) of subsection (4) of that
 3014 section are amended, to read:

3015 633.316 ~~633.162~~ Fire suppression system contractors;
 3016 disciplinary action.—

10-00317-13

20131410__

3017 (1) The violation of any provision of this chapter or any
3018 rule adopted and adopted ~~promulgated~~ pursuant hereto or the
3019 failure or refusal to comply with any notice or order to correct
3020 a violation or any cease and desist order by a any person who
3021 possesses a license or permit issued pursuant to s. 633.304
3022 ~~633.061~~ is cause for denial, nonrenewal, revocation, or
3023 suspension of such license or permit by the State Fire Marshal
3024 after such officer has determined that the person committed ~~is~~
3025 ~~guilty of~~ such violation. An order of suspension must ~~shall~~
3026 state the period ~~of time~~ of such suspension, which period may
3027 not be in excess of 2 years from the date of such order. An
3028 order of revocation may be entered for a period not exceeding 5
3029 years. Such orders shall effect suspension or revocation of all
3030 licenses or permits issued by the division to ~~then held by~~ the
3031 person, and during such period a ~~of time~~ ~~no~~ license or permit
3032 may not ~~shall~~ be issued by the division to such person. During
3033 the suspension or revocation of any license or permit, the
3034 former licensee or permittee may ~~shall~~ not engage in or attempt
3035 or profess to engage in any transaction or business for which a
3036 license or permit is required under this chapter or directly or
3037 indirectly own, control, or be employed in any manner by any
3038 firm, business, or corporation for which a license or permit
3039 under this chapter is required. If, during the period between
3040 the beginning of proceedings and the entry of an order of
3041 suspension or revocation by the State Fire Marshal, a new
3042 license or permit has been issued by the division to the person
3043 so charged, the order of suspension or revocation shall operate
3044 to suspend or revoke such new license or permit held by such
3045 person.

10-00317-13

20131410__

3046 (4) In addition to the grounds set forth in subsection (1),
 3047 it is cause for denial, nonrenewal, revocation, or suspension of
 3048 a license or permit by the State Fire Marshal if she or he
 3049 determines that the licensee or permittee has:

3050 (e) Failed to provide proof of insurance to the State Fire
 3051 Marshal or failed to maintain in force the insurance coverage
 3052 required by s. 633.304 ~~633.061~~.

3053 Section 41. Section 633.521, Florida Statutes, is
 3054 transferred and renumbered as section 633.318, Florida Statutes,
 3055 and subsection (1), paragraph (a) of subsection (2), paragraphs
 3056 (c) and (g) of subsection (3), and subsections (4), (8), and
 3057 (11) of that section are amended, to read:

3058 633.318 ~~633.521~~ Certificate application and issuance;
 3059 permit issuance; examination and investigation of applicant.—

3060 (1) To obtain a fire protection system contractor's
 3061 certificate, an applicant shall submit to the division ~~State~~
 3062 ~~Fire Marshal~~ an application in writing, on a form provided by
 3063 the division ~~State Fire Marshal~~ containing the information
 3064 prescribed, which shall be accompanied by the fee fixed herein,
 3065 containing a statement that the applicant desires the issuance
 3066 of a certificate and stating the class of certificate requested.

3067 (2) (a) Examinations shall be administered by the division
 3068 ~~State Fire Marshal~~ and held at times and places within the state
 3069 as the division ~~State Fire Marshal~~ determines, but there shall
 3070 be at least two examinations a year. Each applicant shall take
 3071 and pass an objective, written examination of her or his fitness
 3072 for a certificate in the class for which the application is
 3073 requested. There shall be a type of examination for each class
 3074 of certificate for contractors as ~~of the classes of certificates~~

10-00317-13

20131410__

3075 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~
3076 test the applicant's ability to lay out, fabricate, install,
3077 alter, repair, and inspect fire protection systems and their
3078 appurtenances and must ~~shall~~ test the applicant's fitness in
3079 business and financial management. The test must ~~shall~~ be based
3080 on applicable standards of the National Fire Protection
3081 Association and on relevant Florida and federal laws pertaining
3082 to the construction industry, safety standards, administrative
3083 procedures, and pertinent technical data.

3084 (3)

3085 (c) Required education and experience for certification as
3086 a Contractor I, Contractor II, Contractor III, or Contractor IV
3087 includes training and experience in both installation and system
3088 layout as defined in s. 633.102 ~~633.021~~.

3089 (g) Within 30 days after the date of the examination, the
3090 division ~~State Fire Marshal~~ shall inform the applicant in
3091 writing whether she or he has qualified or not and, if the
3092 applicant has qualified, that she or he is eligible ~~ready~~ to be
3093 issued ~~issue~~ a certificate of competency, subject to compliance
3094 with the requirements of subsection (4).

3095 (4) As a prerequisite to issuance of a certificate, the
3096 division ~~State Fire Marshal~~ shall require the applicant to
3097 submit satisfactory evidence that she or he has obtained
3098 insurance providing coverage for comprehensive general liability
3099 for bodily injury and property damages, products liability,
3100 completed operations, and contractual liability. The division
3101 ~~State Fire Marshal~~ may adopt rules providing for the amount of
3102 insurance, but such amount shall not be less than \$500,000 for a
3103 Contractor I, Contractor II, Contractor III, or Contractor V and

10-00317-13

20131410__

3104 shall not be less than \$250,000 for a Contractor IV. An insurer
3105 which provides such coverage shall notify ~~within 30 days~~ the
3106 division ~~within 30 days~~ ~~State Fire Marshal~~ of any material
3107 change in coverage or any termination, cancellation, or
3108 nonrenewal of such coverage. An insurer which fails to so notify
3109 the division ~~State Fire Marshal's office~~ shall be subject to the
3110 penalties provided under s. 624.4211.

3111 (8) An individual employed by a Contractor I or Contractor
3112 II certificateholder, as established in this section, who will
3113 be inspecting water-based fire protection systems as required
3114 under s. 633.312 ~~633.082~~, must be issued a permit by the
3115 division ~~State Fire Marshal~~ to conduct such work. The permit is
3116 valid solely for use by the holder thereof in his or her
3117 employment by the certificateholder named in the permit. A
3118 permittee must have a valid and subsisting permit upon his or
3119 her person at all times while engaging in inspecting fire
3120 protection systems, and a permitholder must be able to produce
3121 such a permit upon demand. In addition, a permittee shall, at
3122 all times while performing inspections, carry an identification
3123 card containing his or her photograph and other identifying
3124 information as prescribed by the State Fire Marshal, and the
3125 permittee must produce the identification card and information
3126 upon demand. The permit and the identification may be one and
3127 the same. A permittee is limited as to the specific type of work
3128 performed, depending upon the class of certificate held by the
3129 certificateholder under whom the permittee is working. The
3130 permit class shall be known as a Water-Based Fire Protection
3131 Inspector whose permit allows the holder to inspect water
3132 sprinkler systems, water spray systems, foam-water sprinkler

10-00317-13

20131410__

3133 systems, foam-water spray systems, standpipes, combination
3134 standpipes and sprinkler systems, all piping that is an integral
3135 part of the system beginning at the point where the piping is
3136 used exclusively for fire protection, sprinkler tank heaters,
3137 air lines, thermal systems used in connection with sprinklers,
3138 and tanks and pumps connected thereto, excluding preengineered
3139 systems.

3140 (11) It is intended that a certificateholder, or a
3141 permitholder who is employed by a certificateholder, conduct
3142 inspections required by this chapter. It is understood that
3143 after July 1, 2008, employee turnover may result in a depletion
3144 of personnel who are certified under the NICET Sub-field of
3145 Inspection and Testing of Fire Protection Systems Level II or
3146 equivalent training and education as required by the division ~~of~~
3147 ~~State Fire Marshal~~. A certificateholder may obtain a provisional
3148 permit with an endorsement for inspection, testing, and
3149 maintenance of water-based fire extinguishing systems for an
3150 employee if the employee has initiated procedures for obtaining
3151 Level II certification from the National Institute for
3152 Certification in Engineering Technologies Sub-field of
3153 Inspection and Testing of Fire Protection Systems and achieved
3154 Level I certification or an equivalent level as determined by
3155 the State Fire Marshal through verification of experience,
3156 training, and examination. The division ~~State Fire Marshal~~ may
3157 establish rules to administer this subsection. After 2 years of
3158 provisional certification, the employee must have achieved NICET
3159 Level II certification or obtain equivalent training and
3160 education as determined by the division, or cease performing
3161 inspections requiring Level II certification. The provisional

10-00317-13

20131410__

3162 permit is valid only for the 2 calendar years after the date of
3163 issuance, may not be extended, and is not renewable. After the
3164 initial 2-year provisional permit expires, the certificateholder
3165 must wait 2 additional years before a new provisional permit may
3166 be issued. The intent is to prohibit the certificateholder from
3167 using employees who never reach NICET Level II status, or
3168 equivalent training and education as determined by the division,
3169 by continuously obtaining provisional permits.

3170 Section 42. Section 633.551, Florida Statutes, is
3171 transferred and renumbered as section 633.322, Florida Statutes,
3172 and subsections (1) through (3) of that section are amended, to
3173 read:

3174 633.322 ~~633.551~~ County and municipal powers; effect of ch.
3175 75-240.—

3176 (1) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the
3177 power of a municipality, ~~or~~ county, or special district to
3178 regulate the quality and character of work performed by
3179 contractors through a system of permits, fees, and inspections
3180 which are designed to secure compliance with, and aid in the
3181 implementation of, state and local building laws or to enforce
3182 other local laws for the protection of the public health and
3183 safety.

3184 (2) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the
3185 power of a municipality, ~~or~~ county, or special district to adopt
3186 any system of permits requiring submission to and approval by
3187 the municipality, ~~or~~ county, or special district of plans and
3188 specifications for work to be performed by contractors before
3189 commencement of the work, except that a ~~no~~ municipality or
3190 county may not ~~shall~~ require a fire protection system

10-00317-13

20131410__

3191 contractor's shop drawings to be sealed by a professional
3192 engineer.

3193 (3) An ~~Any~~ official authorized to issue building or other
3194 related permits shall ascertain that the applicant contractor is
3195 duly certified before issuing the permit. The evidence shall
3196 consist only of the exhibition to him or her of ~~current~~ evidence
3197 of current certification.

3198 Section 43. Section 633.527, Florida Statutes, is
3199 transferred and renumbered as section 633.324, Florida Statutes.

3200 Section 44. Section 633.531, Florida Statutes, is
3201 transferred and renumbered as section 633.326, Florida Statutes.

3202 Section 45. Section 633.534, Florida Statutes, is
3203 transferred and renumbered as section 633.328, Florida Statutes,
3204 and subsection (4) of that section is amended, to read:

3205 633.328 ~~633.534~~ Issuance of certificate to individuals and
3206 business organizations.—

3207 (4) If ~~When~~ the certified business organization makes
3208 application for an occupational license in any municipality or
3209 county of this state, the application must ~~shall~~ be made with
3210 the tax collector in the name of the business organization, and
3211 the license, when issued, shall be issued to the business
3212 organization upon payment of the appropriate licensing fee and
3213 exhibition to the tax collector of a valid certificate issued by
3214 the division ~~State Fire Marshal~~.

3215 Section 46. Section 633.537, Florida Statutes, is
3216 transferred and renumbered as section 633.332, Florida Statutes,
3217 and subsections (1) and (2) and paragraph (a) of subsection (3)
3218 of that section are amended, to read:

3219 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive

10-00317-13

20131410__

3220 certificate; continuing education.—

3221 (1) Certificates shall expire every 2 years at midnight on
3222 June 30. ~~Effective with the June 30, 1998, renewal,~~ All
3223 certificates must be renewed every 2 years. The failure to renew
3224 a certificate before ~~during~~ June 30, shall cause the certificate
3225 to become inoperative, and it is unlawful thereafter for a ~~any~~
3226 person to engage, offer to engage, or hold herself or himself
3227 out as engaging in contracting under the certificate unless the
3228 certificate is restored or reissued. A certificate which is
3229 inoperative because of failure to renew shall be restored on
3230 payment of the proper renewal fee if the application for
3231 restoration is made within 90 days after June 30. If the
3232 application for restoration is not made within the 90-day
3233 period, the fee for restoration must ~~shall~~ be equal to the
3234 original application fee, and, in addition, the State Fire
3235 Marshal must ~~shall~~ require examination or reexamination of the
3236 applicant.

3237 (2) A person who holds a valid certificate may maintain
3238 such certificate in an inactive status during which time she or
3239 he may not engage in contracting. An inactive status certificate
3240 shall be void after a 2-year period. ~~The biennial renewal fee~~
3241 ~~for an inactive status certificate shall be \$75.~~ An inactive
3242 status certificate may be reactivated upon application to the
3243 State Fire Marshal and payment of the initial application fee.

3244 (3) (a) A certificate for the Contractor I, II, and III
3245 classifications as defined in this chapter may ~~shall~~ not be
3246 renewed unless the certificateholder produces documentation of
3247 at least 32 contact hours of continuing education in the fire
3248 protection discipline during the biennial licensure period.

10-00317-13

20131410__

3249 Holders of Contractor IV certificates are required to obtain 14
 3250 contact hours of continuing education encompassing the
 3251 appropriate National Fire Protection Association fire sprinkler
 3252 documents before ~~prior to~~ renewal. Holders of Contractor V
 3253 certificates are required to obtain 14 contact hours of
 3254 continuing education before ~~prior to~~ renewal, at least 1 hour of
 3255 which is in the fire protection discipline. Any continuing
 3256 education hours approved pursuant to chapter 489 by the
 3257 Construction Industry Licensing Board for underground utility
 3258 and excavation contractors shall be considered as also approved
 3259 to comply with Contractor V continuing education requirements. A
 3260 Contractor V certificateholder shall provide to the State Fire
 3261 Marshal evidence of approval of such coursework by the
 3262 Construction Industry Licensing Board.

3263 Section 47. Section 633.539, Florida Statutes, is
 3264 transferred and renumbered as section 633.334, Florida Statutes,
 3265 and paragraph (a) of subsection (1) and subsection (2) of that
 3266 section are amended, to read:

3267 633.334 ~~633.539~~ Requirements for installation, inspection,
 3268 and maintenance of fire protection systems.—

3269 (1) The requirements for installation of fire protection
 3270 systems are as follows:

3271 (a) Contractors of fire protection systems shall be
 3272 certified under s. 633.318 ~~633.521~~.

3273 (2) Equipment shall be inspected, serviced, and maintained
 3274 in accordance with the manufacturer's maintenance procedures and
 3275 with applicable National Fire Protection Association standards.
 3276 The inspection of fire protection systems shall be conducted by
 3277 a certificateholder or holder of a permit issued by the division

10-00317-13

20131410__

3278 ~~State Fire Marshal~~. The permitholder may perform inspections on
3279 fire protection systems only while employed by the
3280 certificateholder. This section does not prohibit the authority
3281 having jurisdiction or insurance company representatives from
3282 reviewing the system in accordance with acceptable oversight
3283 standards.

3284 Section 48. Section 633.541, Florida Statutes, is
3285 transferred and renumbered as section 633.336, Florida Statutes,
3286 and subsections (1), (3), and (4) of that section are amended,
3287 to read:

3288 633.336 ~~633.541~~ Contracting without certificate prohibited;
3289 violations; penalty.—

3290 (1) It is unlawful for any organization or individual to
3291 engage in the business of layout, fabrication, installation,
3292 inspection, alteration, repair, or service of a fire protection
3293 system, other than a preengineered system, act in the capacity
3294 of a fire protection contractor, or advertise itself as being a
3295 fire protection contractor without having been duly certified
3296 and holding a valid and existing certificate, except as
3297 hereinafter provided. The holder of a certificate used to
3298 qualify an organization must be a full-time employee of the
3299 qualified organization or business. A certificateholder who is
3300 employed by more than one fire protection contractor during the
3301 same ~~period of~~ time is deemed not to be a full-time employee of
3302 either contractor. The State Fire Marshal shall revoke, for a
3303 ~~period of time~~ determined by the State Fire Marshal, the
3304 certificate of a certificateholder who allows the use of the
3305 certificate to qualify a company of which the certificateholder
3306 is not a full-time employee. A contractor who maintains more

10-00317-13

20131410__

3307 than one place of business must employ a certificateholder at
 3308 each location. ~~Nothing in~~ This subsection does not prohibit
 3309 ~~prohibits~~ an employee acting on behalf of governmental entities
 3310 from inspecting and enforcing firesafety codes, provided such
 3311 employee is certified under s. 633.216 ~~633.081~~.

3312 (3) A ~~Any~~ person who violates any provision of this act or
 3313 commits any of the acts constituting cause for disciplinary
 3314 action as herein set forth commits ~~is guilty of~~ a misdemeanor of
 3315 the second degree, punishable as provided in s. 775.082 or s.
 3316 775.083.

3317 (4) In addition to the penalties provided in subsection
 3318 (3), a fire protection contractor certified under this chapter
 3319 who violates any provision of this section or who commits any
 3320 act constituting cause for disciplinary action is subject to
 3321 suspension or revocation of the certificate and administrative
 3322 fines pursuant to s. 633.338 ~~633.547~~.

3323 Section 49. Section 633.547, Florida Statutes, is
 3324 transferred and renumbered as section 633.338, Florida Statutes,
 3325 and paragraphs (d) and (h) of subsection (2) and subsection (3)
 3326 of that section are amended, to read:

3327 633.338 ~~633.547~~ Disciplinary action; fire protection system
 3328 contractors; grounds for denial, nonrenewal, suspension, or
 3329 revocation of certificate or permit.—

3330 (2) The following acts constitute cause for disciplinary
 3331 action:

3332 (d) Disciplinary action by any municipality, ~~or~~ county, or
 3333 special district, which action shall be reviewed by the State
 3334 Fire Marshal before taking any disciplinary action.

3335 (h) Failing to provide proof of insurance to the State Fire

10-00317-13

20131410__

3336 Marshal or failing to maintain in force the insurance coverage
3337 required by s. 633.318 ~~633.521~~.

3338 (3) The State Fire Marshal ~~is authorized to take the~~
3339 ~~following disciplinary action:~~

3340 ~~(a) She or he may suspend the contractor's certificate~~
3341 ~~certificateholder for a period of up to not to exceed 2 years.~~
3342 ~~During that period, the contractor must cease all operations as~~
3343 ~~a contractor, but the State Fire Marshal may authorize the~~
3344 ~~certificateholder from all operations as a contractor during the~~
3345 ~~period fixed by the State Fire Marshal, but she or he may permit~~
3346 ~~the certificateholder to complete any contracts then incomplete.~~

3347 ~~(b) She or he may revoke a certificate for a period not to~~
3348 ~~exceed 5 years.~~

3349 Section 50. Section 633.549, Florida Statutes, is
3350 transferred, renumbered as section 633.342, Florida Statutes,
3351 and amended to read:

3352 633.342 ~~633.549~~ Violations subject to injunction.—A Any
3353 person who operates as a contractor without a current
3354 certificate or who violates any part of this chapter or any
3355 rule, decision, order, direction, demand, or requirement of the
3356 State Fire Marshal in relation thereto, or any part or provision
3357 thereof, may be enjoined by the courts of the state from any
3358 such violation or such unauthorized or unlawful contracting at
3359 the request ~~instance~~ of the State Fire Marshal, the board, or
3360 any resident ~~citizen~~ or taxpayer of the state.

3361 Section 51. Section 633.554, Florida Statutes, is
3362 transferred and renumbered as section 633.344, Florida Statutes.

3363 Section 52. Section 633.70, Florida Statutes, is
3364 transferred and renumbered as section 633.346, Florida Statutes,

10-00317-13

20131410__

3365 and subsection (1) of that section is amended, to read:

3366 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over
3367 alarm system contractors and certified unlimited electrical
3368 contractors.—

3369 (1) ~~If~~ When the State Fire Marshal, in the course of its
3370 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that
3371 an alarm system contractor or a certified unlimited electrical
3372 contractor working with an alarm system has violated any
3373 provision of this chapter or the rules of the State Fire
3374 Marshal, the State Fire Marshal shall have jurisdiction,
3375 notwithstanding any other provision of this chapter, to order
3376 corrective action by the alarm system contractor or the
3377 certified unlimited electrical contractor to bring the alarm
3378 system into compliance with applicable standards set forth in
3379 this chapter and the rules of the State Fire Marshal.

3380 Section 53. Section 633.701, Florida Statutes, is
3381 transferred and renumbered as section 633.348, Florida Statutes.

3382 Section 54. Section 633.702, Florida Statutes, is
3383 transferred and renumbered as section 633.3482, Florida
3384 Statutes, and subsection (2) and paragraph (c) of subsection (3)
3385 of that section are amended, to read:

3386 633.3482 ~~633.702~~ Prohibited acts regarding alarm system
3387 contractors or certified unlimited electrical contractors;
3388 penalties.—

3389 (2) ~~A~~ Any person who violates this section commits ~~is~~
3390 ~~guilty of~~ a misdemeanor of the second degree, punishable as
3391 provided in s. 775.082 or s. 775.083.

3392 (3) It is a misdemeanor of the first degree, punishable as
3393 provided in s. 775.082 or s. 775.083, for any fire alarm system

10-00317-13

20131410__

3394 contractor or certified unlimited electrical contractor to
3395 intentionally or willfully:

3396 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with
3397 a any person by allowing one's certificate to be used by an any
3398 uncertified person with intent to evade ~~the provisions of this~~
3399 act. When a licensee allows his or her license to be used by one
3400 or more companies without having any active participation in the
3401 operation or management of the said companies, such act
3402 constitutes prima facie evidence of any intent to evade ~~the~~
3403 ~~provisions of this chapter act.~~

3404 Section 55. The Division of Law Revision and Information is
3405 requested to create part IV of chapter 633, Florida Statutes,
3406 consisting of sections 633.402, 633.404, 633.406, 633.408,
3407 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
3408 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, and
3409 633.444, Florida Statutes, to be entitled "Fire Standards and
3410 Training."

3411 Section 56. Section 633.31, Florida Statutes, is
3412 transferred and renumbered as section 633.402, Florida Statutes,
3413 subsection (1) of that section is amended, and new subsections
3414 (5) through (9) are added to that section, to read:

3415 633.402 ~~633.31~~ Firefighters Employment, Standards, and
3416 Training Council; organization; meetings; quorum; compensation;
3417 seal; special powers; firefighter training.-

3418 (1) There is created within the department a Firefighters
3419 Employment, Standards, and Training Council of 14 ~~13~~ members.

3420 (a) The members shall be appointed as follows:

3421 1. Two ~~members shall be~~ fire chiefs appointed by the
3422 Florida Fire Chiefs Association.7

10-00317-13

20131410__

3423 2. Two ~~members shall be~~ firefighters, who are not officers,
3424 appointed by the Florida Professional Firefighters Association.7

3425 3. Two ~~members shall be~~ firefighter officers, who are not
3426 fire chiefs, appointed by the State Fire Marshal.7

3427 4. One individual member appointed by the Florida League of
3428 Cities.7

3429 5. One individual member appointed by the Florida
3430 Association of Counties.7

3431 6. One individual member appointed by the Florida
3432 Association of Special Districts.7

3433 7. One individual member appointed by the Florida Fire
3434 Marshals' and Inspectors' ~~Marshal's~~ Association.7 and

3435 8. One employee of the Florida Forest Service of the
3436 Department of Agriculture and Consumer Services appointed by the
3437 director of the Florida Forest Service.

3438 9. One individual member appointed by the State Fire
3439 Marshal.7 and

3440 10. One ~~member shall be~~ a director or instructor of a
3441 state-certified firefighting training facility appointed by the
3442 State Fire Marshal.

3443 11. The remaining member, who shall be appointed by the
3444 State Fire Marshal, may not be a member or representative of the
3445 firefighting profession or of any local government.

3446 (b) To be eligible for appointment as a member under
3447 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
3448 subparagraph (a)8., or subparagraph (a)10. ~~fire chief member,~~
3449 ~~firefighter officer member, firefighter member, or a director or~~
3450 ~~instructor of a state-certified firefighting facility,~~ a person
3451 must shall have had at least 4 years' experience in the

10-00317-13

20131410__

3452 firefighting profession. ~~The remaining member, who shall be~~
3453 ~~appointed by the State Fire Marshal, shall not be a member or~~
3454 ~~representative of the firefighting profession or of any local~~
3455 ~~government.~~ Members shall serve only as long as they continue to
3456 meet the criteria under which they were appointed, or unless a
3457 member has failed to appear at three consecutive and properly
3458 noticed meetings unless excused by the chair.

3459 (5) The council shall elect to 1-year terms a chair and a
3460 vice chair. A person may not serve more than two consecutive
3461 terms in either office.

3462 (6) The council shall meet at the call of the chair, at the
3463 request of a majority of its membership, at the request of the
3464 department, or at such times as are prescribed by its rules, and
3465 a majority of the council shall constitute a quorum.

3466 (7) Members of the council shall serve without compensation
3467 but shall be entitled to be reimbursed for per diem and travel
3468 expenses as provided by s. 112.061.

3469 (8) The council may adopt a seal for its use containing the
3470 words "Firefighters Employment, Standards, and Training
3471 Council."

3472 (9) The council shall have special powers in connection
3473 with the employment and training of firefighters to:

3474 (a) Recommend, for adoption by the division, uniform
3475 minimum standards for the employment and training of
3476 firefighters and training of volunteer firefighters.

3477 (b) Recommend, for adoption by the division, minimum
3478 curriculum requirements for schools operated by or for any fire
3479 service provider for the specific purpose of training
3480 firefighter trainees, firefighters, and volunteer firefighters.

10-00317-13

20131410__

3481 (c) Recommend, for adoption by the division, on matters
 3482 relating to the funding, general operation, and administration
 3483 of the Bureau of Fire Standards and Training (Florida State Fire
 3484 College), including, but not limited to, all standards,
 3485 training, curriculum, and the issuance of any certificate of
 3486 competency required by this chapter.

3487 (d) Make or support studies on any aspect of firefighting
 3488 employment, education, and training or recruitment.

3489 (e) Make recommendations concerning any matter within its
 3490 purview pursuant to this section.

3491 Section 57. Section 633.42, Florida Statutes, is
 3492 transferred, renumbered as 633.404, Florida Statutes, and
 3493 amended to read:

3494 633.404 ~~633.42~~ Additional standards authorized.—Nothing
 3495 herein shall be construed to preclude a fire service provider an
 3496 ~~employing agency~~ from establishing qualifications and standards
 3497 for hiring, training, or promoting firefighters that exceed the
 3498 minimum set by the division ~~department~~.

3499 Section 58. Section 633.406, Florida Statutes, is created
 3500 to read:

3501 633.406 Classes of certification.—

3502 (1) The division may award one or more of the following
 3503 certificates:

3504 (a) Firefighter Certificate of Compliance.—A Firefighter
 3505 Certificate of Compliance may be awarded to a person who meets
 3506 the requirements established in s. 633.408(4).

3507 (b) Fire Safety Inspector Certificate of Compliance.—A Fire
 3508 Safety Inspector Certificate of Compliance may be awarded to a
 3509 person who meets the requirements established in s. 633.216(2).

10-00317-13

20131410__

3510 (c) Special Certificate of Compliance.—A Special
3511 Certificate of Compliance may be awarded to a person who
3512 qualifies under s. 633.408(6).

3513 (d) Forestry Certificate of Compliance.—A Forestry
3514 Certificate of Compliance may be awarded to a person who has
3515 satisfactorily complied with a training program and successfully
3516 passed an examination as prescribed by rule, and who possesses
3517 the qualifications established in s. 590.02(1)(e).

3518 (e) Fire Service Instructor Certificate.—A Fire Service
3519 Instructor Certificate may be awarded to a person who
3520 demonstrates general or specialized knowledge, skills, and
3521 abilities in firefighting service and meets the qualification
3522 requirements prescribed by rule.

3523 (f) Certificate of Competency.—A Fire Service Instructor
3524 Certificate may be awarded to a person who meets the experience,
3525 training, advanced education, or examination requirements as
3526 prescribed by rule, and is especially qualified for particular
3527 aspects of firefighting service.

3528 (g) Volunteer Firefighter Certificate of Completion.—A Fire
3529 Service Instructor Certificate may be awarded to a person who
3530 has satisfactorily completed the training requirements as
3531 prescribed by rule for a volunteer firefighter.

3532 (2) The division may establish by rule certificates, in
3533 addition to those provided in subsection (1), that the division
3534 may award in recognition of special training or education
3535 received by an individual, authorizing that individual to
3536 perform specialized firefighting services or provide specialized
3537 firefighting instruction, such as hazardous materials and urban
3538 search and rescue.

10-00317-13

20131410__

3539 Section 59. Section 633.35, Florida Statutes, is
3540 transferred, renumbered as section 633.408, Florida Statutes,
3541 and amended to read:

3542 633.408 ~~633.35~~ Firefighter and volunteer firefighter
3543 training and certification.-

3544 (1) The division shall establish by rule:

3545 (a) A Minimum Standards Course and course examination to
3546 provide the training required to obtain a Firefighter
3547 Certificate of Compliance.

3548 (b) Courses and course examinations to provide training
3549 required to obtain a Volunteer Firefighter Certificate of
3550 Completion or a Special Certificate of Compliance.

3551 (c) Courses to provide continuing training for firefighters
3552 and volunteer firefighters.

3553 (2) Courses under subsection (1) may only be administered
3554 by education or training providers approved by the division
3555 pursuant to s. 633.128(1) (c) and taught by instructors certified
3556 pursuant to s. 633.128(1) (d) a firefighter training program of
3557 not less than 360 hours, administered by such agencies and
3558 institutions as it approves for the purpose of providing basic
3559 employment training for firefighters.

3560 (3) (a) Nothing herein shall require a fire service provider
3561 public employer to pay the cost of such training.

3562 (b) A fire service provider may pay part or all of the
3563 costs of tuition for attendance at approved courses.

3564 (4) ~~(2)~~ The division shall issue a firefighter certificate
3565 of compliance to any individual who:

3566 (a) ~~person~~ Satisfactorily completes complying with the
3567 Minimum Standards Course or who has satisfactorily completed

10-00317-13

20131410__

3568 training for firefighters in another state which has been
3569 determined by the division to be at least the equivalent of the
3570 training required for the Minimum Standards Course.

3571 (b) Passes the minimum standards course examination.
3572 ~~training program established in subsection (1), who has~~
3573 ~~successfully passed an examination as prescribed by the~~
3574 ~~division, and~~

3575 (c) who Possesses the qualifications for employment in s.
3576 633.412 633.34, except s. 633.34(5).

3577 (5) The division shall issue a Volunteer Firefighter
3578 Certificate of Completion to any individual who satisfactorily
3579 completes the course established under paragraph (1) (b) No
3580 ~~person may be employed as a regular or permanent firefighter by~~
3581 ~~an employing agency, or by a private entity under contract with~~
3582 ~~the state or any political subdivision of the state, including~~
3583 ~~authorities and special districts, for a period of time in~~
3584 ~~excess of 1 year from the date of initial employment until he or~~
3585 ~~she has obtained such certificate of compliance. A person who~~
3586 ~~does not hold a certificate of compliance and is employed under~~
3587 ~~this section may not directly engage in hazardous operations,~~
3588 ~~such as interior structural firefighting and hazardous-~~
3589 ~~materials incident mitigation, requiring the knowledge and~~
3590 ~~skills taught in a training program established in subsection~~
3591 ~~(1). However, a person who has served as a volunteer firefighter~~
3592 ~~with the state or any political subdivision of the state,~~
3593 ~~including authorities and special districts, who is then~~
3594 ~~employed as a regular or permanent firefighter may function,~~
3595 ~~during this period, in the same capacity in which he or she~~
3596 ~~acted as a volunteer firefighter, provided that he or she has~~

10-00317-13

20131410__

3597 ~~completed all training required by the volunteer organization.~~

3598 ~~(3) The division may issue a certificate to any person who~~
 3599 ~~has received basic employment training for firefighters in~~
 3600 ~~another state when the division has determined that such~~
 3601 ~~training was at least equivalent to that required by the~~
 3602 ~~division for approved firefighter education and training~~
 3603 ~~programs in this state and when such person has satisfactorily~~
 3604 ~~complied with all other requirements of this section.~~

3605 (6) (a) The division may ~~also~~ issue a Special Certificate of
 3606 Compliance to an individual ~~a person~~ who:

3607 1. Satisfactorily completes the course established in
 3608 paragraph (1) (b) to obtain a Special Certificate of Compliance.

3609 2. Passes the examination established in paragraph (1) (b),
 3610 to obtain a Special Certificate of Compliance.

3611 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~
 3612 ~~qualified under this section and who is employed as the~~
 3613 ~~administrative and command head of a fire/rescue/emergency~~
 3614 ~~services organization, based on the acknowledgment that such~~
 3615 ~~person is less likely to need physical dexterity and more likely~~
 3616 ~~to need advanced knowledge of firefighting and supervisory~~
 3617 ~~skills.~~

3618 (b) A special ~~The certificate of compliance is valid only~~
 3619 authorizes an individual to serve ~~while the person is serving in~~
 3620 ~~a position~~ as an administrative and command head of a fire
 3621 service provider ~~fire/rescue/emergency services organization.~~

3622 (7) (4) An individual ~~A person~~ who fails an examination
 3623 given under this section may retake the examination once within
 3624 6 months after the original examination date. If the individual
 3625 ~~An applicant who~~ does not retake the examination or fails the

10-00317-13

20131410__

3626 reexamination within such time, the individual must take the
 3627 Minimum Standards Course for a Firefighter Certificate of
 3628 Compliance or the course established under paragraph (1)(b) for
 3629 a Special Certificate of Compliance, pursuant to subsection (1),
 3630 before being reexamined. The division may grant an extension of
 3631 the 6-month period based upon documented medical necessity and
 3632 may establish reasonable preregistration deadlines for ~~such~~
 3633 reexaminations.

3634 ~~(8)(5)~~ Pursuant to s. 590.02(1)(e), the division shall
 3635 establish a structural fire training program of not less than
 3636 206 ~~40~~ hours. The division shall issue to a ~~any~~ person
 3637 satisfactorily complying with this training program and who has
 3638 successfully passed an examination as prescribed by the division
 3639 and who has met the requirements of s. 590.02(1)(e), a Forestry
 3640 Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

3641 ~~(6)~~ An individual who holds a current and valid Forestry
 3642 Certificate of Compliance ~~A certified forestry firefighter~~ is
 3643 entitled to the same rights, privileges, and benefits provided
 3644 for by law as a ~~certified~~ firefighter.

3645 Section 60. Section 633.34, Florida Statutes, is
 3646 transferred, renumbered as section 633.412, Florida Statutes,
 3647 and amended to read:

3648 633.412 ~~633.34~~ Firefighters; qualifications for
 3649 certification ~~employment.~~

3650 (1) ~~Any~~ person applying for certification ~~employment~~ as a
 3651 firefighter must:

3652 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the
 3653 term may be determined by the division, and at least 18 years of
 3654 age.

10-00317-13

20131410__

3655 (b)(2) ~~Not Neither~~ have been convicted of a misdemeanor
3656 relating to the certification or to perjury or false statements,
3657 or a felony or a crime punishable by imprisonment of 1 year or
3658 more under the law of the United States or of any state thereof
3659 or under the law of any other country, or dishonorably
3660 discharged from any of the Armed Forces of the United States.
3661 "Convicted" means a finding of guilt or the acceptance of a plea
3662 of guilty or nolo contendere, in any federal or state court or a
3663 court in any other country, without regard to whether a judgment
3664 of conviction has been entered by the court having jurisdiction
3665 of the case ~~felony or of a misdemeanor directly related to the~~
3666 ~~position of employment sought, nor have pled nolo contendere to~~
3667 ~~any charge of a felony. If an applicant has been convicted of a~~
3668 ~~felony, such applicant must be in compliance with s.~~
3669 ~~112.011(2) (b). If an applicant has been convicted of a~~
3670 ~~misdemeanor directly related to the position of employment~~
3671 ~~sought, such applicant shall be excluded from employment for a~~
3672 ~~period of 4 years after expiration of sentence. If the sentence~~
3673 ~~is suspended or adjudication is withheld in a felony charge or~~
3674 ~~in a misdemeanor directly related to the position or employment~~
3675 ~~sought and a period of probation is imposed, the applicant must~~
3676 ~~have been released from probation.~~

3677 (c)(3) Submit fingerprints ~~a fingerprint card~~ to the
3678 division with a current processing fee. The fingerprints
3679 ~~fingerprint card~~ will be forwarded to the Department of Law
3680 Enforcement for state processing, and forwarded by the
3681 Department of Law Enforcement to and/or the Federal Bureau of
3682 Investigation for national processing.

3683 (d)(4) Have a good moral character as determined by

10-00317-13

20131410__

3684 investigation under procedure established by the division.

3685 (e)~~(5)~~ Be in good physical condition as determined by a
3686 medical examination given by a physician, surgeon, or physician
3687 assistant licensed to practice in the state pursuant to chapter
3688 458; an osteopathic physician, surgeon, or physician assistant
3689 licensed to practice in the state pursuant to chapter 459; or an
3690 advanced registered nurse practitioner licensed to practice in
3691 the state pursuant to chapter 464. Such examination may include,
3692 but need not be limited to, ~~provisions of~~ the National Fire
3693 Protection Association Standard 1582. A medical examination
3694 evidencing good physical condition shall be submitted to the
3695 division, on a form as provided by rule, before an individual is
3696 eligible for admission into a course under ~~firefighter training~~
3697 ~~program as defined in s. 633.408~~ 633.35.

3698 (f)~~(6)~~ Be a nonuser of tobacco or tobacco products for at
3699 least 1 year immediately preceding application, as evidenced by
3700 the sworn affidavit of the applicant.

3701 (2) If the division suspends or revokes an individual's
3702 certificate, the division must suspend or revoke all other
3703 certificates issued by the division pursuant to this part.

3704 Section 61. Section 633.352, Florida Statutes, is
3705 transferred, renumbered as section 633.414, Florida Statutes,
3706 and amended to read:

3707 633.414 ~~633.352~~ Retention of firefighter certification.—

3708 (1) In order for a firefighter to retain her or his
3709 Firefighter Certificate of Compliance, every 4 years he or she
3710 must:

3711 (a) Be ~~Any certified firefighter who has not been active as~~
3712 ~~a firefighter, or as a volunteer firefighter with an organized~~

10-00317-13

20131410__

3713 ~~fire department, for a period of 3 years shall be required to~~
3714 ~~retake the practical portion of the minimum standards state~~
3715 ~~examination specified in rule 69A-37.056(6)(b), Florida~~
3716 ~~Administrative Code, in order to maintain her or his~~
3717 ~~certification as a firefighter;~~

3718 (b) Maintain a current and valid firesafety instructor
3719 certificate, instruct at least 40 hours during the 4-year
3720 period, and provide proof of such instruction to the division,
3721 which proof must be registered in an electronic database
3722 designated by the division;

3723 (c) Successfully complete a refresher course consisting of
3724 a minimum of 40 hours of training to be prescribed by rule; or

3725 (d) Within 6 months before the 4-year period expires,
3726 successfully retake and pass the Minimum Standards Course
3727 examination.

3728 (2) In order for a volunteer firefighter to retain her or
3729 his Volunteer Firefighter Certificate of Completion, every 4
3730 years he or she must:

3731 (a) Be active as a volunteer firefighter; or

3732 (b) Successfully complete a refresher course consisting of
3733 a minimum of 40 hours of training to be prescribed by rule.

3734 (3) Subsection (1) however, this requirement does not apply
3735 to state-certified firefighters who are certified and employed
3736 as full-time, as determined by the fire service provider, as
3737 firesafety inspectors or fire investigators firesafety
3738 instructors, regardless of her or his the firefighter's
3739 employment status as a firefighter.

3740 (4) For the purposes of this section, the term "active"
3741 means being employed as a firefighter or providing service as a

10-00317-13

20131410

3742 volunteer firefighter for a cumulative 6 months within a 4-year
3743 period.

3744 (5) The 4-year ~~3-year~~ period begins:

3745 (a) If the individual is certified on or after July 1,
3746 2013, on the date the certificate of compliance is issued or
3747 upon termination of employment or service with a ~~an~~ organized
3748 fire department.

3749 (b) If the individual is certified before July 1, 2013, on
3750 July 1, 2014, or upon termination of employment or service
3751 thereafter.

3752 Section 62. Section 633.41, Florida Statutes, is
3753 transferred, renumbered as section 633.416, Florida Statutes,
3754 and amended to read:

3755 633.416 ~~633.41~~ Firefighter employment and volunteer
3756 firefighter service; saving clause.-

3757 (1) A fire service provider may not employ an individual
3758 to:

3759 (a) Extinguish fires for the protection of life or property
3760 or to supervise individuals who perform such services unless the
3761 individual holds a current and valid Firefighter Certificate of
3762 Compliance; or

3763 (b) Serve as the administrative and command head of a fire
3764 service provider for a period in excess of 1 year unless the
3765 individual holds a current and valid Firefighter Certificate of
3766 Compliance or Special Certificate of Compliance.

3767 (2) A fire service provider may not retain the services of
3768 an individual volunteering to extinguish fires for the
3769 protection of life or property or to supervise individuals who
3770 perform such services unless the individual holds a current and

10-00317-13

20131410__

3771 valid Volunteer Firefighter Certificate of Completion.

3772 (3) (a) A fire service provider must make a diligent effort
3773 to determine whether the individual has a current and valid
3774 certificate before employing or retaining an individual for the
3775 services under subsection (1) or subsection (2), including
3776 making a determination of whether the requirements set forth in
3777 s. 633.414 have been fulfilled.

3778 (b) For the purposes of this subsection, the term "diligent
3779 effort" means contacting at least three of the individual's
3780 previous employers to obtain her or his dates of employment and
3781 contacting the division to determine the certification status of
3782 the individual.

3783 (4) (a) A fire service provider must notify the division
3784 electronically, as directed by rule by the division, within 10
3785 days after:

- 3786 1. The hiring of a firefighter.
- 3787 2. The retention of a volunteer firefighter.
- 3788 3. The cessation of employment of a firefighter.
- 3789 4. A decision not to retain a volunteer firefighter.

3790 (b) Notification under paragraph (a) must include:

- 3791 1. The individual's name.
- 3792 2. The date on which he or she was hired or retained.
- 3793 3. The last date of employment or retention before leaving
3794 the fire service provider.

3795 4. Any other information deemed necessary by the division
3796 to determine compliance with ss. 633.414 and 633.426.

3797 (5) If the fire service provider makes a determination that
3798 an individual has not met the requirements set forth in s.
3799 633.414(1), the fire service provider must notify the division

10-00317-13

20131410__

3800 in writing within 10 days after making that determination.

3801 (6) The division may conduct site visits to fire
 3802 departments to monitor compliance with this section.

3803 (7) For purposes of this section, the term "employ" means
 3804 to pay an individual a salary, wage, or other compensation for
 3805 the performance of work. The term does not include the payment
 3806 of expenses, reasonable benefits, a nominal fee, or a
 3807 combination thereof to a volunteer for a public or private fire
 3808 service provider who is only paid in a manner that would be
 3809 authorized for a volunteer under the federal Fair Labor
 3810 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,
 3811 and its implementing rules.

3812 (8) Firefighters employed on July 5, 1969, are not required
 3813 to meet the provisions of ss. 633.412 and 633.408 ~~633.34 and~~
 3814 ~~633.35~~ as a condition of tenure or continued employment; and ~~nor~~
 3815 ~~shall~~ their failure to fulfill such requirements does not make
 3816 them ineligible for any promotional examination for which they
 3817 are otherwise eligible or affect in any way any pension rights
 3818 to which they may be entitled on July 5, 1969.

3819 Section 63. Section 633.38, Florida Statutes, is
 3820 transferred, renumbered as section 633.418, Florida Statutes,
 3821 and amended to read:

3822 633.418 ~~633.38~~ Inservice training and promotion;
 3823 participation.—

3824 (1) (a) The division shall by rule ~~rules and regulations~~
 3825 prescribe curricula and standards for advanced and specialized
 3826 training courses and education ~~training~~ in addition to those
 3827 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

3828 (b) The standards provided by this section do ~~shall~~ not

10-00317-13

20131410__

3829 bind any fire service provider ~~employing agency~~ as to the
 3830 requirements it may have for promoting personnel.

3831 (2) A fire service provider ~~departments or any fire service~~
 3832 participating under ~~the provisions of~~ this section shall adhere
 3833 to the standards and procedures established by the division.

3834 Section 64. Section 633.382, Florida Statutes, is
 3835 transferred, renumbered as section 633.422, Florida Statutes,
 3836 and amended to read:

3837 633.422 ~~633.382~~ Firefighters; supplemental compensation.—

3838 ~~(1) DEFINITIONS. As used in this section, the term:~~

3839 ~~(a) "Employing agency" means any municipality or any~~
 3840 ~~county, the state, or any political subdivision of the state,~~
 3841 ~~including authorities and special districts employing~~
 3842 ~~firefighters.~~

3843 ~~(b) "Firefighter" means any person who meets the definition~~
 3844 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~
 3845 ~~compliance with s. 633.35 and who is employed solely within the~~
 3846 ~~fire department of the employing agency or is employed by the~~
 3847 ~~division.~~

3848 (1)(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The
 3849 Legislature recognizes the need for supplemental compensation
 3850 for firefighters who pursue higher educational opportunities
 3851 that directly relate to the improvement of the health, safety,
 3852 and welfare of firefighters and those who firefighters protect.
 3853 The State Fire Marshal shall determine, and adopt by rule, the
 3854 course work or degrees that represent the best practices toward
 3855 this goal in the field of firefighting.

3856 (a) In addition to the compensation now paid by a fire
 3857 service provider ~~an employing agency~~ to any firefighter, every

10-00317-13

20131410__

3858 firefighter shall be paid supplemental compensation by the fire
3859 service provider ~~employing agency~~ when such firefighter is a
3860 full-time employee, as determined by the employing fire service
3861 provider, and has complied with one of the following criteria:

3862 1. A ~~Any~~ firefighter who receives an associate degree from
3863 an accredited ~~a~~ college, which degree is directly applicable to
3864 fire department duties, as outlined in policy guidelines adopted
3865 by rule by ~~of~~ the division, shall be additionally compensated as
3866 outlined in paragraph (2) ~~(3)~~ (a).

3867 2. A ~~Any~~ firefighter, regardless of whether or not she or
3868 he earned an associate degree earlier, who receives from an
3869 accredited college or university a bachelor's degree, which
3870 bachelor's degree is directly applicable to fire department
3871 duties, as outlined in policy guidelines adopted by rule by ~~of~~
3872 the division, shall receive compensation as outlined in
3873 paragraph (2) ~~(3)~~ (b).

3874 (b) If ~~Whenever~~ any question arises as to the eligibility
3875 of any firefighter to receive supplemental compensation as
3876 provided in this section, the question, together with all facts
3877 relating thereto, must ~~shall~~ be submitted to the division for
3878 determination, and the decision of the division with regard to
3879 determination of eligibility shall be final, subject to ~~the~~
3880 ~~provisions of~~ chapter 120.

3881 (2) ~~(3)~~ SUPPLEMENTAL COMPENSATION.—Supplemental compensation
3882 shall be determined as follows:

3883 (a) Fifty dollars shall be paid monthly to each firefighter
3884 who qualifies under ~~the provisions of~~ subparagraph (1) ~~(2)~~ (a) 1.

3885 (b) One hundred and ten dollars shall be paid monthly to
3886 each firefighter who qualifies under ~~the provisions of~~

10-00317-13

20131410__

3887 subparagraph ~~(1)-(2)~~(a)2.

3888 ~~(3)-(4)~~ FUNDING.—

3889 (a) The fire service provider ~~employing agency~~ is
3890 responsible for the correct payment of firefighters pursuant to
3891 ~~the provisions of~~ this section. The division may review, in a
3892 postaudit capacity, any action taken by an agency in
3893 administering the educational incentive program. The fire
3894 service provider ~~employing agency~~ shall take appropriate action
3895 when a postaudit shows that an action taken by the fire service
3896 provider ~~employing agency~~ was in error.

3897 (b) Each fire service provider ~~agency~~ employing
3898 firefighters who are eligible for this compensation shall submit
3899 reports containing information relating to compensation paid as
3900 a result of this section to the division on March 31, June 30,
3901 September 30, and December 31 of each year.

3902 (c) There is appropriated from the Police and Firefighter's
3903 Premium Tax Trust Fund to the Firefighters' Supplemental
3904 Compensation Trust Fund, which is ~~hereby~~ created under the
3905 Department of Revenue, all moneys which have not been
3906 distributed to municipalities and special fire control districts
3907 in accordance with s. 175.121 as a result of the limitation
3908 contained in s. 175.122 on the disbursement of revenues
3909 collected pursuant to chapter 175 or as a result of any
3910 municipality or special fire control district not having
3911 qualified in any given year, or portion thereof, for
3912 participation in the distribution of the revenues collected
3913 pursuant to chapter 175. The total required annual distribution
3914 from the Firefighters' Supplemental Compensation Trust Fund
3915 shall equal the amount necessary to pay supplemental

10-00317-13

20131410__

3916 compensation as provided in this section, provided that:

3917 1. Any deficit in the total required annual distribution
3918 shall be made up from accrued surplus funds existing in the
3919 Firefighters' Supplemental Compensation Trust Fund on June 30,
3920 1990, for as long as such funds last. If the accrued surplus is
3921 insufficient to cure the deficit in any given year, the
3922 proration of the appropriation among the counties,
3923 municipalities, and special fire service taxing districts shall
3924 equal the ratio of compensation paid in the prior year to
3925 county, municipal, and special fire service taxing district
3926 firefighters pursuant to this section. This ratio shall be
3927 provided annually to the Department of Revenue by the division
3928 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue
3929 on or after July 1, 1990, shall be redistributed to
3930 municipalities and special fire control districts as provided in
3931 subparagraph 2.

3932 2. By October 1 of each year, any funds that have accrued
3933 or accrue on or after July 1, 1990, and remain in the
3934 Firefighters' Supplemental Compensation Trust Fund following the
3935 required annual distribution shall be redistributed by the
3936 Department of Revenue pro rata to those municipalities and
3937 special fire control districts identified by the Department of
3938 Management Services as being eligible for additional funds
3939 pursuant to s. 175.121(3) (b).

3940 (d) Salary incentive payments to firefighters shall
3941 commence in the first full calendar month following the initial
3942 date of certification of eligibility by the division ~~of State~~
3943 ~~Fire Marshal~~.

3944 (e) Special fire service taxing districts are authorized

10-00317-13

20131410__

3945 and ~~empowered~~ to spend ~~expend~~ the funds necessary to ensure
 3946 correct payment to firefighters.

3947 (4) (5) LEGISLATIVE FINDINGS.—The payment of supplemental
 3948 compensation and expenses of the administration provided by this
 3949 section is found to serve a state, county, district, and
 3950 municipal purpose and to provide benefit to the state and to its
 3951 counties, municipalities, and districts.

3952 (5) APPLICABILITY.—For the purposes of this section, the
 3953 division shall be considered a fire service provider responsible
 3954 for the payment of supplemental compensation in accordance with
 3955 this section to firefighters employed full-time by the division.

3956 Section 65. Section 633.353, Florida Statutes, is
 3957 transferred, renumbered as section 633.424, Florida Statutes,
 3958 and amended to read:

3959 633.424 ~~633.353~~ Falsification of qualifications.—An
 3960 individual ~~Any person~~ who willfully and knowingly falsifies her
 3961 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of
 3962 Fire Standards and Training of the division commits ~~is guilty of~~
 3963 a misdemeanor of the second degree, punishable as provided in s.
 3964 775.082 or s. 775.083.

3965 Section 66. Section 633.351, Florida Statutes, is
 3966 transferred, renumbered as section 633.426, Florida Statutes,
 3967 and amended to read:

3968 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~
 3969 standards for revocation of certification.—

3970 (1) For purposes of this section, the term:

3971 (a) "Certificate" means any of the certificates issued
 3972 under s. 633.406.

3973 (b) "Certification" or "certified" means the act of holding

10-00317-13

20131410__

3974 a current and valid certificate.

3975 (c) "Convicted" means a finding of guilt, or the acceptance
3976 of a plea of guilty or nolo contendere, in any federal or state
3977 court or a court in any other country, without regard to whether
3978 a judgment of conviction has been entered by the court having
3979 jurisdiction of the case.

3980 (d) "Department" means the Florida Department of Law
3981 Enforcement.

3982 (2) An individual is ineligible to apply for certification
3983 if the individual has, at any time, been:

3984 (a) Convicted of a misdemeanor relating to the
3985 certification or to perjury or false statements.

3986 (b) Convicted of a felony or a crime punishable by
3987 imprisonment of 1 year or more under the law of the United
3988 States or of any state thereof, or under the law of any other
3989 country.

3990 (c) Dishonorably discharged from any of the Armed Forces of
3991 the United States.

3992 (3) (a) The certification of an individual shall be
3993 permanently revoked if the individual is:

3994 1. Convicted of a misdemeanor relating to perjury or false
3995 statement.

3996 2. Convicted of a felony or a crime punishable by
3997 imprisonment of 1 year or more under the law of the United
3998 States or of any state thereof, or under the law of any other
3999 country.

4000 3. Dishonorably discharged from any of the Armed Forces of
4001 the United States.

4002 (b) For individuals who are certified before July 1, 2013:

10-00317-13

20131410

4003 1. This subsection applies prospectively to convictions or
4004 dishonorable discharges entered on or after July 1, 2013.

4005 2. Section 633.351 as it existed before July 1, 2013,
4006 applies to convictions entered before July 1, 2013.

4007 (4) The certification of an individual ~~a firefighter~~ shall
4008 be revoked if evidence is found which demonstrates that the
4009 certification was improperly issued by the division or ~~if~~
4010 ~~evidence is found that the certification~~ was issued on the basis
4011 of false, incorrect, incomplete, or misleading information, or
4012 that the individual has demonstrated a lack of moral fitness or
4013 trustworthiness to carry out the responsibilities under the
4014 individual's certification.

4015 (5) (a) Each individual who applies for certification must
4016 submit fingerprints to the division with a current processing
4017 fee, unless that individual's fingerprints are retained by the
4018 department under paragraph (b). By July 1, 2014, any individual
4019 who is certified and whose fingerprints have not been retained
4020 by the department under paragraph (b) must submit fingerprints
4021 to the division with a current processing fee. The division
4022 shall forward each individual's fingerprints to the department
4023 for state processing and the Department of Law Enforcement shall
4024 forward each individual's fingerprints to the Federal Bureau of
4025 Investigation for national processing. A fire service provider
4026 may pay the current processing fee required by this paragraph.

4027 (b) The department shall retain and enter into the
4028 statewide automated fingerprint identification system authorized
4029 by s. 943.05 all fingerprints submitted to the division under
4030 this section and s. 633.412. Thereafter, the fingerprints shall
4031 be available for all purposes and uses authorized for arrest

10-00317-13

20131410__

4032 fingerprints entered in the statewide automated fingerprint
4033 identification system pursuant to s. 943.051. The department
4034 shall search the fingerprints retained pursuant to this section
4035 against all arrest fingerprints received pursuant to s. 943.051
4036 and report to the division any arrest records that are
4037 identified with the retained fingerprints.

4038 ~~(2) The certification of a firefighter who is convicted of~~
4039 ~~a felony, or who is convicted of a misdemeanor relating to~~
4040 ~~misleading or false statements, or who pleads nolo contendere to~~
4041 ~~any charge of a felony shall be revoked until the firefighter~~
4042 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~
4043 ~~felony or such misdemeanor charge is suspended or adjudication~~
4044 ~~is withheld, the firefighter's certification shall be revoked~~
4045 ~~until she or he completes any probation.~~

4046 Section 67. Section 633.43, Florida Statutes, is
4047 transferred, renumbered as section 633.428, Florida Statutes,
4048 and amended to read:

4049 633.428 ~~633.43~~ Florida State Fire College established.—
4050 There is ~~hereby~~ established a state institution to be known as
4051 the Florida State Fire College, to be located at or near Ocala,
4052 Marion County. The institution shall be operated by the division
4053 ~~of State Fire Marshal of the department.~~

4054 Section 68. Section 633.44, Florida Statutes, is
4055 transferred, renumbered as section 633.432, Florida Statutes,
4056 and amended to read:

4057 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
4058 part IV ~~ss. 633.43-633.49~~ and of the Florida State Fire College
4059 are shall be:

4060 (1) To provide professional and volunteer firefighters with

10-00317-13

20131410__

4061 needful professional instruction and training in subjects,
4062 including, but not limited to, firefighting, fire prevention,
4063 hazardous materials, urban search and rescue, and emergency
4064 operations, at a minimum of cost to them and to their employers.

4065 (2) To ensure the professionalism and competence of those
4066 performing firefighting, fire prevention, and associated fire
4067 protection functions by administering a system of certification
4068 and licensing.

4069 (3)~~(2)~~ To develop new methods and practices of firefighting
4070 and fire prevention.

4071 (4)~~(3)~~ To assist the state and county, municipal, and other
4072 local governments of this state and their agencies and officers
4073 in their investigation and determination of the causes of fires.

4074 (5)~~(4)~~ To provide testing facilities for testing
4075 firefighting equipment.

4076 (6)~~(5)~~ To disseminate useful information on fires,
4077 firefighting and fire prevention and other related subjects, to
4078 fire departments and others interested in such information.

4079 (7)~~(6)~~ To do such other needful or useful things necessary
4080 to the promotion of public safety in the field of fire hazards
4081 and fire prevention work.

4082

4083 It is ~~hereby~~ declared by the Legislature that the above purposes
4084 are legitimate state functions and are designed to promote
4085 public safety.

4086 Section 69. Section 633.48, Florida Statutes, is
4087 transferred, renumbered as section 633.434, Florida Statutes,
4088 and amended to read:

4089 633.434 ~~633.48~~ Superintendent of college.—The division may

10-00317-13

20131410__

4090 employ a superintendent for the Florida State Fire College, who
 4091 must ~~shall~~ be especially trained and qualified in firefighting,
 4092 fire prevention and fire experimental work, and may employ on
 4093 the recommendations of the ~~said~~ superintendent such other
 4094 instructors, experimental helpers and laborers as may be
 4095 necessary to the proper conduct of the ~~said~~ institution; and may
 4096 proceed with the erection and detailed operation of the ~~said~~
 4097 institution under ss. 633.428-633.444 ~~633.43-633.49~~.

4098 Section 70. Section 633.461, Florida Statutes, is
 4099 transferred, renumbered as section 633.436, Florida Statutes,
 4100 and amended to read:

4101 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The
 4102 funds received from the Insurance Regulatory Trust Fund shall be
 4103 used by the staff of the Florida State Fire College to provide
 4104 all necessary services, training, equipment, and supplies to
 4105 carry out the college's responsibilities, including, but not
 4106 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~
 4107 the procurement of training resources and films, videotapes,
 4108 ~~audiovisual~~ equipment, and other useful information on fire,
 4109 firefighting, and fire prevention, including public fire service
 4110 information packages.

4111 Section 71. Section 633.47, Florida Statutes, is
 4112 transferred and renumbered as section 633.438, Florida Statutes.

4113 Section 72. Section 633.49, Florida Statutes, is
 4114 transferred, renumbered as section 633.442, Florida Statutes,
 4115 and amended to read:

4116 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
 4117 use.—The division shall have the power to prescribe and shall
 4118 make the necessary rules ~~and regulations~~ for the use of

10-00317-13

20131410__

4119 buildings, equipment, and other facilities of the Florida State
4120 Fire College when they are not in use for the purposes set forth
4121 in part IV ss. ~~633.43-633.49~~.

4122 Section 73. Section 633.50, Florida Statutes, is
4123 transferred, renumbered as section 633.444, Florida Statutes,
4124 and amended to read:

4125 633.444 ~~633.50~~ Division powers and duties; Florida State
4126 Fire College.—

4127 (1) The division, in performing its duties related to the
4128 Florida State Fire College, specified in part IV ss. ~~633.43-~~
4129 ~~633.49~~, shall:

4130 (a) Enter into agreements with public or private school
4131 districts, community colleges, junior colleges, or state
4132 universities to carry out its duties and responsibilities.

4133 (b) Review and approve budget requests for the fire college
4134 educational program.

4135 (c) Prepare the legislative budget request for the Florida
4136 State Fire College education program. The superintendent is
4137 responsible for all expenditures pursuant to appropriations.

4138 (d) Implement procedures to obtain appropriate entitlement
4139 funds from federal and state grants to supplement the annual
4140 legislative appropriation. Such funds must be used expressly for
4141 the fire college educational programs.

4142 (e) Develop a staffing and funding formula for the Florida
4143 State Fire College. The formula must ~~shall~~ include differential
4144 funding levels for various types of programs, must ~~shall~~ be
4145 based on the number of full-time equivalent students and
4146 information obtained from scheduled attendance counts taken the
4147 first day of each program, and must ~~shall~~ provide the basis for

10-00317-13

20131410__

4148 the legislative budget request. As used in this section, a full-
4149 time equivalent student is equal to a minimum of 900 hours in a
4150 technical certificate program and 400 hours in a degree-seeking
4151 program. The funding formula must ~~shall~~ be as prescribed
4152 pursuant to s. 1011.62, must ~~shall~~ include procedures to
4153 document daily attendance, and must ~~shall~~ require that
4154 attendance records be retained for audit purposes.

4155 (f) Approve and register in an electronic database
4156 designated by the division an education or training provider
4157 before the education or training provider may offer any course
4158 to fulfill any education or training requirement under this
4159 chapter. The division shall establish criteria, by rule, for the
4160 approval of such education or training providers. Only approved
4161 and registered education or training providers are eligible to
4162 provide instruction or training that will be recognized by the
4163 division as fulfilling any education or training requirement
4164 under this chapter.

4165 (g) Recognize only courses offered by approved and
4166 registered training or education providers as fulfilling the
4167 education or training requirements under this chapter.

4168 (2) Funds generated by the formula per full-time equivalent
4169 student may not exceed the level of state funding per full-time
4170 equivalent student generated through the Florida Education
4171 Finance Program or the State Community College Program Fund for
4172 students enrolled in comparable education programs provided by
4173 public school districts and community colleges. Funds
4174 appropriated for education and operational costs shall be
4175 deposited in the Insurance Regulatory Trust Fund to be used
4176 solely for purposes specified in s. 633.436 ~~633.461~~ and may not

10-00317-13

20131410__

4177 be transferred to any other budget entity for purposes other
4178 than education.

4179 Section 74. The Division of Law Revision and Information is
4180 requested to create part V of chapter 633, Florida Statutes,
4181 consisting of sections 633.502, 633.504, 633.506, 633.508,
4182 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,
4183 633.532, 633.534, and 633.536, Florida Statutes, to be entitled
4184 "Florida Firefighters Occupational Safety and Health Act."

4185 Section 75. Section 633.801, Florida Statutes, is
4186 transferred, renumbered as section 633.502, Florida Statutes,
4187 and amended to read:

4188 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,
4189 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
4190 Occupational Safety and Health Act."

4191 Section 76. Section 633.802, Florida Statutes, is
4192 transferred and renumbered as section 633.504, Florida Statutes,
4193 and subsections (1), (2), and (4) of that section are amended,
4194 to read:

4195 633.504 ~~633.802~~ Definitions.—As used in this part, the term
4196 ~~Unless the context clearly requires otherwise, the following~~
4197 ~~definitions shall apply to ss. 633.801-633.821:~~

4198 (1) "Firefighter employee" means a firefighter, volunteer
4199 firefighter, or individual providing support services who is ~~any~~
4200 ~~person~~ engaged in any employment, public or private, ~~as a~~
4201 ~~firefighter~~ under any appointment or contract of hire or
4202 apprenticeship, express or implied, oral or written, whether
4203 lawfully or unlawfully employed, responding to or assisting with
4204 fire or medical emergencies, regardless of whether ~~or not the~~
4205 ~~firefighter is~~ on duty, except those appointed under s.

10-00317-13

20131410__

4206 590.02(1)(d).

4207 (2) "Firefighter employer" means the state and all
4208 political subdivisions of this state, all public and quasi-
4209 public corporations in this state, and a every person carrying
4210 on any employment for this state, political subdivisions of this
4211 state, and public and quasi-public corporations in this state
4212 which employs firefighter employees ~~firefighters~~, except those
4213 appointed under s. 590.02(1)(d).

4214 (4) "Firefighter place of employment" or "place of
4215 employment" means the physical location at which the firefighter
4216 employee is employed or deployed.

4217 Section 77. Section 633.803, Florida Statutes, is
4218 transferred, renumbered as section 633.506, Florida Statutes,
4219 and amended to read:

4220 633.506 ~~633.803~~ Legislative intent.—It is the intent of the
4221 Legislature to enhance firefighter occupational safety and
4222 health in the state through the implementation and maintenance
4223 of policies, procedures, practices, rules, and standards that
4224 reduce the incidence of firefighter employee accidents,
4225 firefighter employee occupational diseases, and firefighter
4226 employee fatalities compensable under chapter 440 or otherwise.
4227 The Legislature further intends that the division develop a
4228 means by which the division can identify individual firefighter
4229 employers with a high frequency or severity of work-related
4230 injuries, conduct safety inspections of those firefighter
4231 employers, and assist those firefighter employers in the
4232 development and implementation of firefighter employee safety
4233 and health programs. In addition, it is the intent of the
4234 Legislature that the division administer and enforce this part

10-00317-13

20131410__

4235 ~~the provisions of ss. 633.801-633.821~~; provide assistance to
4236 firefighter employers, firefighter employees, and insurers; and
4237 enforce the policies, rules, and standards set forth in this
4238 part ss. 633.801-633.821.

4239 Section 78. Section 633.821, Florida Statutes, is
4240 transferred and renumbered as section 633.508, Florida Statutes,
4241 subsections (2), (3), (5), and (6) of that section are amended,
4242 and subsection (7) is added to that section to read:

4243 633.508 ~~633.821~~ Workplace safety; rulemaking authority;
4244 division authority.-

4245 (2) The division shall have the authority to adopt rules
4246 for the purpose of ensuring safe working conditions for all
4247 firefighter employees by authorizing the enforcement of
4248 effective standards, by assisting and encouraging firefighter
4249 employers to maintain safe working conditions, and by providing
4250 for education and training in the field of safety. Specifically,
4251 the division may by rule adopt the most current edition of all
4252 or any part of subparts C through T and subpart Z of 29 C.F.R.
4253 s. 1910, as revised April 8, 1998; the National Fire Protection
4254 Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert
4255 Safety System) (1992 edition); the National Fire Protection
4256 Association, Inc., Publication 1403, Standard on Live Fire
4257 Training Evolutions (latest edition), as limited by subsection
4258 (6); and ANSI A 10.4-1990.

4259 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
4260 individuals located outside the immediately dangerous to life
4261 and health atmosphere may be assigned to an additional role,
4262 such as incident commander, pumper operator, engineer, or
4263 driver, so long as such individual can ~~is able to~~ immediately

10-00317-13

20131410__

4264 perform assistance or rescue activities without jeopardizing the
4265 safety or health of any firefighter employee working at an
4266 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

4267 ~~(a) Each county, municipality, and special district shall~~
4268 ~~implement such provision by April 1, 2002, except as provided in~~
4269 ~~paragraphs (b) and (c).~~

4270 ~~(b) If any county, municipality, or special district is~~
4271 ~~unable to implement such provision by April 1, 2002, without~~
4272 ~~adding additional personnel to its firefighting staff or~~
4273 ~~expending significant additional funds, such county,~~
4274 ~~municipality, or special district shall have an additional 6~~
4275 ~~months within which to implement such provision. Such county,~~
4276 ~~municipality, or special district shall notify the division that~~
4277 ~~the 6-month extension to implement such provision is in effect~~
4278 ~~in such county, municipality, or special district within 30 days~~
4279 ~~after its decision to extend the time for the additional 6~~
4280 ~~months. The decision to extend the time for implementation shall~~
4281 ~~be made prior to April 1, 2002.~~

4282 ~~(c) If, after the extension granted in paragraph (b), the~~
4283 ~~county, municipality, or special district, after having worked~~
4284 ~~with and cooperated fully with the division and the Firefighters~~
4285 ~~Employment, Standards, and Training Council, is still unable to~~
4286 ~~implement such provisions without adding additional personnel to~~
4287 ~~its firefighting staff or expending significant additional~~
4288 ~~funds, such municipality, county, or special district shall be~~
4289 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
4290 ~~However, each year thereafter the division shall review each~~
4291 ~~such county, municipality, or special district to determine if~~
4292 ~~such county, municipality, or special district has the ability~~

10-00317-13

20131410__

4293 ~~to implement such provision without adding additional personnel~~
4294 ~~to its firefighting staff or expending significant additional~~
4295 ~~funds. If the division determines that any county, municipality,~~
4296 ~~or special district has the ability to implement such provision~~
4297 ~~without adding additional personnel to its firefighting staff or~~
4298 ~~expending significant additional funds, the division shall~~
4299 ~~require such county, municipality, or special district to~~
4300 ~~implement such provision. Such requirement by the division under~~
4301 ~~this paragraph constitutes final agency action subject to~~
4302 ~~chapter 120.~~

4303 (5) The division may adopt any rule necessary to implement,
4304 interpret, and make specific the provisions of this section,
4305 provided the division may not adopt by rule any other standard
4306 or standards of the Occupational Safety and Health
4307 Administration or the National Fire Protection Association
4308 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter
4309 employment safety without specific legislative authority.

4310 (6) (a) The division shall adopt rules for live fire
4311 training that all firefighter employees ~~firefighters~~ subject to
4312 this chapter must complete. The division shall also adopt rules
4313 for a training and certification process for live fire training
4314 instructors.

4315 (b) Such rules for training must ~~shall~~ include:

4316 1. Sections of the most current edition of the National
4317 Fire Protection Association, Inc., Publication 1402, Guide to
4318 Building Fire Service Training Centers, relating to establishing
4319 policies and procedures for effective use of such permanent
4320 facilities or structures.

4321 2. Sections of the most current edition of the National

10-00317-13

20131410__

4322 Fire Protection Association, Inc., Publication 1403, Standard on
4323 Live Fire Training Evolutions, excluding, however:

4324 a. Any chapter entitled "Referenced Publications."

4325 b. References to the National Fire Protection Association,
4326 Inc., Publication 1975, Station Uniform.

4327 c. Provisions of the National Fire Protection Association,
4328 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~
4329 ~~references to such publication in the National Fire Protection~~
4330 ~~Association, Inc., Publication 1975.~~

4331 d. Any reference to an authority having jurisdiction in the
4332 National Fire Protection Association, Inc., Publication 1403,
4333 defined as the organization, office, or individual responsible
4334 for approving equipment, materials, installations, and
4335 procedures.

4336 3. A 40-hour training program for live fire training
4337 instructors, including:

4338 a. Live fire instructional techniques.

4339 b. Training safety in acquired or permanent facilities or
4340 props.

4341 c. Personnel safety.

4342 d. Exterior props, including, but not limited to, liquid
4343 petroleum gas, other liquid fuels, and similar props.

4344 ~~(c) The rules, excluding those pertaining to live fire~~
4345 ~~training instructor certification, shall take effect no later~~
4346 ~~than January 1, 2006.~~

4347 (c)-(d) Each live fire training instructor is required to be
4348 a state certified fire safety instructor. All live fire training
4349 ~~commenced on and after January 1, 2007,~~ must be conducted by a
4350 certified live fire training instructor.

10-00317-13

20131410__

4351 ~~(d)(e)~~ This subsection does not apply to wildland or
4352 prescribed live fire training exercises sanctioned by the
4353 Florida Forest Service of the Department of Agriculture and
4354 Consumer Services or the National Wildfire Coordinating Group.

4355 (7) The division shall:

4356 (a) Investigate and prescribe by rule what safety devices,
4357 safeguards, or other means of protection must be adopted for the
4358 prevention of accidents and injuries in every firefighter
4359 employee place of employment or at any fire scene; determine
4360 what suitable devices, safeguards, or other means of protection
4361 for the prevention of occupational diseases must be adopted or
4362 followed in any or all such firefighter places of employment or
4363 at any emergency fire scene; and adopt reasonable rules for the
4364 prevention of accidents, the safety, protection, and security of
4365 firefighter employees engaged in interior firefighting, and the
4366 prevention of occupational diseases.

4367 (b) Ascertain, fix, and order such reasonable standards and
4368 rules for the construction, repair, and maintenance of
4369 firefighter employee places of employment so as to render them
4370 safe. Such rules and standards shall be adopted in accordance
4371 with chapter 120.

4372 (c) Adopt rules prescribing recordkeeping responsibilities
4373 for firefighter employers, which may include maintaining a log
4374 and summary of occupational injuries, diseases, and illnesses,
4375 for producing on request a notice of injury and firefighter
4376 employee accident investigation records, and prescribing a
4377 retention schedule for such records.

4378 Section 79. Section 633.817, Florida Statutes, is
4379 transferred, renumbered as section 633.512, Florida Statutes,

10-00317-13

20131410__

4380 and amended to read:

4381 633.512 ~~633.817~~ Compliance.—Failure of a firefighter
4382 employer or an insurer to comply with this part ~~ss. 633.801-~~
4383 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~
4384 ~~633.821~~, constitutes grounds for the division to seek remedies,
4385 including injunctive relief, by making appropriate filings with
4386 the circuit court.

4387 Section 80. Section 633.805, Florida Statutes, is
4388 transferred and renumbered as section 633.516, Florida Statutes.

4389 Section 81. Section 633.806, Florida Statutes, is
4390 transferred, renumbered as section 633.518, Florida Statutes,
4391 and amended to read:

4392 633.518 ~~633.806~~ Studies, investigations, inspections, or
4393 inquiries by the division; refusal to admit; penalty.—

4394 (1) The division shall make studies, ~~and~~ investigations,
4395 inspections, or inquiries with respect to compliance with this
4396 part or any rules authorized under this part ~~safety provisions~~
4397 and the causes of firefighter employee injuries, illnesses,
4398 safety-based complaints, or Line of Duty Deaths (LODD) as
4399 defined in rule in firefighter employee places of employment and
4400 shall make such recommendations to the Legislature and
4401 firefighter employers and insurers as the division considers
4402 proper ~~as to prevent or reduce future occurrences~~ ~~the best means~~
4403 ~~of preventing firefighter injuries~~. In making such studies, and
4404 investigations, inspections, or inquiries, the division may
4405 cooperate with any agency of the United States charged with the
4406 duty of enforcing any law securing safety against injury in any
4407 place of firefighter employment covered by this part ~~ss.~~
4408 ~~633.801-633.821~~ or any agency or department of the state engaged

10-00317-13

20131410__

4409 in enforcing any law to ensure safety for firefighter employees.

4410 (2) The division by rule may adopt procedures for
4411 conducting investigations, inspections, or inquiries of
4412 firefighter employers under this part ~~ss. 633.801-633.821~~.

4413 (3) The division and authorized representatives of the
4414 division may enter and inspect any firefighter employee's place
4415 of employment at any reasonable time for the purpose of
4416 investigating compliance with this part and conducting
4417 inspections for the proper enforcement of this part. A
4418 firefighter employer who refuses to admit any member of the
4419 division or authorized representative of the division to any
4420 place of employment or to allow investigation and inspection
4421 pursuant to this section commits a misdemeanor of the second
4422 degree, punishable as provided in s. 775.082 or s. 775.083.

4423 Section 82. Section 633.807, Florida Statutes, is
4424 transferred, renumbered as section 633.520, Florida Statutes,
4425 and amended to read:

4426 633.520 ~~633.807~~ Safety; firefighter employer
4427 responsibilities.—Every firefighter employer shall furnish and
4428 use safety devices and safeguards, adopt and use methods and
4429 processes reasonably adequate to render such an employment and
4430 place of employment safe, and do every other thing reasonably
4431 necessary to protect the lives, health, and safety of such
4432 firefighter employees. As used in this section, the terms "safe"
4433 and "safety," as applied to any employment or place of
4434 ~~firefighter~~ employment, mean such freedom from danger as is
4435 reasonably necessary for the protection of the lives, health,
4436 and safety of firefighter employees, including conditions and
4437 methods of sanitation and hygiene. Safety devices and safeguards

10-00317-13

20131410__

4438 required to be furnished by the firefighter employer by this
 4439 section or by the division under authority of this section do
 4440 ~~shall~~ not include personal apparel and protective devices that
 4441 replace personal apparel normally worn by firefighter employees
 4442 during regular working hours.

4443 Section 83. Section 633.809, Florida Statutes, is
 4444 transferred, renumbered as section 633.522, Florida Statutes,
 4445 and amended to read:

4446 633.522 ~~633.809~~ Firefighter employers; whose firefighter
 4447 employees have a high frequency of work-related injuries;
 4448 corrective plans; workplace safety committees and coordinators;
 4449 failure to implement a safety and health program; cancellation.-

4450 (1) The division shall develop a means to ~~by which the~~
 4451 ~~division may~~ identify individual firefighter employers with
 4452 ~~whose firefighter employees have a high frequency or severity of~~
 4453 firefighter employee work-related injuries. The division shall
 4454 ~~carry out safety inspections of the facilities and operations of~~
 4455 ~~those firefighter employers in order to assist them in reducing~~
 4456 ~~the frequency and severity of work-related injuries. The~~
 4457 ~~division shall develop safety and health programs for those~~
 4458 ~~firefighter employers. Insurers shall distribute such safety and~~
 4459 ~~health programs to the firefighter employers so identified by~~
 4460 ~~the division. Those firefighter employers identified by the~~
 4461 ~~division as having a high frequency or severity of work-related~~
 4462 ~~injuries shall implement a safety and health program developed~~
 4463 ~~by the division. The division shall~~ conduct ~~carry out~~ safety
 4464 inspections of those firefighter employers so identified to
 4465 ensure compliance with this part or the division's rules and
 4466 make recommendations based upon current ~~the~~ safety and health

10-00317-13

20131410__

4467 practices ~~program~~ and to assist such firefighter employers in
4468 reducing the number of work-related injuries. The division may
4469 not assess penalties as a result of such inspections, ~~except as~~
4470 ~~provided by s. 633.813~~. Copies of any report made as the result
4471 of such an inspection shall be provided to the firefighter
4472 employer and its insurer. Firefighter employers shall ~~may~~ submit
4473 a plan for the correction of any noncompliance issues ~~their own~~
4474 ~~safety and health programs~~ to the division for approval in
4475 accordance with division rule ~~lieu of using the safety and~~
4476 ~~health program developed by the division~~. The division shall
4477 promptly review the plan ~~program~~ submitted and approve or
4478 disapprove the plan ~~program~~ within 60 days or such plan ~~program~~
4479 shall be deemed approved. Upon approval by the division, the
4480 plan ~~program~~ shall be implemented by the firefighter employer.
4481 If the plan ~~program~~ is not submitted, does not provide
4482 corrective actions for all deficiencies, is not complete, or is
4483 not implemented, the fire service provider shall be subject to
4484 s. 633.526 ~~approved or if a program is not submitted, the~~
4485 ~~firefighter employer shall implement the program developed by~~
4486 ~~the division. The division shall adopt rules setting forth the~~
4487 ~~criteria for safety and health programs, as such rules relate to~~
4488 ~~this section.~~

4489 (2) In order to promote health and safety in firefighter
4490 employee places of employment in this state:

4491 (a) Each firefighter employer of 20 or more firefighter
4492 employees shall establish and administer a workplace safety
4493 committee in accordance with rules adopted under this section.

4494 (b) Each firefighter employer of fewer than 20 firefighter
4495 employees with a high frequency or high severity of work-related

10-00317-13

20131410__

4496 injuries, as identified by the division, shall establish and
4497 administer a workplace safety committee or designate a workplace
4498 safety coordinator who shall establish and administer workplace
4499 safety activities in accordance with rules adopted under this
4500 section.

4501 (3) The division shall adopt rules:

4502 (a) Prescribing the membership of the workplace safety
4503 committees so as to ensure an equal number of firefighter
4504 employee representatives who are volunteers or are elected by
4505 their peers and firefighter employer representatives, and
4506 specifying the frequency of meetings.

4507 (b) Requiring firefighter employers to make adequate
4508 records of each meeting and to file and to maintain the records
4509 subject to inspection by the division.

4510 (c) Prescribing the duties and functions of the workplace
4511 safety committee and workplace safety coordinator which include,
4512 but are not limited to:

4513 1. Establishing procedures for workplace safety inspections
4514 by the committee.

4515 2. Establishing procedures for investigating all workplace
4516 accidents, safety-related incidents, illnesses, and deaths.

4517 3. Evaluating accident prevention and illness prevention
4518 programs.

4519 4. Prescribing guidelines for the training of safety
4520 committee members.

4521 (4) The composition, selection, and function of workplace
4522 safety committees shall be a mandatory topic of negotiations
4523 with any certified collective bargaining agent for firefighter
4524 employers that operate under a collective bargaining agreement.

10-00317-13

20131410__

4525 Firefighter employers that operate under a collective bargaining
 4526 agreement that contains provisions governing the formation and
 4527 operation of workplace safety committees that meet or exceed the
 4528 minimum requirements contained in this section, or firefighter
 4529 employers who otherwise have existing workplace safety
 4530 committees that meet or exceed the minimum requirements
 4531 established by this section, are in compliance with this
 4532 section.

4533 (5) Firefighter employees shall be compensated their
 4534 regular hourly wage while engaged in workplace safety committee
 4535 or workplace safety coordinator training, meetings, or other
 4536 duties prescribed under this section.

4537 (6) If a firefighter employer fails to implement a
 4538 corrective plan, the insurer or self-insurer's fund that is
 4539 providing coverage for the firefighter employer may cancel the
 4540 contract for insurance with the firefighter employer. In the
 4541 alternative, the insurer or fund may terminate any discount or
 4542 deviation granted to the firefighter employer for the remainder
 4543 of the term of the policy. If the contract is canceled or the
 4544 discount or deviation is terminated, the insurer must make such
 4545 reports as are required by law.

4546 Section 84. Section 633.811, Florida Statutes, is
 4547 transferred, renumbered as section 633.526, Florida Statutes,
 4548 and amended to read:

4549 633.526 ~~633.811~~ Firefighter employer penalties.—If any
 4550 firefighter employer violates or fails or refuses to comply with
 4551 this part ~~ss. 633.801-633.821~~, or with any rule adopted by the
 4552 division under such sections in accordance with chapter 120 for
 4553 the prevention of injuries, accidents, or occupational diseases

10-00317-13

20131410__

4554 or with any lawful order of the division in connection with this
4555 part ss. ~~633.801-633.821~~, or fails or refuses to furnish or
4556 adopt any safety device, safeguard, or other means of protection
4557 prescribed by division rule under this part ss. ~~633.801-633.821~~
4558 for the prevention of accidents or occupational diseases, the
4559 division may:

4560 (1) Issue an administrative cease and desist order,
4561 enforceable in the circuit court in the jurisdiction where the
4562 violation is occurring or has occurred.

4563 (2) Assess an administrative fine against a firefighter
4564 employer of not less than \$100 or more than \$1,000 for each
4565 violation and each day a violation is committed.

4566 (3) Assess against the firefighter employer a civil penalty
4567 of not less than \$100 nor more than \$5,000 for each day the
4568 violation, omission, failure, or refusal continues after the
4569 firefighter employer has been given written notice of such
4570 violation, omission, failure, or refusal. The total penalty for
4571 each violation shall not exceed \$50,000. The division shall
4572 adopt rules requiring penalties commensurate with the frequency
4573 or severity of safety violations. Hearings requested under this
4574 section shall be conducted in Tallahassee. ~~A hearing shall be~~
4575 held in the county in which the violation, omission, failure, or
4576 refusal is alleged to have occurred, unless otherwise agreed to
4577 by the firefighter employer and authorized by the division. All
4578 penalties assessed and collected under this section shall be
4579 deposited in the Insurance Regulatory Trust Fund.

4580 Section 85. Section 633.812, Florida Statutes, is
4581 transferred and renumbered as section 633.528, Florida Statutes,
4582 and subsections (2) and (3) of that section are amended, to

10-00317-13

20131410__

4583 read:

4584 633.528 ~~633.812~~ Division cooperation with Federal
4585 Government; exemption from requirements for private firefighter
4586 employers.-

4587 (2) ~~Except as provided in this section,~~ A private
4588 firefighter employer is not subject to the requirements set
4589 forth in part IV and part V of the division if the private
4590 firefighter employer meets the requirements of this part and:

4591 (a) The private firefighter employer is subject to the
4592 federal regulations in 29 C.F.R. ss. 1910 and 1926.

4593 (b) The private firefighter employer has adopted and
4594 implemented a written safety program that conforms to the
4595 requirements of 29 C.F.R. ss. 1910 and 1926.

4596 ~~(c) A private firefighter employer with 20 or more full-~~
4597 ~~time firefighter employees shall include provisions for a safety~~
4598 ~~committee in the safety program. The safety committee shall~~
4599 ~~include firefighter employee representation and shall meet at~~
4600 ~~least once each calendar quarter. The private firefighter~~
4601 ~~employer shall make adequate records of each meeting and~~
4602 ~~maintain the records subject to inspections under subsection~~
4603 ~~(3). The safety committee shall, if appropriate, make~~
4604 ~~recommendations regarding improvements to the safety program and~~
4605 ~~corrections of hazards affecting workplace safety.~~

4606 (c) ~~(d)~~ The private firefighter employer provides the
4607 division with a written statement that certifies compliance with
4608 this subsection.

4609 (3) The division may enter at any reasonable time any place
4610 of private firefighter employment for the purpose of verifying
4611 the accuracy of the written certification. If the division

10-00317-13

20131410__

4612 determines that the private firefighter employer has not
4613 complied with the requirements of subsection (2), the private
4614 firefighter employer shall be subject to the rules of the
4615 division until the private firefighter employer complies with
4616 subsection (2), which must be verified by a reinspection by and
4617 ~~recertifies that fact to~~ the division.

4618 Section 86. Section 633.816, Florida Statutes, is
4619 transferred, renumbered as section 633.532, Florida Statutes,
4620 and amended to read:

4621 633.532 ~~633.816~~ Firefighter employee rights and
4622 responsibilities.—

4623 (1) Each firefighter employee of a firefighter employer
4624 covered under this part ~~ss. 633.801-633.821~~ shall comply with
4625 rules adopted by the division and with reasonable workplace
4626 safety and health standards, rules, policies, procedures, and
4627 work practices established by the firefighter employer and the
4628 workplace safety committee. A firefighter employee who knowingly
4629 fails to comply with this subsection may be disciplined or
4630 discharged by the firefighter employer.

4631 (2) A firefighter employer may not discharge, threaten to
4632 discharge, cause to be discharged, intimidate, coerce, otherwise
4633 discipline, or in any manner discriminate against a firefighter
4634 employee for any of the following reasons:

4635 (a) The firefighter employee has testified or is about to
4636 testify, on her or his own behalf or on behalf of others, in any
4637 proceeding instituted under this part ~~ss. 633.801-633.821~~;

4638 (b) The firefighter employee has exercised any other right
4639 given ~~afforded~~ under this part ~~ss. 633.801-633.821~~; or

4640 (c) The firefighter employee is engaged in activities

10-00317-13

20131410__

4641 relating to the workplace safety committee.

4642 (3) ~~No~~ Pay, a position, seniority, or any other benefit may
4643 not be lost for exercising any right under, or for seeking
4644 compliance with any requirement of, this part ~~ss. 633.801-~~
4645 ~~633.821.~~

4646 Section 87. Section 633.818, Florida Statutes, is
4647 transferred, renumbered as section 633.534, Florida Statutes,
4648 and amended to read:

4649 633.534 ~~633.818~~ False, fictitious, or fraudulent acts,
4650 statements, and representations prohibited; penalty; statute of
4651 limitations to insurers.-

4652 (1) A firefighter employer who knowingly and willfully
4653 falsifies or conceals a material fact, who makes a false,
4654 fictitious, or fraudulent statement or representation, or who
4655 makes or uses any false document knowing the document to contain
4656 any false, fictitious, or fraudulent entry or statement to an
4657 insurer of workers' compensation insurance under this part ~~ss.~~
4658 ~~633.801-633.821~~ commits a misdemeanor of the second degree,
4659 punishable as provided in s. 775.082 or s. 775.083.

4660 (2) A person may not, in any matter within the jurisdiction
4661 of the division, knowingly and willfully falsify or conceal a
4662 material fact; make any false, fictitious, or fraudulent
4663 statement or representation; or make or use any false document,
4664 knowing the same to contain any false, fictitious, or fraudulent
4665 statement or entry. A person who violates this section commits a
4666 misdemeanor of the second degree, punishable as provided in s.
4667 775.082 or s. 775.083. The statute of limitations for
4668 prosecution of an act committed in violation of this section is
4669 5 years after the date the act was committed or, if not

10-00317-13

20131410

4670 discovered within 30 days after the act was committed, 5 years
4671 after the date the act was discovered.

4672 Section 88. Section 633.814, Florida Statutes, is
4673 transferred, renumbered as section 633.536, Florida Statutes,
4674 and amended to read:

4675 633.536 ~~633.814~~ Expenses of administration.—The amounts
4676 that are needed to administer this part ~~ss. 633.801–633.821~~
4677 shall be disbursed from the Insurance Regulatory Trust Fund.

4678 Section 89. Paragraph (b) of subsection (2) of section
4679 112.011, Florida Statutes, is amended to read:

4680 112.011 Disqualification from licensing and public
4681 employment based on criminal conviction.—

4682 (2)

4683 (b) This section does not apply to the employment practices
4684 of any fire department relating to the hiring of firefighters.
4685 ~~An applicant for employment with any fire department who has a~~
4686 ~~prior felony conviction shall be excluded from employment for a~~
4687 ~~period of 4 years after expiration of sentence or final release~~
4688 ~~by the Parole Commission unless the applicant, before the~~
4689 ~~expiration of the 4-year period, has received a full pardon or~~
4690 ~~has had his or her civil rights restored.~~

4691 Section 90. Paragraph (i) of subsection (2) of section
4692 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
4693 and (c) of subsection (2) of that section are reenacted, to
4694 read:

4695 112.191 Firefighters; death benefits.—

4696 (2) (a) The sum of \$50,000, as adjusted pursuant to
4697 paragraph (i), shall be paid as provided in this section when a
4698 firefighter, while engaged in the performance of his or her

10-00317-13

20131410__

4699 firefighter duties, is accidentally killed or receives
4700 accidental bodily injury which subsequently results in the loss
4701 of the firefighter's life, provided that such killing is not the
4702 result of suicide and that such bodily injury is not
4703 intentionally self-inflicted. Notwithstanding any other
4704 provision of law, in no case shall the amount payable under this
4705 subsection be less than the actual amount stated therein.

4706 (b) The sum of \$50,000, as adjusted pursuant to paragraph
4707 (i), shall be paid as provided in this section if a firefighter
4708 is accidentally killed as specified in paragraph (a) and the
4709 accidental death occurs as a result of the firefighter's
4710 response to what is reasonably believed to be an emergency
4711 involving the protection of life or property or the
4712 firefighter's participation in a training exercise. This sum is
4713 in addition to any sum provided in paragraph (a).

4714 Notwithstanding any other provision of law, the amount payable
4715 under this subsection may not be less than the actual amount
4716 stated therein.

4717 (c) If a firefighter, while engaged in the performance of
4718 his or her firefighter duties, is unlawfully and intentionally
4719 killed, is injured by an unlawful and intentional act of another
4720 person and dies as a result of such injury, dies as a result of
4721 a fire which has been determined to have been caused by an act
4722 of arson, or subsequently dies as a result of injuries sustained
4723 therefrom, the sum of \$150,000, as adjusted pursuant to
4724 paragraph (i), shall be paid as provided in this section.
4725 Notwithstanding any other provision of law, the amount payable
4726 under this subsection may not be less than the actual amount
4727 stated therein.

10-00317-13

20131410__

4728 (i) Any payments made pursuant to paragraph (a), paragraph
4729 (b), or paragraph (c) shall consist of the statutory amount
4730 adjusted to show ~~reflect~~ price level changes in the Consumer
4731 Price Index for All Urban Consumers published by the United
4732 States Department of Labor since July 1, 2002 ~~the effective date~~
4733 ~~of the act.~~ The Division of State Fire Marshal, using the most
4734 recent month for which Consumer Price Index data is available,
4735 shall on June 15 of each year calculate and publish on the
4736 division's internet website the amount resulting from the
4737 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~
4738 ~~on the Consumer Price Index for All Urban Consumers published by~~
4739 ~~the United States Department of Labor.~~ The adjusted statutory
4740 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each
4741 ~~year using the most recent month for which data are available at~~
4742 ~~the time of the adjustment.~~

4743 Section 91. Subsection (4) of section 120.541, Florida
4744 Statutes, is amended to read:

4745 120.541 Statement of estimated regulatory costs.—

4746 (4) Subsection (3) ~~This section~~ does not apply to the
4747 adoption of:

4748 (a) ~~emergency rules pursuant to s. 120.54(4) or the~~
4749 ~~adoption of~~ Federal standards pursuant to s. 120.54(6).

4750 (b) Triennial updates of and amendments to the Florida
4751 Building Code which are expressly authorized by s. 553.73.

4752 (c) Triennial updates of and amendments to the Florida Fire
4753 Prevention Code which are expressly authorized by s. 633.202.

4754 Section 92. Subsection (4) of section 196.081, Florida
4755 Statutes, is amended, and a new subsection (6) is added to that
4756 section, to read:

10-00317-13

20131410__

4757 196.081 Exemption for certain permanently and totally
4758 disabled veterans and for surviving spouses of veterans;
4759 exemption for surviving spouses of first responders who die in
4760 the line of duty.-

4761 (4) ~~(a)~~ Any real estate that is owned and used as a
4762 homestead by the surviving spouse of a veteran who died from
4763 service-connected causes while on active duty as a member of the
4764 United States Armed Forces and for whom a letter from the United
4765 States Government or United States Department of Veterans
4766 Affairs or its predecessor has been issued certifying that the
4767 veteran who died from service-connected causes while on active
4768 duty is exempt from taxation if the veteran was a permanent
4769 resident of this state on January 1 of the year in which the
4770 veteran died.

4771 (a) ~~(b)~~ The production of the letter by the surviving spouse
4772 which ~~of a letter that was issued as required under paragraph~~
4773 ~~(a) and that~~ attests to the veteran's death while on active duty
4774 is prima facie evidence ~~of the fact~~ that the surviving spouse is
4775 entitled to the ~~an~~ exemption ~~under paragraph (a)~~.

4776 (b) ~~(c)~~ The tax exemption ~~that applies under paragraph (a)~~
4777 ~~to the surviving spouse~~ carries over to the benefit of the
4778 veteran's surviving spouse as long as the spouse holds the legal
4779 or beneficial title to the homestead, permanently resides
4780 thereon as specified in s. 196.031, and does not remarry. If the
4781 surviving spouse sells the property, an exemption not to exceed
4782 the amount granted under ~~from~~ the most recent ad valorem tax
4783 roll may be transferred to his or her new residence as long as
4784 it is used as his or her primary residence and he or she does
4785 not remarry.

10-00317-13

20131410

4786 (6) Any real estate that is owned and used as a homestead
4787 by the surviving spouse of a first responder who died in the
4788 line of duty while employed by the state or any political
4789 subdivision of the state, including authorities and special
4790 districts, and for whom a letter from the state or appropriate
4791 political subdivision of the state, or other authority or
4792 special district, has been issued which legally recognizes and
4793 certifies that the first responder died in the line of duty
4794 while employed as a first responder is exempt from taxation if
4795 the first responder and her or his surviving spouse were
4796 permanent residents of this state on January 1 of the year in
4797 which the first responder died.

4798 (a) The production of the letter by the surviving spouse
4799 which attests to the first responder's death in the line of duty
4800 is prima facie evidence that the surviving spouse is entitled to
4801 the exemption.

4802 (b) The tax exemption applies as long as the surviving
4803 spouse holds the legal or beneficial title to the homestead,
4804 permanently resides thereon as specified in s. 196.031, and does
4805 not remarry. If the surviving spouse sells the property, an
4806 exemption not to exceed the amount granted under the most recent
4807 ad valorem tax roll may be transferred to her or his new
4808 residence if it is used as her or his primary residence and he
4809 or she does not remarry.

4810 (c) As used in this subsection only, and not applicable to
4811 the payment of benefits under s. 112.19 or s. 112.191, the term:

4812 1. "First responder" means a law enforcement officer or
4813 correctional officer as defined in s. 943.10, a firefighter as
4814 defined in s. 633.102, or an emergency medical technician or

10-00317-13

20131410__

4815 paramedic as defined in s. 401.23 who is a full-time paid
4816 employee, part-time paid employee, or unpaid volunteer.

4817 2. "In the line of duty" means:

4818 a. While engaging in law enforcement;

4819 b. While performing an activity relating to fire
4820 suppression and prevention;

4821 c. While responding to a hazardous material emergency;

4822 d. While performing rescue activity;

4823 e. While providing emergency medical services;

4824 f. While performing disaster relief activity;

4825 g. While otherwise engaging in emergency response activity;

4826 or

4827 h. While engaging in a training exercise related to any of
4828 the events or activities enumerated in this subparagraph if the
4829 training has been authorized by the employing entity.

4830
4831 A heart attack or stroke that causes death or causes an injury
4832 resulting in death must occur within 24 hours after an event or
4833 activity enumerated in this subparagraph and must be directly
4834 and proximately caused by the event or activity in order to be
4835 considered as having occurred in the line of duty.

4836 Section 93. Section 554.103, Florida Statutes, is amended
4837 to read:

4838 554.103 Boiler code.—The department shall adopt by rule a
4839 State Boiler Code for the safe ~~construction~~, installation,
4840 inspection, maintenance, and repair of boilers in this state.
4841 The rules adopted shall be based upon and shall at all times
4842 follow generally accepted nationwide engineering standards,
4843 formulas, and practices pertaining to boiler construction and

10-00317-13

20131410__

4844 safety.

4845 (1) New boilers installed or imported into this state shall
4846 be constructed to the most current mandatory boiler code, The
4847 department shall adopt an existing code for new construction and
4848 installation known as the Boiler and Pressure Vessel Code of the
4849 American Society of Mechanical Engineers, including all
4850 amendments, code cases, and interpretations approved thereto by
4851 the Council on Codes and Standards of A.S.M.E. The department
4852 may adopt amendments and interpretations to the A.S.M.E. Boiler
4853 and Pressure Vessel Code approved by the A.S.M.E. Council on
4854 Codes and Standards subsequent to the adoption of the State
4855 Boiler Code, and when so adopted, such amendments and
4856 interpretations shall become a part of the State Boiler Code.

4857 (2) The installer ~~owner~~ of any boiler placed in use in this
4858 state after July 1, 2012 ~~October 1, 1987~~, shall submit the
4859 A.S.M.E. manufacturer's data report on such boiler to the chief
4860 inspector before the boiler being placed into operation not more
4861 than 90 days following the inservice date of the boiler.

4862 (3) The maximum allowable working pressure of a boiler
4863 carrying the A.S.M.E. code symbol shall be determined by the
4864 applicable sections of the code under which it was constructed
4865 and stamped. Subject to the concurrence of the chief inspector,
4866 such boiler may be rerated in accordance with the standards of
4867 the State Boiler Code.

4868 (4) The maximum allowable working pressure of a boiler
4869 which does not carry the A.S.M.E. code symbol must ~~shall~~ be
4870 computed in accordance with the standards of the State Boiler
4871 Code.

4872 (5) Sections ~~Nothing in ss. 554.1011-554.115 may not~~ shall

10-00317-13

20131410__

4873 be construed to in any way prevent the use, sale, or
4874 reinstallation of a boiler if such boiler has been made to
4875 conform to the applicable provisions of the State Boiler Code
4876 governing existing installations and if, upon inspection, the
4877 boiler has been found to be in a safe condition.

4878 Section 94. Section 633.167, Florida Statutes, is amended
4879 to read:

4880 633.167 Probation.—

4881 ~~(1)~~ If the State Fire Marshal finds that one or more
4882 grounds exist for the suspension, revocation, or refusal to
4883 issue, renew, or continue any license, certification, or permit
4884 issued under this chapter, the State Fire Marshal may, in her or
4885 his discretion, except when an administrative fine is not
4886 permissible under this chapter or when the suspension,
4887 revocation, or refusal is mandatory, in lieu of suspension,
4888 revocation, or refusal to issue, renew, or continue or, in
4889 connection with any administrative fine imposed, place the
4890 offending licensee, certificateholder, or permittee on probation
4891 for a period not to exceed 2 years, as specified by the State
4892 Fire Marshal in her or his order.

4893 ~~(2) As a condition to probation or in connection therewith,~~
4894 ~~the State Fire Marshal may specify in her or his order~~
4895 ~~reasonable terms and conditions to be fulfilled by the~~
4896 ~~probationer during the probation period. If during the probation~~
4897 ~~period the State Fire Marshal has good cause to believe that the~~
4898 ~~probationer has violated any of the terms and conditions, she or~~
4899 ~~he shall suspend, revoke, or refuse to issue, renew, or continue~~
4900 ~~the license, certificate, or permit of the probationer, as upon~~
4901 ~~the original ground or grounds referred to in subsection (1).~~

10-00317-13

20131410__

4902 Section 95. Section 633.517, Florida Statutes, is amended
4903 to read:

4904 633.517 Authority of State Fire Marshal to adopt rules,
4905 ~~administer oaths, and take testimony.~~

4906 ~~(1) The State Fire Marshal may is authorized,~~ with the
4907 advice of the board, ~~to~~ adopt rules pursuant to ss. 120.536(1)
4908 and 120.54 to implement ~~the provisions of~~ this act.

4909 ~~(2) The State Fire Marshal or her or his duly appointed~~
4910 ~~hearing officer may administer oaths and take testimony about~~
4911 ~~all matters within the jurisdiction of this act. Chapter 120~~
4912 ~~governs hearings conducted by or on behalf of the State Fire~~
4913 ~~Marshal.~~

4914 Section 96. Section 791.012, Florida Statutes, is amended
4915 to read:

4916 791.012 Minimum fireworks safety standards.—The outdoor
4917 display of fireworks in this state shall be governed by the
4918 National Fire Protection Association (NFPA) 1123, Code for
4919 Fireworks Display, as adopted in the Florida Fire Prevention
4920 Code 1995 Edition, approved by the American National Standards
4921 Institute. A Any state, county, or municipal law, rule, or
4922 ordinance may provide for more stringent rules ~~regulations~~ for
4923 the outdoor display of fireworks, but ~~in no event may~~ any such
4924 law, rule, or ordinance may not provide for less stringent rules
4925 ~~regulations~~ for the outdoor display of fireworks. The division
4926 shall adopt ~~promulgate~~ rules to carry out ~~the provisions of~~ this
4927 section. The Code for Fireworks Display shall not govern the
4928 display of any fireworks on private, residential property and
4929 shall not govern the display of those items included under s.
4930 791.01(4) (b) and (c) and authorized for sale thereunder.

10-00317-13

20131410__

4931 Section 97. Subsection (1) and paragraph (a) of subsection
4932 (3) of section 791.015, Florida Statutes, are amended to read:

4933 791.015 Registration of manufacturers, distributors,
4934 wholesalers, and retailers of sparklers.—

4935 (1) REGISTRATION REQUIREMENTS.—A ~~Any~~ manufacturer,
4936 distributor, wholesaler, retailer, or seasonal retailer of
4937 sparklers who wishes to do business in this state or to
4938 otherwise sell, ship, or assign for sale its products in this
4939 state must register annually with the division on forms
4940 prescribed by the division. A ~~Any~~ retailer or seasonal retailer
4941 who sells sparklers at more than one retail location may submit
4942 one registration form for all such locations but must provide
4943 the address of each location with the registration form;
4944 however, any retailer or seasonal retailer may submit multiple
4945 registration forms.

4946 (3) FEES.—

4947 (a) Each manufacturer, distributor, or wholesaler must pay
4948 an annual registration fee to be set by the division not to
4949 exceed \$1,000. Each seasonal retailer must pay an annual
4950 registration fee to be set by the division not to exceed \$200
4951 per each retail location registered. Each retailer shall pay an
4952 annual registration fee to be set by the division not to exceed
4953 \$15 for each retail location registered. Each certificateholder
4954 wishing to have a duplicate certificate issued for one which is
4955 lost or to show ~~reflect~~ a change of address shall request such
4956 duplicate in writing and shall pay a fee of \$5.

4957 Section 98. Section 633.024, Florida Statutes, is repealed.

4958 Section 99. Section 633.0245, Florida Statutes, is
4959 repealed.

10-00317-13

20131410__

4960 Section 100. Section 633.03, Florida Statutes, is repealed.
4961 Section 101. Section 633.0421, Florida Statutes, is
4962 repealed.
4963 Section 102. Section 633.13, Florida Statutes, is repealed.
4964 Section 103. Section 633.18, Florida Statutes, is repealed.
4965 Section 104. Section 633.30, Florida Statutes, is repealed.
4966 Section 105. Section 633.32, Florida Statutes, is repealed.
4967 Section 106. Section 633.33, Florida Statutes, is repealed.
4968 Section 107. Section 633.37, Florida Statutes, is repealed.
4969 Section 108. Section 633.445, Florida Statutes, is
4970 repealed.
4971 Section 109. Section 633.46, Florida Statutes, is repealed.
4972 Section 110. Section 633.514, Florida Statutes, is
4973 repealed.
4974 Section 111. Section 633.524, Florida Statutes, is
4975 repealed.
4976 Section 112. Section 633.804, Florida Statutes, is
4977 repealed.
4978 Section 113. Section 633.808, Florida Statutes, is
4979 repealed.
4980 Section 114. Section 633.810, Florida Statutes, is
4981 repealed.
4982 Section 115. Section 633.813, Florida Statutes, is
4983 repealed.
4984 Section 116. Section 633.815, Florida Statutes, is
4985 repealed.
4986 Section 117. Section 633.819, Florida Statutes, is
4987 repealed.
4988 Section 118. Section 633.820, Florida Statutes, is

10-00317-13

20131410__

4989 repealed.

4990 Section 119. Subsection (1) of section 112.1815, Florida
4991 Statutes, is amended to read:

4992 112.1815 Firefighters, paramedics, emergency medical
4993 technicians, and law enforcement officers; special provisions
4994 for employment-related accidents and injuries.—

4995 (1) The term "first responder" as used in this section
4996 means a law enforcement officer as defined in s. 943.10, a
4997 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
4998 medical technician or paramedic as defined in s. 401.23 employed
4999 by state or local government. A volunteer law enforcement
5000 officer, firefighter, or emergency medical technician or
5001 paramedic engaged by the state or a local government is also
5002 considered a first responder of the state or local government
5003 for purposes of this section.

5004 Section 120. Paragraph (b) of subsection (1) of section
5005 112.191, Florida Statutes, is amended to read:

5006 112.191 Firefighters; death benefits.—

5007 (1) Whenever used in this act:

5008 (b) The term "firefighter" means any full-time duly
5009 employed uniformed firefighter employed by an employer, whose
5010 primary duty is the prevention and extinguishing of fires, the
5011 protection of life and property therefrom, the enforcement of
5012 municipal, county, and state fire prevention codes, as well as
5013 the enforcement of any law pertaining to the prevention and
5014 control of fires, who is certified pursuant to s. 633.408
5015 ~~633.35~~, and who is a member of a duly constituted fire
5016 department of such employer or who is a volunteer firefighter.

5017 Section 121. Subsection (1) of section 112.81, Florida

10-00317-13

20131410__

5018 Statutes, is amended to read:

5019 112.81 Definitions.—As used in this part:

5020 (1) "Firefighter" means a ~~any~~ person who is certified in
5021 compliance with s. 633.408 ~~633.35~~ and who is employed solely
5022 within the fire department or public safety department of an
5023 employing agency as a full-time firefighter whose primary
5024 responsibility is the prevention and extinguishment of fires;
5025 the protection of life and property; and the enforcement of
5026 municipal, county, and state fire prevention codes and laws
5027 pertaining to the prevention and control of fires.

5028 Section 122. Paragraph (d) of subsection (4) of section
5029 119.071, Florida Statutes, is amended to read:

5030 119.071 General exemptions from inspection or copying of
5031 public records.—

5032 (4) AGENCY PERSONNEL INFORMATION.—

5033 (d)1. For purposes of this paragraph, the term "telephone
5034 numbers" includes home telephone numbers, personal cellular
5035 telephone numbers, personal pager telephone numbers, and
5036 telephone numbers associated with personal communications
5037 devices.

5038 2.a. The home addresses, telephone numbers, social security
5039 numbers, dates of birth, and photographs of active or former
5040 sworn or civilian law enforcement personnel, including
5041 correctional and correctional probation officers, personnel of
5042 the Department of Children and Family Services whose duties
5043 include the investigation of abuse, neglect, exploitation,
5044 fraud, theft, or other criminal activities, personnel of the
5045 Department of Health whose duties are to support the
5046 investigation of child abuse or neglect, and personnel of the

10-00317-13

20131410__

5047 Department of Revenue or local governments whose
5048 responsibilities include revenue collection and enforcement or
5049 child support enforcement; the home addresses, telephone
5050 numbers, social security numbers, photographs, dates of birth,
5051 and places of employment of the spouses and children of such
5052 personnel; and the names and locations of schools and day care
5053 facilities attended by the children of such personnel are exempt
5054 from s. 119.07(1).

5055 b. The home addresses, telephone numbers, dates of birth,
5056 and photographs of firefighters certified in compliance with s.
5057 633.408 ~~633.35~~; the home addresses, telephone numbers,
5058 photographs, dates of birth, and places of employment of the
5059 spouses and children of such firefighters; and the names and
5060 locations of schools and day care facilities attended by the
5061 children of such firefighters are exempt from s. 119.07(1).

5062 c. The home addresses, dates of birth, and telephone
5063 numbers of current or former justices of the Supreme Court,
5064 district court of appeal judges, circuit court judges, and
5065 county court judges; the home addresses, telephone numbers,
5066 dates of birth, and places of employment of the spouses and
5067 children of current or former justices and judges; and the names
5068 and locations of schools and day care facilities attended by the
5069 children of current or former justices and judges are exempt
5070 from s. 119.07(1).

5071 d. The home addresses, telephone numbers, social security
5072 numbers, dates of birth, and photographs of current or former
5073 state attorneys, assistant state attorneys, statewide
5074 prosecutors, or assistant statewide prosecutors; the home
5075 addresses, telephone numbers, social security numbers,

10-00317-13

20131410__

5076 photographs, dates of birth, and places of employment of the
5077 spouses and children of current or former state attorneys,
5078 assistant state attorneys, statewide prosecutors, or assistant
5079 statewide prosecutors; and the names and locations of schools
5080 and day care facilities attended by the children of current or
5081 former state attorneys, assistant state attorneys, statewide
5082 prosecutors, or assistant statewide prosecutors are exempt from
5083 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

5084 e. The home addresses, dates of birth, and telephone
5085 numbers of general magistrates, special magistrates, judges of
5086 compensation claims, administrative law judges of the Division
5087 of Administrative Hearings, and child support enforcement
5088 hearing officers; the home addresses, telephone numbers, dates
5089 of birth, and places of employment of the spouses and children
5090 of general magistrates, special magistrates, judges of
5091 compensation claims, administrative law judges of the Division
5092 of Administrative Hearings, and child support enforcement
5093 hearing officers; and the names and locations of schools and day
5094 care facilities attended by the children of general magistrates,
5095 special magistrates, judges of compensation claims,
5096 administrative law judges of the Division of Administrative
5097 Hearings, and child support enforcement hearing officers are
5098 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5099 Constitution if the general magistrate, special magistrate,
5100 judge of compensation claims, administrative law judge of the
5101 Division of Administrative Hearings, or child support hearing
5102 officer provides a written statement that the general
5103 magistrate, special magistrate, judge of compensation claims,
5104 administrative law judge of the Division of Administrative

10-00317-13

20131410__

5105 Hearings, or child support hearing officer has made reasonable
5106 efforts to protect such information from being accessible
5107 through other means available to the public.

5108 f. The home addresses, telephone numbers, dates of birth,
5109 and photographs of current or former human resource, labor
5110 relations, or employee relations directors, assistant directors,
5111 managers, or assistant managers of any local government agency
5112 or water management district whose duties include hiring and
5113 firing employees, labor contract negotiation, administration, or
5114 other personnel-related duties; the names, home addresses,
5115 telephone numbers, dates of birth, and places of employment of
5116 the spouses and children of such personnel; and the names and
5117 locations of schools and day care facilities attended by the
5118 children of such personnel are exempt from s. 119.07(1) and s.
5119 24(a), Art. I of the State Constitution.

5120 g. The home addresses, telephone numbers, dates of birth,
5121 and photographs of current or former code enforcement officers;
5122 the names, home addresses, telephone numbers, dates of birth,
5123 and places of employment of the spouses and children of such
5124 personnel; and the names and locations of schools and day care
5125 facilities attended by the children of such personnel are exempt
5126 from s. 119.07(1) and s. 24(a), Art. I of the State
5127 Constitution.

5128 h. The home addresses, telephone numbers, places of
5129 employment, dates of birth, and photographs of current or former
5130 guardians ad litem, as defined in s. 39.820; the names, home
5131 addresses, telephone numbers, dates of birth, and places of
5132 employment of the spouses and children of such persons; and the
5133 names and locations of schools and day care facilities attended

10-00317-13

20131410__

5134 by the children of such persons are exempt from s. 119.07(1) and
5135 s. 24(a), Art. I of the State Constitution, if the guardian ad
5136 litem provides a written statement that the guardian ad litem
5137 has made reasonable efforts to protect such information from
5138 being accessible through other means available to the public.

5139 i. The home addresses, telephone numbers, dates of birth,
5140 and photographs of current or former juvenile probation
5141 officers, juvenile probation supervisors, detention
5142 superintendents, assistant detention superintendents, juvenile
5143 justice detention officers I and II, juvenile justice detention
5144 officer supervisors, juvenile justice residential officers,
5145 juvenile justice residential officer supervisors I and II,
5146 juvenile justice counselors, juvenile justice counselor
5147 supervisors, human services counselor administrators, senior
5148 human services counselor administrators, rehabilitation
5149 therapists, and social services counselors of the Department of
5150 Juvenile Justice; the names, home addresses, telephone numbers,
5151 dates of birth, and places of employment of spouses and children
5152 of such personnel; and the names and locations of schools and
5153 day care facilities attended by the children of such personnel
5154 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5155 Constitution.

5156 j. The home addresses, telephone numbers, dates of birth,
5157 and photographs of current or former public defenders, assistant
5158 public defenders, criminal conflict and civil regional counsel,
5159 and assistant criminal conflict and civil regional counsel; the
5160 home addresses, telephone numbers, dates of birth, and places of
5161 employment of the spouses and children of such defenders or
5162 counsel; and the names and locations of schools and day care

10-00317-13

20131410__

5163 facilities attended by the children of such defenders or counsel
5164 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5165 Constitution.

5166 k. The home addresses, telephone numbers, and photographs
5167 of current or former investigators or inspectors of the
5168 Department of Business and Professional Regulation; the names,
5169 home addresses, telephone numbers, and places of employment of
5170 the spouses and children of such current or former investigators
5171 and inspectors; and the names and locations of schools and day
5172 care facilities attended by the children of such current or
5173 former investigators and inspectors are exempt from s. 119.07(1)
5174 and s. 24(a), Art. I of the State Constitution if the
5175 investigator or inspector has made reasonable efforts to protect
5176 such information from being accessible through other means
5177 available to the public. This sub-subparagraph is subject to the
5178 Open Government Sunset Review Act in accordance with s. 119.15
5179 and shall stand repealed on October 2, 2017, unless reviewed and
5180 saved from repeal through reenactment by the Legislature.

5181 l. The home addresses and telephone numbers of county tax
5182 collectors; the names, home addresses, telephone numbers, and
5183 places of employment of the spouses and children of such tax
5184 collectors; and the names and locations of schools and day care
5185 facilities attended by the children of such tax collectors are
5186 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5187 Constitution if the county tax collector has made reasonable
5188 efforts to protect such information from being accessible
5189 through other means available to the public. This sub-
5190 subparagraph is subject to the Open Government Sunset Review Act
5191 in accordance with s. 119.15 and shall stand repealed on October

10-00317-13

20131410__

5192 2, 2017, unless reviewed and saved from repeal through
5193 reenactment by the Legislature.

5194 3. An agency that is the custodian of the information
5195 specified in subparagraph 2. and that is not the employer of the
5196 officer, employee, justice, judge, or other person specified in
5197 subparagraph 2. shall maintain the exempt status of that
5198 information only if the officer, employee, justice, judge, other
5199 person, or employing agency of the designated employee submits a
5200 written request for maintenance of the exemption to the
5201 custodial agency.

5202 4. The exemptions in this paragraph apply to information
5203 held by an agency before, on, or after the effective date of the
5204 exemption.

5205 5. This paragraph is subject to the Open Government Sunset
5206 Review Act in accordance with s. 119.15, and shall stand
5207 repealed on October 2, 2017, unless reviewed and saved from
5208 repeal through reenactment by the Legislature.

5209 Section 123. Subsection (17) of section 120.80, Florida
5210 Statutes, is amended to read:

5211 120.80 Exceptions and special requirements; agencies.—

5212 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
5213 to the adoption of amendments and the triennial update to the
5214 Florida Fire Prevention Code expressly authorized by s. 633.202
5215 ~~633.0215~~.

5216 Section 124. Subsection (3) and paragraph (a) of subsection
5217 (6) of section 121.0515, Florida Statutes, are amended to read:

5218 121.0515 Special Risk Class.—

5219 (3) CRITERIA.—A member, to be designated as a special risk
5220 member, must meet the following criteria:

10-00317-13

20131410__

5221 (a) Effective October 1, 1978, the member must be employed
5222 as a law enforcement officer and be certified, or required to be
5223 certified, in compliance with s. 943.1395; however, sheriffs and
5224 elected police chiefs are excluded from meeting the
5225 certification requirements of this paragraph. In addition, the
5226 member's duties and responsibilities must include the pursuit,
5227 apprehension, and arrest of law violators or suspected law
5228 violators; or as of July 1, 1982, the member must be an active
5229 member of a bomb disposal unit whose primary responsibility is
5230 the location, handling, and disposal of explosive devices; or
5231 the member must be the supervisor or command officer of a member
5232 or members who have such responsibilities. Administrative
5233 support personnel, including, but not limited to, those whose
5234 primary duties and responsibilities are in accounting,
5235 purchasing, legal, and personnel, are not included;

5236 (b) Effective October 1, 1978, the member must be employed
5237 as a firefighter and be certified, or required to be certified,
5238 in compliance with s. 633.408 ~~633.35~~ and be employed solely
5239 within the fire department of a local government employer or an
5240 agency of state government with firefighting responsibilities.
5241 In addition, the member's duties and responsibilities must
5242 include on-the-scene fighting of fires; as of October 1, 2001,
5243 fire prevention or firefighter training; as of October 1, 2001,
5244 direct supervision of firefighting units, fire prevention, or
5245 firefighter training; or as of July 1, 2001, aerial firefighting
5246 surveillance performed by fixed-wing aircraft pilots employed by
5247 the Florida Forest Service of the Department of Agriculture and
5248 Consumer Services; or the member must be the supervisor or
5249 command officer of a member or members who have such

10-00317-13

20131410__

5250 responsibilities. Administrative support personnel, including,
5251 but not limited to, those whose primary duties and
5252 responsibilities are in accounting, purchasing, legal, and
5253 personnel, are not included. All periods of creditable service
5254 in fire prevention or firefighter training, or as the supervisor
5255 or command officer of a member or members who have such
5256 responsibilities, and for which the employer paid the special
5257 risk contribution rate, are included;

5258 (c) Effective October 1, 1978, the member must be employed
5259 as a correctional officer and be certified, or required to be
5260 certified, in compliance with s. 943.1395. In addition, the
5261 member's primary duties and responsibilities must be the
5262 custody, and physical restraint when necessary, of prisoners or
5263 inmates within a prison, jail, or other criminal detention
5264 facility, or while on work detail outside the facility, or while
5265 being transported; or as of July 1, 1984, the member must be the
5266 supervisor or command officer of a member or members who have
5267 such responsibilities. Administrative support personnel,
5268 including, but not limited to, those whose primary duties and
5269 responsibilities are in accounting, purchasing, legal, and
5270 personnel, are not included; however, wardens and assistant
5271 wardens, as defined by rule, are included;

5272 (d) Effective October 1, 1999, the member must be employed
5273 by a licensed Advance Life Support (ALS) or Basic Life Support
5274 (BLS) employer as an emergency medical technician or a paramedic
5275 and be certified in compliance with s. 401.27. In addition, the
5276 member's primary duties and responsibilities must include on-
5277 the-scene emergency medical care or as of October 1, 2001,
5278 direct supervision of emergency medical technicians or

10-00317-13

20131410__

5279 paramedics, or the member must be the supervisor or command
5280 officer of one or more members who have such responsibility.
5281 Administrative support personnel, including, but not limited to,
5282 those whose primary responsibilities are in accounting,
5283 purchasing, legal, and personnel, are not included;

5284 (e) Effective January 1, 2001, the member must be employed
5285 as a community-based correctional probation officer and be
5286 certified, or required to be certified, in compliance with s.
5287 943.1395. In addition, the member's primary duties and
5288 responsibilities must be the supervised custody, surveillance,
5289 control, investigation, and counseling of assigned inmates,
5290 probationers, parolees, or community controllees within the
5291 community; or the member must be the supervisor of a member or
5292 members who have such responsibilities. Administrative support
5293 personnel, including, but not limited to, those whose primary
5294 duties and responsibilities are in accounting, purchasing, legal
5295 services, and personnel management, are not included; however,
5296 probation and parole circuit and deputy circuit administrators
5297 are included;

5298 (f) Effective January 1, 2001, the member must be employed
5299 in one of the following classes and must spend at least 75
5300 percent of his or her time performing duties which involve
5301 contact with patients or inmates in a correctional or forensic
5302 facility or institution:

- 5303 1. Dietitian (class codes 5203 and 5204);
- 5304 2. Public health nutrition consultant (class code 5224);
- 5305 3. Psychological specialist (class codes 5230 and 5231);
- 5306 4. Psychologist (class code 5234);
- 5307 5. Senior psychologist (class codes 5237 and 5238);

10-00317-13

20131410__

- 5308 6. Regional mental health consultant (class code 5240);
- 5309 7. Psychological Services Director—DCF (class code 5242);
- 5310 8. Pharmacist (class codes 5245 and 5246);
- 5311 9. Senior pharmacist (class codes 5248 and 5249);
- 5312 10. Dentist (class code 5266);
- 5313 11. Senior dentist (class code 5269);
- 5314 12. Registered nurse (class codes 5290 and 5291);
- 5315 13. Senior registered nurse (class codes 5292 and 5293);
- 5316 14. Registered nurse specialist (class codes 5294 and
- 5317 5295);
- 5318 15. Clinical associate (class codes 5298 and 5299);
- 5319 16. Advanced registered nurse practitioner (class codes
- 5320 5297 and 5300);
- 5321 17. Advanced registered nurse practitioner specialist
- 5322 (class codes 5304 and 5305);
- 5323 18. Registered nurse supervisor (class codes 5306 and
- 5324 5307);
- 5325 19. Senior registered nurse supervisor (class codes 5308
- 5326 and 5309);
- 5327 20. Registered nursing consultant (class codes 5312 and
- 5328 5313);
- 5329 21. Quality management program supervisor (class code
- 5330 5314);
- 5331 22. Executive nursing director (class codes 5320 and 5321);
- 5332 23. Speech and hearing therapist (class code 5406); or
- 5333 24. Pharmacy manager (class code 5251);
- 5334 (g) Effective July 1, 2001, the member must be employed as
- 5335 a youth custody officer and be certified, or required to be
- 5336 certified, in compliance with s. 943.1395. In addition, the

10-00317-13

20131410__

5337 member's primary duties and responsibilities must be the
5338 supervised custody, surveillance, control, investigation,
5339 apprehension, arrest, and counseling of assigned juveniles
5340 within the community;

5341 (h) Effective October 1, 2005, through June 30, 2008, the
5342 member must be employed by a law enforcement agency or medical
5343 examiner's office in a forensic discipline recognized by the
5344 International Association for Identification and must qualify
5345 for active membership in the International Association for
5346 Identification. The member's primary duties and responsibilities
5347 must include the collection, examination, preservation,
5348 documentation, preparation, or analysis of physical evidence or
5349 testimony, or both, or the member must be the direct supervisor,
5350 quality management supervisor, or command officer of one or more
5351 individuals with such responsibility. Administrative support
5352 personnel, including, but not limited to, those whose primary
5353 responsibilities are clerical or in accounting, purchasing,
5354 legal, and personnel, are not included;

5355 (i) Effective July 1, 2008, the member must be employed by
5356 the Department of Law Enforcement in the crime laboratory or by
5357 the Division of State Fire Marshal in the forensic laboratory in
5358 one of the following classes:

- 5359 1. Forensic technologist (class code 8459);
- 5360 2. Crime laboratory technician (class code 8461);
- 5361 3. Crime laboratory analyst (class code 8463);
- 5362 4. Senior crime laboratory analyst (class code 8464);
- 5363 5. Crime laboratory analyst supervisor (class code 8466);
- 5364 6. Forensic chief (class code 9602); or
- 5365 7. Forensic services quality manager (class code 9603);

10-00317-13

20131410__

5366 (j) Effective July 1, 2008, the member must be employed by
5367 a local government law enforcement agency or medical examiner's
5368 office and must spend at least 65 percent of his or her time
5369 performing duties that involve the collection, examination,
5370 preservation, documentation, preparation, or analysis of human
5371 tissues or fluids or physical evidence having potential
5372 biological, chemical, or radiological hazard or contamination,
5373 or use chemicals, processes, or materials that may have
5374 carcinogenic or health-damaging properties in the analysis of
5375 such evidence, or the member must be the direct supervisor of
5376 one or more individuals having such responsibility. If a special
5377 risk member changes to another position within the same agency,
5378 he or she must submit a complete application as provided in
5379 paragraph (4) (a); or

5380 (k) The member must have already qualified for and be
5381 actively participating in special risk membership under
5382 paragraph (a), paragraph (b), or paragraph (c), must have
5383 suffered a qualifying injury as defined in this paragraph, must
5384 not be receiving disability retirement benefits as provided in
5385 s. 121.091(4), and must satisfy the requirements of this
5386 paragraph.

5387 1. The ability to qualify for the class of membership
5388 defined in paragraph (2) (i) occurs when two licensed medical
5389 physicians, one of whom is a primary treating physician of the
5390 member, certify the existence of the physical injury and medical
5391 condition that constitute a qualifying injury as defined in this
5392 paragraph and that the member has reached maximum medical
5393 improvement after August 1, 2008. The certifications from the
5394 licensed medical physicians must include, at a minimum, that the

10-00317-13

20131410__

5395 injury to the special risk member has resulted in a physical
5396 loss, or loss of use, of at least two of the following: left
5397 arm, right arm, left leg, or right leg; and:

5398 a. That this physical loss or loss of use is total and
5399 permanent, except if ~~in the event that~~ the loss of use is due to
5400 a physical injury to the member's brain, in which event the loss
5401 of use is permanent with at least 75 percent loss of motor
5402 function with respect to each arm or leg affected.

5403 b. That this physical loss or loss of use renders the
5404 member physically unable to perform the essential job functions
5405 of his or her special risk position.

5406 c. That, notwithstanding this physical loss or loss of use,
5407 the individual can ~~is able to~~ perform the essential job
5408 functions required by the member's new position, as provided in
5409 subparagraph 3.

5410 d. That use of artificial limbs is ~~either~~ not possible or
5411 does not alter the member's ability to perform the essential job
5412 functions of the member's position.

5413 e. That the physical loss or loss of use is a direct result
5414 of a physical injury and not a result of any mental,
5415 psychological, or emotional injury.

5416 2. For the purposes of this paragraph, "qualifying injury"
5417 means an injury sustained in the line of duty, as certified by
5418 the member's employing agency, by a special risk member that
5419 does not result in total and permanent disability as defined in
5420 s. 121.091(4)(b). An injury is a qualifying injury if the injury
5421 is a physical injury to the member's physical body resulting in
5422 a physical loss, or loss of use, of at least two of the
5423 following: left arm, right arm, left leg, or right leg.

10-00317-13

20131410__

5424 Notwithstanding any other provision of this section, an injury
5425 that would otherwise qualify as a qualifying injury is not
5426 considered a qualifying injury if and when the member ceases
5427 employment with the employer for whom he or she was providing
5428 special risk services on the date the injury occurred.

5429 3. The new position, as described in sub-subparagraph 1.c.,
5430 that is required for qualification as a special risk member
5431 under this paragraph is not required to be a position with
5432 essential job functions that entitle an individual to special
5433 risk membership. Whether a new position as described in sub-
5434 subparagraph 1.c. exists and is available to the special risk
5435 member is a decision to be made solely by the employer in
5436 accordance with its hiring practices and applicable law.

5437 4. This paragraph does not grant or create additional
5438 rights for any individual to continued employment or to be hired
5439 or rehired by his or her employer that are not already provided
5440 within the Florida Statutes, the State Constitution, the
5441 Americans with Disabilities Act, if applicable, or any other
5442 applicable state or federal law.

5443 (6) CREDIT FOR PAST SERVICE.—A special risk member may
5444 purchase retirement credit in the Special Risk Class based upon
5445 past service, and may upgrade retirement credit for such past
5446 service, to the extent of 2 percent of the member's average
5447 monthly compensation as specified in s. 121.091(1)(a) for such
5448 service as follows:

5449 (a) The member may purchase special risk credit for past
5450 service with a municipality or special district which has
5451 elected to join the Florida Retirement System, or with a
5452 participating agency to which a member's governmental unit was

10-00317-13

20131410__

5453 transferred, merged, or consolidated as provided in s.
 5454 121.081(1)(f), if the member was employed with the municipality
 5455 or special district when ~~at the time~~ it commenced participating
 5456 in the Florida Retirement System or with the governmental unit
 5457 at the time of its transfer, merger, or consolidation with the
 5458 participating agency. The service must satisfy the criteria set
 5459 forth in subsection (3) for Special Risk Class membership as a
 5460 law enforcement officer, firefighter, or correctional officer;
 5461 however, a certificate or waiver of certificate of compliance
 5462 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such
 5463 service.

5464 Section 125. Paragraph (d) of subsection (1) of section
 5465 125.01, Florida Statutes, is amended to read:

5466 125.01 Powers and duties.—

5467 (1) The legislative and governing body of a county shall
 5468 have the power to carry on county government. To the extent not
 5469 inconsistent with general or special law, this power includes,
 5470 but is not restricted to, the power to:

5471 (d) Provide fire protection, including the enforcement of
 5472 the Florida Fire Prevention Code, as provided in ss. 633.206
 5473 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local
 5474 technical amendments to the Florida Fire Prevention Code as
 5475 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

5476 Section 126. Subsection (2) of section 125.01045, Florida
 5477 Statutes, is amended to read:

5478 125.01045 Prohibition of fees for first responder
 5479 services.—

5480 (2) As used in this section, the term "first responder"
 5481 means a law enforcement officer as defined in s. 943.10, a

10-00317-13

20131410__

5482 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
 5483 medical technician or paramedic as defined in s. 401.23 who is
 5484 employed by the state or a local government. A volunteer law
 5485 enforcement officer, firefighter, or emergency medical
 5486 technician or paramedic engaged by the state or a local
 5487 government is also considered a first responder of the state or
 5488 local government for purposes of this section.

5489 Section 127. Subsection (1) of section 125.56, Florida
 5490 Statutes, is amended to read:

5491 125.56 Enforcement and amendment of the Florida Building
 5492 Code and the Florida Fire Prevention Code; inspection fees;
 5493 inspectors; etc.—

5494 (1) The board of county commissioners of each of the
 5495 several counties of the state may ~~is authorized to~~ enforce the
 5496 Florida Building Code and the Florida Fire Prevention Code, as
 5497 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,
 5498 and, at its discretion, to adopt local technical amendments to
 5499 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)
 5500 and local technical amendments to the Florida Fire Prevention
 5501 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe
 5502 construction, erection, alteration, repair, securing, and
 5503 demolition of any building within its territory outside the
 5504 corporate limits of any municipality. Upon a determination to
 5505 consider amending the Florida Building Code or the Florida Fire
 5506 Prevention Code by a majority of the members of the board of
 5507 county commissioners of such county, the board shall call a
 5508 public hearing and comply with the public notice requirements of
 5509 s. 125.66(2). The board shall hear all interested parties at the
 5510 public hearing and may then amend the building code or the fire

10-00317-13

20131410__

5511 code consistent with the terms and purposes of this act. Upon
 5512 adoption, an amendment to the code shall be in full force and
 5513 effect throughout the unincorporated area of such county until
 5514 otherwise notified by the Florida Building Commission pursuant
 5515 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202
 5516 ~~633.0215~~. Nothing herein contained shall be construed to prevent
 5517 the board of county commissioners from repealing such amendment
 5518 to the building code or the fire code at any regular meeting of
 5519 such board.

5520 Section 128. Subsection (2) of section 166.0446, Florida
 5521 Statutes, is amended to read:

5522 166.0446 Prohibition of fees for first responder services.—

5523 (2) As used in this section, the term "first responder"
 5524 means a law enforcement officer as defined in s. 943.10, a
 5525 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
 5526 medical technician or paramedic as defined in s. 401.23 who is
 5527 employed by the state or a local government. A volunteer law
 5528 enforcement officer, firefighter, or emergency medical
 5529 technician or paramedic engaged by the state or a local
 5530 government is also considered a first responder of the state or
 5531 local government for purposes of this section.

5532 Section 129. Paragraph (a) of subsection (8) of section
 5533 175.032, Florida Statutes, is amended to read:

5534 175.032 Definitions.—For any municipality, special fire
 5535 control district, chapter plan, local law municipality, local
 5536 law special fire control district, or local law plan under this
 5537 chapter, the following words and phrases have the following
 5538 meanings:

5539 (8) (a) "Firefighter" means a ~~any~~ person employed solely by

10-00317-13

20131410__

5540 a constituted fire department of any municipality or special
5541 fire control district who is certified as a firefighter as a
5542 condition of employment in accordance with s. 633.408 ~~633.35~~ and
5543 whose duty it is to extinguish fires, to protect life, or to
5544 protect property. The term includes all certified, supervisory,
5545 and command personnel whose duties include, in whole or in part,
5546 the supervision, training, guidance, and management
5547 responsibilities of full-time firefighters, part-time
5548 firefighters, or auxiliary firefighters but does not include
5549 part-time firefighters or auxiliary firefighters. However, for
5550 purposes of this chapter only, the term also includes public
5551 safety officers who are responsible for performing both police
5552 and fire services, who are certified as police officers or
5553 firefighters, and who are certified by their employers to the
5554 Chief Financial Officer as participating in this chapter before
5555 October 1, 1979. Effective October 1, 1979, public safety
5556 officers who have not been certified as participating in this
5557 chapter are considered police officers for retirement purposes
5558 and are eligible to participate in chapter 185. Any plan may
5559 provide that the fire chief has an option to participate, or
5560 not, in that plan.

5561 Section 130. Subsection (3) of section 175.121, Florida
5562 Statutes, is amended to read:

5563 175.121 Department of Revenue and Division of Retirement to
5564 keep accounts of deposits; disbursements.—For any municipality
5565 or special fire control district having a chapter or local law
5566 plan established pursuant to this chapter:

5567 (3) (a) All moneys not distributed to municipalities and
5568 special fire control districts under this section as a result of

10-00317-13

20131410__

5569 the limitation on disbursement contained in s. 175.122, or as a
 5570 result of any municipality or special fire control district not
 5571 having qualified in any given year, or portion thereof, shall be
 5572 transferred to the Firefighters' Supplemental Compensation Trust
 5573 Fund administered by the Department of Revenue, as provided in
 5574 s. 633.422 ~~633.382~~.

5575 (b)1. Moneys transferred under paragraph (a) but not needed
 5576 to support the supplemental compensation program in a given year
 5577 shall be redistributed pro rata to those participating
 5578 municipalities and special fire control districts that transfer
 5579 any portion of their funds to support the supplemental
 5580 compensation program in that year. Such additional moneys shall
 5581 be used to cover or offset costs of the retirement plan.

5582 2. To assist the Department of Revenue, the division shall
 5583 identify those municipalities and special fire control districts
 5584 that are eligible for redistribution as provided in s.
 5585 633.422 (3) (c) 2. ~~633.382 (4) (c) 2.~~, by listing the municipalities
 5586 and special fire control districts from which funds were
 5587 transferred under paragraph (a) and specifying the amount
 5588 transferred by each.

5589 Section 131. Paragraph (e) of subsection (1) of section
 5590 218.23, Florida Statutes, is amended to read:

5591 218.23 Revenue sharing with units of local government.—

5592 (1) To be eligible to participate in revenue sharing beyond
 5593 the minimum entitlement in any fiscal year, a unit of local
 5594 government is required to have:

5595 (e) Certified that persons in its employ as firefighters,
 5596 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for
 5597 employment as established by the Division of State Fire Marshal

10-00317-13

20131410__

5598 pursuant to ~~the provisions of~~ ss. 633.412 ~~633.34~~ and 633.408
5599 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 has ~~633.382~~ have
5600 been met.

5601
5602 Additionally, to receive its share of revenue sharing funds, a
5603 unit of local government shall certify to the Department of
5604 Revenue that the requirements of s. 200.065, if applicable, were
5605 met. The certification shall be made annually within 30 days of
5606 adoption of an ordinance or resolution establishing a final
5607 property tax levy or, if no property tax is levied, not later
5608 than November 1. The portion of revenue sharing funds which,
5609 pursuant to this part, would otherwise be distributed to a unit
5610 of local government which has not certified compliance or has
5611 otherwise failed to meet the requirements of s. 200.065 shall be
5612 deposited in the General Revenue Fund for the 12 months
5613 following a determination of noncompliance by the department.

5614 Section 132. Paragraph (a) of subsection (3) of section
5615 252.515, Florida Statutes, is amended to read:

5616 252.515 Postdisaster Relief Assistance Act; immunity from
5617 civil liability.—

5618 (3) As used in this section, the term:

5619 (a) "Emergency first responder" means:

- 5620 1. A physician licensed under chapter 458.
5621 2. An osteopathic physician licensed under chapter 459.
5622 3. A chiropractic physician licensed under chapter 460.
5623 4. A podiatric physician licensed under chapter 461.
5624 5. A dentist licensed under chapter 466.
5625 6. An advanced registered nurse practitioner certified
5626 under s. 464.012.

10-00317-13

20131410__

5627 7. A physician assistant licensed under s. 458.347 or s.
5628 459.022.

5629 8. A worker employed by a public or private hospital in the
5630 state.

5631 9. A paramedic as defined in s. 401.23(17).

5632 10. An emergency medical technician as defined in s.
5633 401.23(11).

5634 11. A firefighter as defined in s. 633.102 ~~633.30~~.

5635 12. A law enforcement officer as defined in s. 943.10.

5636 13. A member of the Florida National Guard.

5637 14. Any other personnel designated as emergency personnel
5638 by the Governor pursuant to a declared emergency.

5639 Section 133. Section 255.45, Florida Statutes, is amended
5640 to read:

5641 255.45 Correction of firesafety violations in certain
5642 state-owned property.—The Department of Management Services is
5643 responsible for ensuring that firesafety violations that are
5644 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~
5645 are corrected as soon as practicable for all state-owned
5646 property which is leased from the Department of Management
5647 Services.

5648 Section 134. Subsection (4) of section 258.0145, Florida
5649 Statutes, is amended to read:

5650 258.0145 Military state park fee discounts.—The Division of
5651 Recreation and Parks shall provide the following discounts on
5652 park fees to persons who present written documentation
5653 satisfactory to the division which evidences their eligibility
5654 for the discounts:

5655 (4) The surviving spouse and parents of a law enforcement

10-00317-13

20131410__

5656 officer, as defined in s. 943.10(1), or a firefighter, as
5657 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of
5658 duty shall receive lifetime family annual entrance passes at no
5659 charge.

5660 Section 135. Subsection (1) of section 281.02, Florida
5661 Statutes, is amended to read:

5662 281.02 Powers and duties of the Department of Management
5663 Services with respect to firesafety and security.—The Department
5664 of Management Services has the following powers and duties with
5665 respect to firesafety and security:

5666 (1) To assist the State Fire Marshal in maintaining the
5667 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

5668 Section 136. Subsection (1) of section 384.287, Florida
5669 Statutes, is amended to read:

5670 384.287 Screening for sexually transmissible disease.—

5671 (1) An officer as defined in s. 943.10(14); support
5672 personnel as defined in s. 943.10(11) who are employed by the
5673 Department of Law Enforcement, including, but not limited to,
5674 any crime scene analyst, forensic technologist, or crime lab
5675 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or
5676 ambulance driver, paramedic, or emergency medical technician as
5677 defined in s. 401.23, acting within the scope of employment, who
5678 comes into contact with a person in such a way that significant
5679 exposure, as defined in s. 381.004, has occurred may request
5680 that the person be screened for a sexually transmissible disease
5681 that can be transmitted through a significant exposure.

5682 Section 137. Paragraph (a) of subsection (1) of section
5683 395.0163, Florida Statutes, is amended to read:

5684 395.0163 Construction inspections; plan submission and

10-00317-13

20131410__

5685 approval; fees.—

5686 (1) (a) The design, construction, erection, alteration,
5687 modification, repair, and demolition of all public and private
5688 health care facilities are governed by the Florida Building Code
5689 and the Florida Fire Prevention Code under ss. 553.73 and
5690 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79
5691 and 553.80, the agency shall review facility plans and survey
5692 the construction of any facility licensed under this chapter.
5693 The agency shall make, or cause to be made, such construction
5694 inspections and investigations as it deems necessary. The agency
5695 may prescribe by rule that any licensee or applicant desiring to
5696 make specified types of alterations or additions to its
5697 facilities or to construct new facilities shall, before
5698 commencing such alteration, addition, or new construction,
5699 submit plans and specifications therefor to the agency for
5700 preliminary inspection and approval or recommendation with
5701 respect to compliance with applicable provisions of the Florida
5702 Building Code or agency rules and standards. The agency shall
5703 approve or disapprove the plans and specifications within 60
5704 days after receipt of the fee for review of plans as required in
5705 subsection (2). The agency may be granted one 15-day extension
5706 for the review period if the director of the agency approves the
5707 extension. If the agency fails to act within the specified time,
5708 it shall be deemed to have approved the plans and
5709 specifications. When the agency disapproves plans and
5710 specifications, it shall set forth in writing the reasons for
5711 its disapproval. Conferences and consultations may be provided
5712 as necessary.

5713 Section 138. Section 400.232, Florida Statutes, is amended

10-00317-13

20131410__

5714 to read:

5715 400.232 Review and approval of plans; fees and costs.—The
5716 design, construction, erection, alteration, modification,
5717 repair, and demolition of all public and private health care
5718 facilities are governed by the Florida Building Code and the
5719 Florida Fire Prevention Code under ss. 553.73 and 633.206
5720 ~~633.022~~. In addition to the requirements of ss. 553.79 and
5721 553.80, the agency shall review the facility plans and survey
5722 the construction of facilities licensed under this chapter.

5723 (1) The agency shall approve or disapprove the plans and
5724 specifications within 60 days after receipt of the final plans
5725 and specifications. The agency may be granted one 15-day
5726 extension for the review period, if the director of the agency
5727 so approves. If the agency fails to act within the specified
5728 time, it shall be deemed to have approved the plans and
5729 specifications. When the agency disapproves plans and
5730 specifications, it shall set forth in writing the reasons for
5731 disapproval. Conferences and consultations may be provided as
5732 necessary.

5733 (2) The agency may ~~is authorized to~~ charge an initial fee
5734 of \$2,000 for review of plans and construction on all projects,
5735 no part of which is refundable. The agency may also collect a
5736 fee, not to exceed 1 percent of the estimated construction cost
5737 or the actual cost of review, whichever is less, for the portion
5738 of the review which encompasses initial review through the
5739 initial revised construction document review. The agency is
5740 further authorized to collect its actual costs on all subsequent
5741 portions of the review and construction inspections. Initial fee
5742 payment shall accompany the initial submission of plans and

10-00317-13

20131410__

5743 specifications. Any subsequent payment that is due is payable
5744 upon receipt of the invoice from the agency. Notwithstanding any
5745 other ~~provisions of~~ law to the contrary, all money received by
5746 the agency pursuant to ~~the provisions of~~ this section shall be
5747 ~~deemed to be~~ trust funds, to be held and applied solely for the
5748 operations required under this section.

5749 Section 139. Section 400.915, Florida Statutes, is amended
5750 to read:

5751 400.915 Construction and renovation; requirements.—The
5752 requirements for the construction or renovation of a PPEC center
5753 shall comply with:

5754 (1) The provisions of chapter 553, which pertain to
5755 building construction standards, including plumbing, electrical
5756 code, glass, manufactured buildings, accessibility for the
5757 physically disabled;

5758 (2) Section 633.206 ~~The provisions of s. 633.022~~ and
5759 applicable rules pertaining to physical standards for
5760 nonresidential child care facilities; and

5761 (3) The standards or rules adopted pursuant to this part
5762 and part II of chapter 408.

5763 Section 140. Paragraph (a) of subsection (1) of section
5764 429.41, Florida Statutes, is amended to read:

5765 429.41 Rules establishing standards.—

5766 (1) It is the intent of the Legislature that rules
5767 published and enforced pursuant to this section shall include
5768 criteria by which a reasonable and consistent quality of
5769 resident care and quality of life may be ensured and the results
5770 of such resident care may be demonstrated. Such rules shall also
5771 ensure a safe and sanitary environment that is residential and

10-00317-13

20131410__

5772 noninstitutional in design or nature. It is further intended
5773 that reasonable efforts be made to accommodate the needs and
5774 preferences of residents to enhance the quality of life in a
5775 facility. The agency, in consultation with the department, may
5776 adopt rules to administer the requirements of part II of chapter
5777 408. In order to provide safe and sanitary facilities and the
5778 highest quality of resident care accommodating the needs and
5779 preferences of residents, the department, in consultation with
5780 the agency, the Department of Children and Family Services, and
5781 the Department of Health, shall adopt rules, policies, and
5782 procedures to administer this part, which must include
5783 reasonable and fair minimum standards in relation to:

5784 (a) The requirements for and maintenance of facilities, not
5785 in conflict with ~~the provisions of~~ chapter 553, relating to
5786 plumbing, heating, cooling, lighting, ventilation, living space,
5787 and other housing conditions, which will ensure the health,
5788 safety, and comfort of residents and protection from fire
5789 hazard, including adequate provisions for fire alarm and other
5790 fire protection suitable to the size of the structure. Uniform
5791 firesafety standards shall be established and enforced by the
5792 State Fire Marshal in cooperation with the agency, the
5793 department, and the Department of Health.

5794 1. Evacuation capability determination.—

5795 a. The ~~provisions of the~~ National Fire Protection
5796 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
5797 for determining the ability of the residents, with or without
5798 staff assistance, to relocate from or within a licensed facility
5799 to a point of safety as provided in the fire codes adopted
5800 herein. An evacuation capability evaluation for initial

10-00317-13

20131410__

5801 licensure shall be conducted within 6 months after the date of
5802 licensure. For existing licensed facilities that are not
5803 equipped with an automatic fire sprinkler system, the
5804 administrator shall evaluate the evacuation capability of
5805 residents at least annually. The evacuation capability
5806 evaluation for each facility not equipped with an automatic fire
5807 sprinkler system shall be validated, without liability, by the
5808 State Fire Marshal, by the local fire marshal, or by the local
5809 authority having jurisdiction over firesafety, before the
5810 license renewal date. If the State Fire Marshal, local fire
5811 marshal, or local authority having jurisdiction over firesafety
5812 has reason to believe that the evacuation capability of a
5813 facility as reported by the administrator may have changed, it
5814 may, with assistance from the facility administrator, reevaluate
5815 the evacuation capability through timed exiting drills.
5816 Translation of timed fire exiting drills to evacuation
5817 capability may be determined:

5818 (I) Three minutes or less: prompt.

5819 (II) More than 3 minutes, but not more than 13 minutes:
5820 slow.

5821 (III) More than 13 minutes: impractical.

5822 b. The Office of the State Fire Marshal shall provide or
5823 cause the provision of training and education on the proper
5824 application of Chapter 5, NFPA 101A, 1995 edition, to its
5825 employees, to staff of the Agency for Health Care Administration
5826 who are responsible for regulating facilities under this part,
5827 and to local governmental inspectors. The Office of the State
5828 Fire Marshal shall provide or cause the provision of this
5829 training within its existing budget, but may charge a fee for

10-00317-13

20131410__

5830 this training to offset its costs. The initial training must be
5831 delivered within 6 months after July 1, 1995, and as needed
5832 thereafter.

5833 c. The Office of the State Fire Marshal, in cooperation
5834 with provider associations, shall provide or cause the provision
5835 of a training program designed to inform facility operators on
5836 how to properly review bid documents relating to the
5837 installation of automatic fire sprinklers. The Office of the
5838 State Fire Marshal shall provide or cause the provision of this
5839 training within its existing budget, but may charge a fee for
5840 this training to offset its costs. The initial training must be
5841 delivered within 6 months after July 1, 1995, and as needed
5842 thereafter.

5843 d. The administrator of a licensed facility shall sign an
5844 affidavit verifying the number of residents occupying the
5845 facility at the time of the evacuation capability evaluation.

5846 2. Firesafety requirements.-

5847 a. Except for the special applications provided herein,
5848 effective January 1, 1996, the ~~provisions of the~~ National Fire
5849 Protection Association, Life Safety Code, NFPA 101, 1994
5850 edition, Chapter 22 for new facilities and Chapter 23 for
5851 existing facilities shall be the uniform fire code applied by
5852 the State Fire Marshal for assisted living facilities, pursuant
5853 to s. 633.206 ~~633.022~~.

5854 b. Any new facility, regardless of size, that applies for a
5855 license on or after January 1, 1996, must be equipped with an
5856 automatic fire sprinkler system. The exceptions as provided in
5857 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
5858 to any new facility housing eight or fewer residents. On July 1,

10-00317-13

20131410__

5859 1995, local governmental entities responsible for the issuance
5860 of permits for construction shall inform, without liability, any
5861 facility whose permit for construction is obtained before ~~prior~~
5862 ~~to~~ January 1, 1996, of this automatic fire sprinkler
5863 requirement. As used in this part, the term "a new facility"
5864 does not mean an existing facility that has undergone change of
5865 ownership.

5866 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or
5867 of the National Fire Protection Association, NFPA 101A, Chapter
5868 5, 1995 edition, to the contrary, any existing facility housing
5869 eight or fewer residents is not required to install an automatic
5870 fire sprinkler system, nor to comply with any other requirement
5871 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
5872 firesafety requirements of NFPA 101, 1988 edition, that applies
5873 to this size facility, unless the facility has been classified
5874 as impractical to evacuate. Any existing facility housing eight
5875 or fewer residents that is classified as impractical to evacuate
5876 must install an automatic fire sprinkler system within the
5877 timeframes granted in this section.

5878 d. Any existing facility that is required to install an
5879 automatic fire sprinkler system under this paragraph need not
5880 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
5881 edition, which exceed the provisions of NFPA 101, 1988 edition.
5882 The mandate contained in this paragraph which requires certain
5883 facilities to install an automatic fire sprinkler system
5884 supersedes any other requirement.

5885 e. This paragraph does not supersede the exceptions granted
5886 in NFPA 101, 1988 edition or 1994 edition.

5887 f. This paragraph does not exempt facilities from other

10-00317-13

20131410__

5888 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local
5889 building code requirements in effect before July 1, 1995.

5890 g. A local government may charge fees only in an amount not
5891 to exceed the actual expenses incurred by local government
5892 relating to the installation and maintenance of an automatic
5893 fire sprinkler system in an existing and properly licensed
5894 assisted living facility structure as of January 1, 1996.

5895 h. If a licensed facility undergoes major reconstruction or
5896 addition to an existing building on or after January 1, 1996,
5897 the entire building must be equipped with an automatic fire
5898 sprinkler system. Major reconstruction of a building means
5899 repair or restoration that costs in excess of 50 percent of the
5900 value of the building as reported on the tax rolls, excluding
5901 land, before reconstruction. Multiple reconstruction projects
5902 within a 5-year period the total costs of which exceed 50
5903 percent of the initial value of the building when ~~at the time~~
5904 the first reconstruction project was permitted are to be
5905 considered as major reconstruction. Application for a permit for
5906 an automatic fire sprinkler system is required upon application
5907 for a permit for a reconstruction project that creates costs
5908 that go over the 50-percent threshold.

5909 i. Any facility licensed before January 1, 1996, that is
5910 required to install an automatic fire sprinkler system shall
5911 ensure that the installation is completed within the following
5912 timeframes based upon evacuation capability of the facility as
5913 determined under subparagraph 1.:

5914 (I) Impractical evacuation capability, 24 months.

5915 (II) Slow evacuation capability, 48 months.

5916 (III) Prompt evacuation capability, 60 months.

10-00317-13

20131410__

5917
5918 The beginning date from which the deadline for the automatic
5919 fire sprinkler installation requirement must be calculated is
5920 upon receipt of written notice from the local fire official that
5921 an automatic fire sprinkler system must be installed. The local
5922 fire official shall send a copy of the document indicating the
5923 requirement of a fire sprinkler system to the Agency for Health
5924 Care Administration.

5925 j. It is recognized that the installation of an automatic
5926 fire sprinkler system may create financial hardship for some
5927 facilities. The appropriate local fire official shall, without
5928 liability, grant two 1-year extensions to the timeframes for
5929 installation established herein, if an automatic fire sprinkler
5930 installation cost estimate and proof of denial from two
5931 financial institutions for a construction loan to install the
5932 automatic fire sprinkler system are submitted. However, for any
5933 facility with a class I or class II, or a history of uncorrected
5934 class III, firesafety deficiencies, an extension must not be
5935 granted. The local fire official shall send a copy of the
5936 document granting the time extension to the Agency for Health
5937 Care Administration.

5938 k. A facility owner whose facility is required to be
5939 equipped with an automatic fire sprinkler system under Chapter
5940 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
5941 any potential buyer of the facility that an installation of an
5942 automatic fire sprinkler requirement exists. The sale of the
5943 facility does not alter the timeframe for the installation of
5944 the automatic fire sprinkler system.

5945 l. Existing facilities required to install an automatic

10-00317-13

20131410__

5946 fire sprinkler system as a result of construction-type
5947 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted
5948 herein, or evacuation capability requirements shall be notified
5949 by the local fire official in writing of the automatic fire
5950 sprinkler requirement, as well as the appropriate date for final
5951 compliance as provided in this subparagraph. The local fire
5952 official shall send a copy of the document to the Agency for
5953 Health Care Administration.

5954 m. Except in cases of life-threatening fire hazards, if an
5955 existing facility experiences a change in the evacuation
5956 capability, or if the local authority having jurisdiction
5957 identifies a construction-type restriction, such that an
5958 automatic fire sprinkler system is required, it shall be given
5959 ~~afforded~~ time for installation as provided in this subparagraph.

5960
5961 Facilities that are fully sprinkled and in compliance with other
5962 firesafety standards are not required to conduct more than one
5963 of the required fire drills between the hours of 11 p.m. and 7
5964 a.m., per year. In lieu of the remaining drills, staff
5965 responsible for residents during such hours may be required to
5966 participate in a mock drill that includes a review of evacuation
5967 procedures. Such standards must be included or referenced in the
5968 rules adopted by the State Fire Marshal. Pursuant to s.

5969 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final
5970 administrative authority for firesafety standards established
5971 and enforced pursuant to this section. All licensed facilities
5972 must have an annual fire inspection conducted by the local fire
5973 marshal or authority having jurisdiction.

5974 3. Resident elopement requirements.—Facilities are required

10-00317-13

20131410__

5975 to conduct a minimum of two resident elopement prevention and
5976 response drills per year. All administrators and direct care
5977 staff must participate in the drills which shall include a
5978 review of procedures to address resident elopement. Facilities
5979 must document the implementation of the drills and ensure that
5980 the drills are conducted in a manner consistent with the
5981 facility's resident elopement policies and procedures.

5982 Section 141. Subsection (1) of section 429.44, Florida
5983 Statutes, is amended to read:

5984 429.44 Construction and renovation; requirements.—

5985 (1) The requirements for the construction and renovation of
5986 a facility shall comply with ~~the provisions of~~ chapter 553 which
5987 pertain to building construction standards, including plumbing,
5988 electrical code, glass, manufactured buildings, accessibility
5989 for persons with disabilities, and the state minimum building
5990 code and with ~~the provisions of~~ s. 633.206 ~~633.022~~, which
5991 pertain to uniform firesafety standards.

5992 Section 142. Subsection (2) of section 429.73, Florida
5993 Statutes, is amended to read:

5994 429.73 Rules and standards relating to adult family-care
5995 homes.—

5996 (2) The department shall by rule provide minimum standards
5997 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,
5998 the State Fire Marshal, in consultation with the department and
5999 the agency, shall adopt uniform firesafety standards for adult
6000 family-care homes.

6001 Section 143. Subsection (4) of section 447.203, Florida
6002 Statutes, is amended to read:

6003 447.203 Definitions.—As used in this part:

10-00317-13

20131410__

6004 (4) "Managerial employees" are those employees who:

6005 (a) Perform jobs that are not of a routine, clerical, or

6006 ministerial nature and require the exercise of independent

6007 judgment in the performance of such jobs and to whom one or more

6008 of the following applies:

6009 1. They formulate or assist in formulating policies which

6010 are applicable to bargaining unit employees.

6011 2. They may reasonably be required on behalf of the

6012 employer to assist in the preparation for the conduct of

6013 collective bargaining negotiations.

6014 3. They have a role in the administration of agreements

6015 resulting from collective bargaining negotiations.

6016 4. They have a significant role in personnel

6017 administration.

6018 5. They have a significant role in employee relations.

6019 6. They are included in the definition of administrative

6020 personnel contained in s. 1012.01(3).

6021 7. They have a significant role in the preparation or

6022 administration of budgets for any public agency or institution

6023 or subdivision thereof.

6024 (b) Serve as police chiefs, fire chiefs, or directors of

6025 public safety of any police, fire, or public safety department.

6026 Other police officers, as defined in s. 943.10(1), and

6027 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be

6028 determined by the commission to be managerial employees of such

6029 departments. In making such determinations, the commission shall

6030 consider, in addition to the criteria established in paragraph

6031 (a), the paramilitary organizational structure of the department

6032 involved.

10-00317-13

20131410__

6033

6034 However, in determining whether an individual is a managerial
6035 employee pursuant to ~~either~~ paragraph (a) or paragraph (b),
6036 above, the commission may consider historic relationships of the
6037 employee to the public employer and to coemployees.

6038 Section 144. Subsection (1) of section 468.602, Florida
6039 Statutes, is amended to read:

6040 468.602 Exemptions.—This part does not apply to:

6041 (1) Persons who possess a valid certificate, issued
6042 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety
6043 inspections, when conducting firesafety inspections.

6044 Section 145. Paragraph (c) of subsection (2) of section
6045 468.609, Florida Statutes, is amended to read:

6046 468.609 Administration of this part; standards for
6047 certification; additional categories of certification.—

6048 (2) A person may take the examination for certification as
6049 a building code inspector or plans examiner pursuant to this
6050 part if the person:

6051 (c) Meets eligibility requirements according to one of the
6052 following criteria:

6053 1. Demonstrates 5 years' combined experience in the field
6054 of construction or a related field, building code inspection, or
6055 plans review corresponding to the certification category sought;

6056 2. Demonstrates a combination of postsecondary education in
6057 the field of construction or a related field and experience
6058 which totals 4 years, with at least 1 year of such total being
6059 experience in construction, building code inspection, or plans
6060 review;

6061 3. Demonstrates a combination of technical education in the

10-00317-13

20131410__

6062 field of construction or a related field and experience which
6063 totals 4 years, with at least 1 year of such total being
6064 experience in construction, building code inspection, or plans
6065 review;

6066 4. Currently holds a standard certificate as issued by the
6067 board, or a fire safety inspector license issued pursuant to
6068 chapter 633, has a minimum of 5 years' verifiable full-time
6069 experience in inspection or plan review, and satisfactorily
6070 completes a building code inspector or plans examiner training
6071 program of not less than 200 hours in the certification category
6072 sought. The board shall establish by rule criteria for the
6073 development and implementation of the training programs; or

6074 5. Demonstrates a combination of the completion of an
6075 approved training program in the field of building code
6076 inspection or plan review and a minimum of 2 years' experience
6077 in the field of building code inspection, plan review, fire code
6078 inspections and fire plans review of new buildings as a
6079 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or
6080 construction. The approved training portion of this requirement
6081 shall include proof of satisfactory completion of a training
6082 program of not less than 300 hours which is approved by the
6083 board in the chosen category of building code inspection or plan
6084 review in the certification category sought with not less than
6085 20 hours of instruction in state laws, rules, and ethics
6086 relating to professional standards of practice, duties, and
6087 responsibilities of a certificateholder. The board shall
6088 coordinate with the Building Officials Association of Florida,
6089 Inc., to establish by rule the development and implementation of
6090 the training program.

10-00317-13

20131410__

6091 Section 146. Subsection (22) of section 489.103, Florida
6092 Statutes, is amended to read:

6093 489.103 Exemptions.—This part does not apply to:

6094 (22) A person licensed pursuant to s. 633.304(1)(d)
6095 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such
6096 license.

6097 Section 147. Paragraph (n) of subsection (3) of section
6098 489.105, Florida Statutes, is amended to read:

6099 489.105 Definitions.—As used in this part:

6100 (3) "Contractor" means the person who is qualified for, and
6101 is only responsible for, the project contracted for and means,
6102 except as exempted in this part, the person who, for
6103 compensation, undertakes to, submits a bid to, or does himself
6104 or herself or by others construct, repair, alter, remodel, add
6105 to, demolish, subtract from, or improve any building or
6106 structure, including related improvements to real estate, for
6107 others or for resale to others; and whose job scope is
6108 substantially similar to the job scope described in one of the
6109 paragraphs of this subsection. For the purposes of regulation
6110 under this part, the term "demolish" applies only to demolition
6111 of steel tanks more than 50 feet in height; towers more than 50
6112 feet in height; other structures more than 50 feet in height;
6113 and all buildings or residences. Contractors are subdivided into
6114 two divisions, Division I, consisting of those contractors
6115 defined in paragraphs (a)-(c), and Division II, consisting of
6116 those contractors defined in paragraphs (d)-(q):

6117 (n) "Underground utility and excavation contractor" means a
6118 contractor whose services are limited to the construction,
6119 installation, and repair, on public or private property, whether

10-00317-13

20131410__

6120 accomplished through open excavations or through other means,
6121 including, but not limited to, directional drilling, auger
6122 boring, jacking and boring, trenchless technologies, wet and dry
6123 taps, grouting, and slip lining, of main sanitary sewer
6124 collection systems, main water distribution systems, storm sewer
6125 collection systems, and the continuation of utility lines from
6126 the main systems to a point of termination up to and including
6127 the meter location for the individual occupancy, sewer
6128 collection systems at property line on residential or single-
6129 occupancy commercial properties, or on multioccupancy properties
6130 at manhole or wye lateral extended to an invert elevation as
6131 engineered to accommodate future building sewers, water
6132 distribution systems, or storm sewer collection systems at storm
6133 sewer structures. However, an underground utility and excavation
6134 contractor may install empty underground conduits in rights-of-
6135 way, easements, platted rights-of-way in new site development,
6136 and sleeves for parking lot crossings no smaller than 2 inches
6137 in diameter if each conduit system installed is designed by a
6138 licensed professional engineer or an authorized employee of a
6139 municipality, county, or public utility and the installation of
6140 such conduit does not include installation of any conductor
6141 wiring or connection to an energized electrical system. An
6142 underground utility and excavation contractor may not install
6143 piping that is an integral part of a fire protection system as
6144 defined in s. 633.102 ~~633.021~~ beginning at the point where the
6145 piping is used exclusively for such system.

6146 Section 148. Subsection (9) of section 496.404, Florida
6147 Statutes, is amended to read:

6148 496.404 Definitions.—As used in ss. 496.401-496.424:

10-00317-13

20131410__

6149 (9) "Emergency service employee" means any employee who is
6150 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance
6151 driver, emergency medical technician, or paramedic, as defined
6152 in s. 401.23.

6153 Section 149. Paragraph (a) of subsection (7) of section
6154 509.032, Florida Statutes, is amended to read:

6155 509.032 Duties.—

6156 (7) PREEMPTION AUTHORITY.—

6157 (a) The regulation of public lodging establishments and
6158 public food service establishments, including, but not limited
6159 to, sanitation standards, inspections, training and testing of
6160 personnel, and matters related to the nutritional content and
6161 marketing of foods offered in such establishments, is preempted
6162 to the state. This paragraph does not preempt the authority of a
6163 local government or local enforcement district to conduct
6164 inspections of public lodging and public food service
6165 establishments for compliance with the Florida Building Code and
6166 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
6167 633.206 ~~633.022~~.

6168 Section 150. Section 513.05, Florida Statutes, is amended
6169 to read:

6170 513.05 Rules.—The department may adopt rules pertaining to
6171 the location, construction, modification, equipment, and
6172 operation of mobile home parks, lodging parks, recreational
6173 vehicle parks, and recreational camps, except as provided in s.
6174 633.206 ~~633.022~~, as necessary to administer this chapter. Such
6175 rules may include definitions of terms; requirements for plan
6176 reviews of proposed and existing parks and camps; plan reviews
6177 of parks that consolidate space or change space size; water

10-00317-13

20131410__

6178 supply; sewage collection and disposal; plumbing and backflow
6179 prevention; garbage and refuse storage, collection, and
6180 disposal; insect and rodent control; space requirements; heating
6181 facilities; food service; lighting; sanitary facilities;
6182 bedding; an occupancy equivalency to spaces for permits for
6183 recreational camps; sanitary facilities in recreational vehicle
6184 parks; and the owners' responsibilities at recreational vehicle
6185 parks and recreational camps.

6186 Section 151. Paragraph (d) of subsection (1) and paragraph
6187 (f) of subsection (11) of section 553.73, Florida Statutes, are
6188 amended to read:

6189 553.73 Florida Building Code.—

6190 (1)

6191 (d) Conflicting requirements between the Florida Building
6192 Code and the Florida Fire Prevention Code and Life Safety Code
6193 of the state established pursuant to ss. 633.206 ~~633.022~~ and
6194 633.208 ~~633.025~~ shall be resolved by agreement between the
6195 commission and the State Fire Marshal in favor of the
6196 requirement that offers the greatest degree of lifesafety or
6197 alternatives that would provide an equivalent degree of
6198 lifesafety and an equivalent method of construction. If the
6199 commission and State Fire Marshal are unable to agree on a
6200 resolution, the question shall be referred to a mediator,
6201 mutually agreeable to both parties, to resolve the conflict in
6202 favor of the provision that offers the greatest lifesafety, or
6203 alternatives that would provide an equivalent degree of
6204 lifesafety and an equivalent method of construction.

6205 (11)

6206 (f) All decisions of the local building official and local

10-00317-13

20131410__

6207 fire official and all decisions of the administrative board
 6208 shall be in writing and shall be binding upon a person ~~all~~
 6209 ~~persons~~ but do shall not limit the authority of the State Fire
 6210 Marshal or the Florida Building Commission pursuant to paragraph
 6211 (1) (d) and ss. 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of
 6212 general application shall be indexed by building and fire code
 6213 sections and shall be available for inspection during normal
 6214 business hours.

6215 Section 152. Paragraph (e) of subsection (1) of section
 6216 553.77, Florida Statutes, is amended to read:

6217 553.77 Specific powers of the commission.—

6218 (1) The commission shall:

6219 (e) Participate with the Florida Fire Code Advisory Council
 6220 created under s. 633.204 ~~633.72~~, to provide assistance and
 6221 recommendations relating to firesafety code interpretations. The
 6222 administrative staff of the commission shall attend meetings of
 6223 the Florida Fire Code Advisory Council and coordinate efforts to
 6224 provide consistency between the Florida Building Code and the
 6225 Florida Fire Prevention Code and the Life Safety Code.

6226 Section 153. Subsections (2) and (12) of section 553.79,
 6227 Florida Statutes, are amended to read:

6228 553.79 Permits; applications; issuance; inspections.—

6229 (2) Except as provided in subsection (6), an enforcing
 6230 agency may not issue any permit for construction, erection,
 6231 alteration, modification, repair, or demolition of any building
 6232 or structure until the local building code administrator or
 6233 inspector has reviewed the plans and specifications required by
 6234 the Florida Building Code, or local amendment thereto, for such
 6235 proposal and found the plans to be in compliance with the

10-00317-13

20131410__

6236 Florida Building Code. If the local building code administrator
6237 or inspector finds that the plans are not in compliance with the
6238 Florida Building Code, the local building code administrator or
6239 inspector shall identify the specific plan features that do not
6240 comply with the applicable codes, identify the specific code
6241 chapters and sections upon which the finding is based, and
6242 provide this information to the local enforcing agency. The
6243 local enforcing agency shall provide this information to the
6244 permit applicant. In addition, an enforcing agency may not issue
6245 any permit for construction, erection, alteration, modification,
6246 repair, or demolition of any building until the appropriate
6247 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~
6248 has reviewed the plans and specifications required by the
6249 Florida Building Code, or local amendment thereto, for such
6250 proposal and found that the plans comply with the Florida Fire
6251 Prevention Code and the Life Safety Code. Any building or
6252 structure which is not subject to a firesafety code shall not be
6253 required to have its plans reviewed by the firesafety inspector.
6254 Any building or structure that is exempt from the local building
6255 permit process may not be required to have its plans reviewed by
6256 the local building code administrator. Industrial construction
6257 on sites where design, construction, and firesafety are
6258 supervised by appropriate design and inspection professionals
6259 and which contain adequate in-house fire departments and rescue
6260 squads is exempt, subject to local government option, from
6261 review of plans and inspections, providing owners certify that
6262 applicable codes and standards have been met and supply
6263 appropriate approved drawings to local building and firesafety
6264 inspectors. The enforcing agency shall issue a permit to

10-00317-13

20131410__

6265 construct, erect, alter, modify, repair, or demolish any
6266 building or structure when the plans and specifications for such
6267 proposal comply with ~~the provisions of~~ the Florida Building Code
6268 and the Florida Fire Prevention Code and the Life Safety Code as
6269 determined by the local authority in accordance with this
6270 chapter and chapter 633.

6271 (12) One-family and two-family detached residential
6272 dwelling units are not subject to plan review by the local fire
6273 official as described in this section or inspection by the local
6274 fire official as described in s. 633.216 ~~633.081~~, unless
6275 expressly made subject to the ~~said~~ plan review or inspection by
6276 local ordinance.

6277 Section 154. Paragraph (d) of subsection (1) of section
6278 590.02, Florida Statutes, is amended to read:

6279 590.02 Florida Forest Service; powers, authority, and
6280 duties; liability; building structures; Florida Center for
6281 Wildfire and Forest Resources Management Training.—

6282 (1) The Florida Forest Service has the following powers,
6283 authority, and duties:

6284 (d) To appoint center managers, forest area supervisors,
6285 forestry program administrators, a forest protection bureau
6286 chief, a forest protection assistant bureau chief, a field
6287 operations bureau chief, deputy chiefs of field operations,
6288 district managers, forest operations administrators, senior
6289 forest rangers, investigators, forest rangers, firefighter
6290 rotorcraft pilots, and other employees who may, at the Florida
6291 Forest Service's discretion, be certified as forestry
6292 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other
6293 ~~provisions of~~ law notwithstanding, center managers, district

10-00317-13

20131410__

6294 managers, forest protection assistant bureau chief, and deputy
6295 chiefs of field operations shall have Selected Exempt Service
6296 status in the state personnel designation;

6297 Section 155. Section 627.4107, Florida Statutes, is amended
6298 to read:

6299 627.4107 Government employees exposed to toxic drug
6300 chemicals; cancellation of life or health policy or certificate
6301 prohibited.—No life or health insurer may cancel or nonrenew a
6302 life or health insurance policy or certificate of insurance
6303 providing coverage to a state or local law enforcement officer
6304 as defined in s. 943.10, firefighter as defined in s. 633.102
6305 ~~633.30~~, emergency medical technician as defined in s. 401.23, or
6306 paramedic as defined in s. 401.23, a volunteer firefighter
6307 engaged by state or local government, a law enforcement officer
6308 employed by the Federal Government, or any other local, state,
6309 or Federal Government employee solely based on the fact that the
6310 individual has been exposed to toxic chemicals or suffered
6311 injury or disease as a result of the individual's lawful duties
6312 arising out of the commission of a violation of chapter 893 by
6313 another person. This section does not apply to a ~~any~~ person who
6314 commits an offense under chapter 893. This section does not
6315 prohibit an insurer from canceling or nonrenewing an insurance
6316 policy or certificate, as permitted under the applicable state
6317 insurance code, based on an act or practice of the policyholder
6318 or certificateholder that constitutes fraud or intentional
6319 misrepresentation of material fact by the policyholder or
6320 certificateholder.

6321 Section 156. Subsection (10) of section 893.13, Florida
6322 Statutes, is amended to read:

10-00317-13

20131410__

6323 893.13 Prohibited acts; penalties.—

6324 (10) If a person violates any provision of this chapter and
 6325 the violation results in a serious injury to a state or local
 6326 law enforcement officer as defined in s. 943.10, firefighter as
 6327 defined in s. 633.102 ~~633.30~~, emergency medical technician as
 6328 defined in s. 401.23, paramedic as defined in s. 401.23,
 6329 employee of a public utility or an electric utility as defined
 6330 in s. 366.02, animal control officer as defined in s. 828.27,
 6331 volunteer firefighter engaged by state or local government, law
 6332 enforcement officer employed by the Federal Government, or any
 6333 other local, state, or Federal Government employee injured
 6334 during the course and scope of his or her employment, the person
 6335 commits a felony of the third degree, punishable as provided in
 6336 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained
 6337 results in death or great bodily harm, the person commits a
 6338 felony of the second degree, punishable as provided in s.
 6339 775.082, s. 775.083, or s. 775.084.

6340 Section 157. Paragraph (g) of subsection (2) of section
 6341 934.03, Florida Statutes, is amended to read:

6342 934.03 Interception and disclosure of wire, oral, or
 6343 electronic communications prohibited.—

6344 (2)

6345 (g) It is lawful under ss. 934.03-934.09 for an employee
 6346 of:

6347 1. An ambulance service licensed pursuant to s. 401.25, a
 6348 fire station employing firefighters as defined by s. 633.102
 6349 ~~633.30~~, a public utility, a law enforcement agency as defined by
 6350 s. 934.02(10), or any other entity with published emergency
 6351 telephone numbers;

10-00317-13

20131410__

6352 2. An agency operating an emergency telephone number "911"
6353 system established pursuant to s. 365.171; or
6354 3. The central abuse hotline operated pursuant to s. 39.201
6355
6356 to intercept and record incoming wire communications; however,
6357 such employee may intercept and record incoming wire
6358 communications on designated "911" telephone numbers and
6359 published nonemergency telephone numbers staffed by trained
6360 dispatchers at public safety answering points only. It is also
6361 lawful for such employee to intercept and record outgoing wire
6362 communications to the numbers from which such incoming wire
6363 communications were placed when necessary to obtain information
6364 required to provide the emergency services being requested. For
6365 the purpose of this paragraph, the term "public utility" has the
6366 same meaning as provided in s. 366.02 and includes a person,
6367 partnership, association, or corporation now or hereafter owning
6368 or operating equipment or facilities in the state for conveying
6369 or transmitting messages or communications by telephone or
6370 telegraph to the public for compensation.

6371 Section 158. Paragraph (b) of subsection (4) of section
6372 943.61, Florida Statutes, is amended to read:

6373 943.61 Powers and duties of the Capitol Police.—

6374 (4) The Capitol Police shall have the following
6375 responsibilities, powers, and duties:

6376 (b) To provide and maintain the security of all property
6377 located in the Capitol Complex in a manner consistent with the
6378 security plans developed and approved under paragraph (a) and,
6379 in consultation with the State Fire Marshal, to provide for
6380 evacuations, information, and training required for firesafety

10-00317-13

20131410__

6381 on such property in a manner consistent with s. 633.218 ~~633.085~~.

6382 Section 159. Paragraph (b) of subsection (18) of section
6383 1002.33, Florida Statutes, is amended to read:

6384 1002.33 Charter schools.—

6385 (18) FACILITIES.—

6386 (b) A charter school shall use ~~utilize~~ facilities that
6387 comply with the Florida Fire Prevention Code, pursuant to s.
6388 633.208 ~~633.025~~, as adopted by the authority in whose
6389 jurisdiction the facility is located as provided in paragraph
6390 (a).

6391 Section 160. Subsection (9) of section 1002.34, Florida
6392 Statutes, is amended to read:

6393 1002.34 Charter technical career centers.—

6394 (9) FACILITIES.—A center may be located in any suitable
6395 location, including part of an existing public school or Florida
6396 College System institution building, space provided on a public
6397 worksite, or a public building. A center's facilities must
6398 comply with the State Uniform Building Code for Public
6399 Educational Facilities Construction adopted pursuant to s.
6400 1013.37, or with applicable state minimum building codes
6401 pursuant to chapter 553, and state minimum fire protection codes
6402 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in
6403 whose jurisdiction the facility is located. If K-12 public
6404 school funds are used for construction, the facility must remain
6405 on the local school district's Florida Inventory of School
6406 Houses (FISH) school building inventory of the district school
6407 board and must revert to the district school board if the
6408 consortium dissolves and the program is discontinued. If Florida
6409 College System institution public school funds are used for

10-00317-13

20131410__

6410 construction, the facility must remain on the local Florida
 6411 College System institution's facilities inventory and must
 6412 revert to the local Florida College System institution board of
 6413 trustees if the consortium dissolves and the program is
 6414 discontinued. The additional student capacity created by the
 6415 addition of the center to the local school district's FISH may
 6416 not be calculated in the permanent student capacity for the
 6417 purpose of determining need or eligibility for state capital
 6418 outlay funds while the facility is used as a center. If the
 6419 construction of the center is funded jointly by K-12 public
 6420 school funds and Florida College System institution funds, the
 6421 sponsoring entities must agree, before granting the charter, on
 6422 the appropriate owner and terms of transfer of the facility if
 6423 the charter is dissolved.

6424 Section 161. Subsection (1), paragraph (c) of subsection
 6425 (2), and paragraphs (a) and (c) of subsection (6) of section
 6426 1013.12, Florida Statutes, are amended to read:

6427 1013.12 Casualty, safety, sanitation, and firesafety
 6428 standards and inspection of property.—

6429 (1) FIRESAFETY.—The State Board of Education shall adopt
 6430 and administer rules prescribing standards for the safety and
 6431 health of occupants of educational and ancillary plants as a
 6432 part of State Requirements for Educational Facilities or the
 6433 Florida Building Code for educational facilities construction as
 6434 provided in s. 1013.37, except that the State Fire Marshal in
 6435 consultation with the Department of Education shall adopt
 6436 uniform firesafety standards for educational and ancillary
 6437 plants and educational facilities, as provided in s.
 6438 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system

10-00317-13

20131410__

6439 to be used as an alternate firesafety inspection standard for
6440 existing educational and ancillary plants and educational
6441 facilities. The uniform firesafety standards and the alternate
6442 firesafety evaluation system shall be administered and enforced
6443 by fire officials certified by the State Fire Marshal under s.
6444 633.216 ~~633.081~~. These standards must be used by all public
6445 agencies when inspecting public educational and ancillary
6446 plants, and the firesafety standards must be used by county,
6447 municipal, or independent special fire control district
6448 inspectors when performing firesafety inspections of public
6449 educational and ancillary plants and educational facilities. In
6450 accordance with such standards, each board shall prescribe
6451 policies and procedures establishing a comprehensive program of
6452 safety and sanitation for the protection of occupants of public
6453 educational and ancillary plants. Such policies must contain
6454 procedures for periodic inspections as prescribed in this
6455 section or chapter 633 and for withdrawal of any educational and
6456 ancillary plant, or portion thereof, from use until unsafe or
6457 unsanitary conditions are corrected or removed.

6458 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6459 BOARDS.—

6460 (c) Under the direction of the fire official appointed by
6461 the board under s. 1013.371(2), firesafety inspections of each
6462 educational and ancillary plant located on property owned or
6463 leased by the board, or other educational facilities operated by
6464 the board, must be made no sooner than 1 year after issuance of
6465 a certificate of occupancy and annually thereafter. Such
6466 inspections shall be made by persons certified by the Division
6467 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct

10-00317-13

20131410__

6468 firesafety inspections in public educational and ancillary
 6469 plants. The board shall submit a copy of the firesafety
 6470 inspection report to the county, municipality, or independent
 6471 special fire control district providing fire protection services
 6472 to the school facility within 10 business days after the date of
 6473 the inspection. Alternate schedules for delivery of reports may
 6474 be agreed upon between the school district and the county,
 6475 municipality, or independent special fire control district
 6476 providing fire protection services to the site in cases in which
 6477 delivery is impossible due to hurricanes or other natural
 6478 disasters. Regardless, if immediate life-threatening
 6479 deficiencies are noted in the report, the report shall be
 6480 delivered immediately. In addition, the board and any other
 6481 authority conducting the fire safety inspection shall certify to
 6482 the State Fire Marshal that the annual inspection has been
 6483 completed. The certification shall be made electronically or by
 6484 such other means as directed by the State Fire Marshal.

6485 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
 6486 FACILITIES.—

6487 (a) Firesafety inspections of public college facilities,
 6488 including charter schools located on board-owned or board-leased
 6489 facilities or otherwise operated by public college boards, shall
 6490 be made in accordance with the Florida Fire Prevention Code, as
 6491 adopted by the State Fire Marshal. Notwithstanding s. 633.202
 6492 ~~633.0215~~, provisions of the code relating to inspections of such
 6493 facilities are not subject to any local amendments as provided
 6494 by s. 1013.371. Each public college facility shall be inspected
 6495 annually by persons certified under s. 633.216 ~~633.081~~.

6496 (c) Firesafety inspections of state universities shall

10-00317-13

20131410__

6497 comply with the Florida Fire Prevention Code, as adopted by the
6498 State Fire Marshal under s. 633.202 ~~633.0215~~.

6499 Section 162. Paragraphs (a), (b), and (d) of subsection (2)
6500 and paragraph (a) of subsection (4) of section 1013.38, Florida
6501 Statutes, are amended to read:

6502 1013.38 Boards to ensure that facilities comply with
6503 building codes and life safety codes.—

6504 (2) In addition to the submission of site plans, boards may
6505 provide compliance as follows:

6506 (a) Boards or consortia may individually or cooperatively
6507 provide review services under the insurance risk management
6508 oversight through the use of board employees or consortia
6509 employees registered pursuant to chapter 471, chapter 481, or
6510 part XII of chapter 468 and firesafety inspectors certified
6511 under s. 633.216 ~~633.081~~.

6512 (b) Boards may elect to review construction documents using
6513 their own employees registered pursuant to chapter 471, chapter
6514 481, or part XII of chapter 468 and firesafety inspectors
6515 certified under s. 633.216 ~~633.081~~.

6516 (d) Boards or consortia may contract for plan review
6517 services directly with engineers and architects registered
6518 pursuant to chapter 471 or chapter 481 and firesafety inspectors
6519 certified under s. 633.216 ~~633.081~~.

6520 (4) (a) Before the commencement of any new construction,
6521 renovation, or remodeling, the board shall:

6522 1. Approve or cause to be approved the construction
6523 documents and evaluate such documents for compliance with the
6524 Florida Building Code and the Florida Fire Prevention Code.

6525 2. Ensure compliance with all applicable firesafety codes

10-00317-13

20131410__

6526 and standards by contracting with a firesafety inspector
6527 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.
6528 Section 163. This act shall take effect July 1, 2013.