

By the Committee on Banking and Insurance; and Senator Simmons

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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 fire safety responsibilities;  
27          transferring, renumbering, and amending s. 633.101,  
28          F.S.; revising provisions relating to hearings,  
29          investigations, and recordkeeping duties and the

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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

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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

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88 to establish by rule minimum training qualifications  
89 for persons serving as specified fire safety  
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

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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 firesafety  
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 fire  
144 safety and penalties for violation; conforming  
145 terminology; providing that a special district may

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146 enact any ordinance relating to fire safety 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 fire safety inspections; revising the  
154 period of validity of, and continuing education  
155 requirements for, fire safety inspector certificates;  
156 requiring repeat training for certified firesafety  
157 inspectors whose certification has lapsed for a  
158 specified period; revising grounds for denial, refusal  
159 to renew, suspension, or revocation of a fire safety  
160 inspector certificate; requiring the department to  
161 provide by 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

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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

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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



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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

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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

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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

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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

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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;

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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

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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

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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; transferring and  
441 renumbering s. 633.46, F.S., relating to fees to be  
442 charged for training; providing a directive to the  
443 Division of Law Revision and Information to create  
444 part V of ch. 633, F.S., entitled "Florida  
445 Firefighters Occupational Safety and Health Act";  
446 transferring, renumbering, and amending s. 633.801,  
447 F.S., relating to a short title; conforming a cross-  
448 reference; transferring, renumbering, and amending s.  
449 633.802, F.S., relating to definitions; revising  
450 definitions of "firefighter employee," "firefighter  
451 employer," and "firefighter place of employment";  
452 transferring, renumbering, and amending s. 633.803,  
453 F.S., relating to legislative intent to enhance  
454 firefighter occupational safety and health in the  
455 state; clarifying provisions; conforming cross-  
456 references; transferring, renumbering, and amending s.  
457 633.821, F.S., relating to assistance by the division  
458 in facilitating firefighter employee workplace safety;  
459 revising references to publications; removing obsolete  
460 provisions; revising requirements and responsibilities  
461 of the division; transferring, renumbering, and  
462 amending s. 633.817, F.S., relating to remedies  
463 available to the division for noncompliance with part  
464 V of ch. 633, F.S.; conforming cross-references;



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465 transferring and renumbering s. 633.805, F.S.,  
466 relating to a required study by the division of  
467 firefighter employee occupational diseases;  
468 transferring, renumbering, and amending s. 633.806,  
469 F.S., relating to certain duties of the division;  
470 revising provisions that require the division to make  
471 studies, investigations, inspections, and inquiries  
472 with respect to compliance with part V of ch. 633,  
473 F.S., or rules authorized thereunder, and the causes  
474 of firefighter employee injuries, illnesses, safety-  
475 based complaints, or line-of-duty deaths in  
476 firefighter employee places of employment; authorizing  
477 the division to adopt by rule procedures for  
478 conducting inspections and inquiries of firefighter  
479 employers under part V of ch. 633, F.S.; authorizing  
480 the division to enter premises to investigate  
481 compliance; providing a criminal penalty; conforming  
482 references; transferring, renumbering, and amending s.  
483 633.807, F.S., relating to safety responsibilities of  
484 firefighter employers; revising definitions of the  
485 terms "safe" and "safety"; transferring, renumbering,  
486 and amending s. 633.809, F.S.; relating to firefighter  
487 employers with a high frequency of firefighter  
488 employee work-related injuries; revising provisions  
489 relating to required safety inspections; clarifying  
490 that the division may not assess penalties as a result  
491 of such inspections; requiring firefighter employers  
492 to submit a plan for the correction of noncompliance  
493 issues to the division for approval in accordance with

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

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523 penalties; providing a statute of limitation;  
524 transferring, renumbering, and amending s. 633.814,  
525 F.S., relating to disbursement of expenses to  
526 administer part V of ch. 633, F.S.; conforming a  
527 cross-reference; amending s. 112.011, F.S.; removing  
528 provisions that exclude from employment for a  
529 specified period an applicant for employment with a  
530 fire department who has a prior felony conviction;  
531 amending s. 112.191, F.S.; revising provisions  
532 relating to adjustments in payments of accidental  
533 death benefits for firefighters; amending s. 120.541,  
534 F.S.; revising a cross-reference to conform with  
535 changes made in the act; amending s. 196.081, F.S.;  
536 revising a cross-reference to conform with changes  
537 made in the act; amending s. 633.167, F.S.; deleting a  
538 provision providing for terms and conditions of  
539 probation; amending s. 633.517, F.S.; deleting a  
540 provision authorizing the State Fire Marshal to  
541 administer oaths and take testimony; repealing s.  
542 633.024, F.S., relating to legislative findings and  
543 intent with respect to ensuring effective fire  
544 protection of vulnerable nursing home residents, the  
545 expedited retrofit of existing nursing homes through a  
546 limited state loan guarantee, and funding thereof;  
547 repealing s. 633.0245, F.S., relating to the State  
548 Fire Marshal Nursing Home Fire Protection Loan  
549 Guarantee Program; repealing s. 633.03, F.S., relating  
550 to investigations of fire and reports; repealing s.  
551 633.0421, F.S., relating to preemption of the reduced

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552 cigarette ignition propensity standard by the state;  
553 repealing s. 633.13, F.S., relating to the authority  
554 of State Fire Marshal agents; repealing s. 633.18,  
555 F.S., relating to hearings and investigations by the  
556 State Fire Marshal; repealing s. 633.30, F.S.,  
557 relating to definitions with respect to standards for  
558 firefighting; repealing s. 633.32, F.S., relating to  
559 organization, meetings, quorum, compensation, and seal  
560 of the Firefighters Employment, Standards, and  
561 Training Council; repealing s. 633.33, F.S., relating  
562 to special powers of the Firefighters Employment,  
563 Standards, and Training Council in connection with the  
564 employment and training of firefighters; repealing s.  
565 633.37, F.S., relating to payment of tuition at  
566 approved training programs by the employing agency;  
567 repealing s. 633.445, F.S., relating to the State Fire  
568 Marshal Scholarship Grant Program; repealing s.  
569 633.46, F.S., relating to authority of the Division of  
570 State Fire Marshal to fix and collect admission fees  
571 and other fees it deems necessary to be charged for  
572 training; repealing s. 633.514, F.S., relating to  
573 Florida Fire Safety Board duties, meetings, officers,  
574 quorum, and compensation; repealing s. 633.524, F.S.,  
575 relating to certificate and permit fees assessed under  
576 ch. 633, F.S., and the use and deposit thereof;  
577 repealing s. 633.804, F.S., relating to the adoption  
578 of rules governing firefighter employer and  
579 firefighter employee safety inspections and  
580 consultations; repealing s. 633.808, F.S., relating to

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581 division authority; repealing s. 633.810, F.S.,  
582 relating to workplace safety committees and safety  
583 coordinators; repealing s. 633.813, F.S., relating to  
584 cancellation of an insurance policy for failure to  
585 implement a safety and health program; repealing s.  
586 633.815, F.S., relating to penalties for refusing  
587 entry to a firefighter place of employment for the  
588 purposes of investigations or inspections by the  
589 division; repealing s. 633.819, F.S., relating to  
590 matters within the jurisdiction of the division and  
591 fraudulent acts, penalties, and statute of  
592 limitations; repealing s. 633.820, F.S., relating to  
593 the applicability of specified sections of ch. 633,  
594 F.S., to volunteer firefighters and volunteer fire  
595 departments; amending ss. 112.1815, 112.191, 112.81,  
596 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56,  
597 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45,  
598 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915,  
599 429.41, 429.44, 429.73, 447.203, 468.602, 468.609,  
600 489.103, 489.105, 496.404, 509.032, 513.05, 553.73,  
601 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03,  
602 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.;  
603 conforming cross-references; updating terminology;  
604 providing an effective date.

605

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

607

608 Section 1. The Division of Law Revision and Information is  
609 directed to create part I of chapter 633, Florida Statutes,

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610 consisting of sections 633.102, 633.104, 633.106, 633.108,  
611 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,  
612 633.128, 633.132, 633.134, 633.136, and 633.138, Florida  
613 Statutes, to be entitled "General Provisions."

614 Section 2. Section 633.021, Florida Statutes, is  
615 transferred, renumbered as section 633.102, Florida Statutes,  
616 and amended to read:

617 633.102 ~~633.021~~ Definitions.—As used in this chapter, the  
618 term:

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

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

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

624 ~~(2)(4)~~ (2) "Contracting" means engaging in business as a  
625 contractor.

626 ~~(3)(5)~~ (3) (a) "Contractor I" means a contractor whose business  
627 includes the execution of contracts requiring the ability to lay  
628 out, fabricate, install, inspect, alter, repair, and service all  
629 types of fire protection systems, excluding preengineered  
630 systems. A Contractor I may also perform all of the duties  
631 specified for a Contractor II, Contractor III, Contractor IV,  
632 and Contractor V.

633 (b) "Contractor II" means a contractor whose business is  
634 limited to the execution of contracts requiring the ability to  
635 lay out, fabricate, install, inspect, alter, repair, and service  
636 water sprinkler systems, water spray systems, foam-water  
637 sprinkler systems, foam -water spray systems, standpipes,  
638 combination standpipes and sprinkler risers, all piping that is

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639 an integral part of the system beginning at the point of service  
640 as defined in this section, sprinkler tank heaters, air lines,  
641 thermal systems used in connection with sprinklers, and tanks  
642 and pumps connected thereto, excluding preengineered systems. A  
643 Contractor II may also perform the duties specified for a  
644 Contractor IV and Contractor V.

645 (c) "Contractor III" means a contractor whose business is  
646 limited to the execution of contracts requiring the ability to  
647 fabricate, install, inspect, alter, repair, and service carbon  
648 dioxide  $\text{CO}_2$  systems, foam extinguishing systems, dry chemical  
649 systems, and Halon and other chemical systems, excluding  
650 preengineered systems.

651 (d) "Contractor IV" means a contractor whose business is  
652 limited to the execution of contracts requiring the ability to  
653 lay out, fabricate, install, inspect, alter, repair, and service  
654 automatic fire sprinkler systems for detached one-family  
655 dwellings, detached two-family dwellings, and mobile homes,  
656 excluding preengineered systems and excluding single-family  
657 homes in cluster units, such as apartments, condominiums, and  
658 assisted living facilities or any building that is connected to  
659 other dwellings. A Contractor IV is limited to the scope of  
660 practice specified in NFPA 13D.

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

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668

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

691 (4) "Department" means the Department of Financial  
692 Services.

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

695 (6) "Explosives" means any chemical compound or mixture  
696 that has the property of yielding readily to combustion or



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697 oxidation upon the application of heat, flame, or shock and is  
698 capable of producing an explosion and is commonly used for that  
699 purpose, including but not limited to dynamite, nitroglycerin,  
700 trinitrotoluene, ammonium nitrate when combined with other  
701 ingredients to form an explosive mixture, blasting caps, and  
702 detonators; but the term does not include cartridges for  
703 firearms or fireworks as defined in chapter 791.

704 (7) (a) "Fire equipment dealer Class A" means a licensed  
705 fire equipment dealer whose business is limited to servicing,  
706 recharging, repairing, installing, or inspecting all types of  
707 fire extinguishers and conducting hydrostatic tests on all types  
708 of fire extinguishers.

709 (b) "Fire equipment dealer Class B" means a licensed fire  
710 equipment dealer whose business is limited to servicing,  
711 recharging, repairing, installing, or inspecting all types of  
712 fire extinguishers, including recharging carbon dioxide units  
713 and conducting hydrostatic tests on all types of fire  
714 extinguishers, except carbon dioxide units.

715 (c) "Fire equipment dealer Class C" means a licensed fire  
716 equipment dealer whose business is limited to servicing,  
717 recharging, repairing, installing, or inspecting all types of  
718 fire extinguishers, except recharging carbon dioxide units, and  
719 conducting hydrostatic tests on all types of fire extinguishers,  
720 except carbon dioxide units.

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

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

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- 726 (a) Is portable and can be carried or is on wheels.
- 727 (b) Is manually operated.
- 728 (c) May use a variety of extinguishing agents that are  
729 expelled under pressure.
- 730 (d) Is rechargeable or nonrechargeable.
- 731 (e) Is installed, serviced, repaired, recharged, inspected,  
732 and hydrottested according to applicable procedures of the  
733 manufacturer, standards of the National Fire Protection  
734 Association, and the Code of Federal Regulations.
- 735 (f) Is listed by a nationally recognized testing  
736 laboratory.
- 737 (9) "Firefighter" means an individual who holds a current  
738 and valid Firefighter Certificate of Compliance or Special  
739 Certificate of Compliance issued by the division under s.  
740 633.408.
- 741 (10) "Fire service support personnel" means an individual  
742 who does not hold a current and valid certificate issued by the  
743 division and who may only perform support services.
- 744 (11)-(9) A "Fire hydrant" means ~~is~~ a connection to a water  
745 main, elevated water tank, or other source of water for the  
746 purpose of supplying water to a fire hose or other fire  
747 protection apparatus for fire suppression operations. The term  
748 does not include a fire protection system.
- 749 (12)-(10) A "Fire protection system" means ~~is~~ a system  
750 individually designed to protect the interior or exterior of a  
751 specific building or buildings, structure, or other special  
752 hazard from fire. Such systems include, but are not limited to,  
753 water sprinkler systems, water spray systems, foam-water  
754 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO<sub>2</sub>~~

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755 systems, foam extinguishing systems, dry chemical systems, and  
756 Halon and other chemical systems used for fire protection use.  
757 Such systems also include any overhead and underground fire  
758 mains, fire hydrants and hydrant mains, standpipes and hoses  
759 connected to sprinkler systems, sprinkler tank heaters, air  
760 lines, thermal systems used in connection with fire sprinkler  
761 systems, and tanks and pumps connected to fire sprinkler  
762 systems.

763 (13)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual  
764 who holds a current and valid Fire Safety Inspector Certificate  
765 of Compliance issued ~~certified~~ by the division ~~State Fire~~  
766 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned  
767 the duties of conducting firesafety inspections of buildings and  
768 facilities on a recurring or regular basis on behalf of the  
769 state or any county, municipality, or special district with fire  
770 safety responsibilities.

771 (14) "Fire service provider" means a municipality or  
772 county, the state, or any political subdivision of the state,  
773 including authorities and special districts, employing  
774 firefighters or utilizing volunteer firefighters to provide fire  
775 extinguishment or fire prevention services for the protection of  
776 life and property. The term includes any organization under  
777 contract or other agreement with such entity to provide such  
778 services.

779 (15)~~(12)~~ "Handling" means touching, holding, taking up,  
780 moving, controlling, or otherwise affecting with the hand or by  
781 any other agency.

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

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784 ~~1. That contains combustible or explosive matter or~~  
785 ~~flammable conditions dangerous to the safety of life or~~  
786 ~~property.~~

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

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

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

790  
791 ~~Such buildings or structures include, but are not limited to,~~  
792 ~~all hospitals and residential health care facilities, nursing~~  
793 ~~homes and other adult care facilities, correctional or detention~~  
794 ~~facilities, public schools, public lodging establishments,~~  
795 ~~migrant labor camps, residential child care facilities, and~~  
796 ~~self-service gasoline stations.~~

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

802 (16) ~~(14)~~ "Highway" means every way or place of whatever  
803 nature within the state open to the use of the public, as a  
804 matter of right, for purposes of vehicular traffic and includes  
805 public streets, alleys, roadways, or driveways upon grounds of  
806 colleges, universities, and institutions and other ways open to  
807 travel by the public, notwithstanding that the same have been  
808 temporarily closed for the purpose of construction,  
809 reconstruction, maintenance, or repair. The term does not  
810 include a roadway or driveway upon grounds owned by a private  
811 person.

812 (17) "Hot zone" means the area immediately around an

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813 incident where serious threat of harm exists, which includes the  
814 collapse zone for a structure fire.

815 (18)~~(15)~~ "Keeping" means possessing, holding, retaining,  
816 maintaining, or having habitually in stock for sale.

817 (19)~~(16)~~ "Layout" ~~as used in this chapter~~ means the layout  
818 of risers, cross mains, branch lines, sprinkler heads, sizing of  
819 pipe, hanger locations, and hydraulic calculations in accordance  
820 with the design concepts established through ~~the provisions of~~  
821 the Responsibility Rules adopted by the Board of Professional  
822 Engineers.

823 (20)~~(17)~~ "Manufacture" means the compounding, combining,  
824 producing, or making of anything or the working of anything by  
825 hand, by machinery, or by any other agency into forms suitable  
826 for use.

827 (21)~~(18)~~ A "Minimum firesafety standard" means ~~is~~ a  
828 requirement or group of requirements adopted pursuant to s.  
829 633.208 ~~633.025~~ by a county, municipality, or special district  
830 with firesafety responsibilities, or by the State Fire Marshal  
831 pursuant to s. 394.879, for the protection of life and property  
832 from loss by fire which shall be met, as a minimum, by every  
833 occupancy, facility, building, structure, premises, device, or  
834 activity to which it applies.

835 (22) "Minimum Standards Course" means training of at least  
836 360 hours as prescribed by rule adopted by the division which is  
837 required to obtain a Firefighter Certificate of Compliance under  
838 s. 633.408.

839 (23)~~(19)~~ "Motor vehicle" means any device propelled by  
840 power other than muscular power in, upon, or by which any  
841 individual ~~person~~ or property is or may be transported or drawn

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842 upon a highway, except a device moved or used exclusively upon  
843 stationary rails or tracks.

844 (24)~~(20)~~ "Point-of-service" means the point at which the  
845 underground piping for a fire protection system as defined in  
846 this section using water as the extinguishing agent becomes used  
847 exclusively for the fire protection system.

848 (25)~~(21)~~ (a) ~~A~~ "Preengineered system" means ~~is~~ a fire  
849 suppression system which:

850 1. Uses any of a variety of extinguishing agents.

851 2. Is designed to protect specific hazards.

852 3. Must be installed according to pretested limitations and  
853 configurations specified by the manufacturer and applicable  
854 National Fire Protection Association (NFPA) standards. Only  
855 those chapters within the National Fire Protection Association  
856 standards which ~~that~~ pertain to servicing, recharging,  
857 repairing, installing, hydrotesting, or inspecting any type of  
858 preengineered fire extinguishing system may be used.

859 4. Must be installed using components specified by the  
860 manufacturer or components that are listed as equal parts by a  
861 nationally recognized testing laboratory such as Underwriters  
862 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

863 5. Must be listed by a nationally recognized testing  
864 laboratory.

865 (b) Preengineered systems consist of and include all of the  
866 components and parts providing fire suppression protection, but  
867 do not include the equipment being protected, and may  
868 incorporate special nozzles, flow rates, methods of application,  
869 pressurization levels, and quantities of agents designed by the  
870 manufacturer for specific hazards.

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871        (26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,  
872 aircraft, or vessel operating intrastate in which there is  
873 identity of ownership between freight and carrier.

874        (27)~~(23)~~ "Sale" means the act of selling; the act whereby  
875 the ownership of property is transferred from one person to  
876 another for a sum of money or, loosely, for any consideration.  
877 The term includes the delivery of merchandise with or without  
878 consideration.

879        (28)~~(24)~~ "Special state firesafety inspector" means an  
880 individual officially assigned to the duties of conducting  
881 firesafety inspections required by law on behalf of or by an  
882 agency of the state having authority for inspections other than  
883 the division ~~of State Fire Marshal~~.

884        (29)~~(25)~~ A "Sprinkler system" means ~~is~~ a type of fire  
885 protection system, ~~either~~ manual or automatic, using water as an  
886 extinguishing agent and installed in accordance with applicable  
887 National Fire Protection Association standards.

888        (30)~~(26)~~ "Storing" means accumulating, laying away, or  
889 depositing for preservation or as a reserve fund in a store,  
890 warehouse, or other source from which supplies may be drawn or  
891 within which they may be deposited. The term is limited in  
892 meaning and application to storage having a direct relationship  
893 to transportation.

894        (31) "Support services" means those activities that a fire  
895 service provider has trained an individual to perform safely  
896 outside the hot zone of an emergency scene, including pulling  
897 hoses, opening and closing fire hydrants, driving and operating  
898 apparatus, carrying tools, carrying or moving equipment,  
899 directing traffic, manning a resource pool, or similar

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900 activities.

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

903 (33)~~(27)~~ "Transportation" means the conveying or carrying  
904 of property from one place to another by motor vehicle (except a  
905 motor vehicle subject to ~~the provisions of~~ s. 316.302),  
906 aircraft, or vessel, subject to such limitations as are set  
907 forth in s. 552.12, in which only the motor vehicles, aircraft,  
908 or vessels of the Armed Forces and other federal agencies are  
909 specifically exempted.

910 (34)~~(28)~~ A "Uniform firesafety standard" means ~~is~~ a  
911 requirement or group of requirements for the protection of life  
912 and property from loss by fire which shall be met by every  
913 building and structure specified in s. 633.206 ~~633.022(1)~~, and  
914 is not ~~neither~~ weakened or ~~not~~ exceeded by law, rule, or  
915 ordinance of any other state agency or political subdivision or  
916 county, municipality, or special district with firesafety  
917 responsibilities.

918 (35)~~(29)~~ "Use" means application, employment; that  
919 enjoyment of property which consists of its employment,  
920 occupation, exercise, or practice.

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

924 Section 3. Section 633.01, Florida Statutes, is transferred  
925 and renumbered as section 633.104, Florida Statutes, subsections  
926 (1), (3), (5), (6), and (7) of that section are amended, and  
927 subsections (8) and (9) are added to that section, to read:

928 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~



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929 duties; rules.—

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

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

946 (5) It is the intent of the Legislature that there are to  
947 be no conflicting requirements between the Florida Fire  
948 Prevention Code ~~and the Life Safety Code authorized by this~~  
949 ~~chapter~~ and ~~the provisions of~~ the Florida Building Code or  
950 conflicts in their enforcement and interpretation. Potential  
951 conflicts shall be resolved through coordination and cooperation  
952 of the State Fire Marshal and the Florida Building Commission as  
953 provided by this chapter and part IV of chapter 553.

954 (6) Only the State Fire Marshal may issue, and, when  
955 requested in writing by any substantially affected person or a  
956 local enforcing agency, the State Fire Marshal shall issue  
957 declaratory statements pursuant to s. 120.565 relating to the

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958 Florida Fire Prevention Code ~~and the Life Safety Code.~~

959 (7) The State Fire Marshal, in consultation with the  
960 Department of Education, shall adopt and administer rules  
961 prescribing standards for the safety and health of occupants of  
962 educational and ancillary facilities pursuant to ss. 633.206  
963 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any  
964 county, municipality, or special district that does not employ  
965 or appoint a firesafety inspector certified under s. 633.216  
966 ~~633.081~~, the State Fire Marshal shall assume the duties of the  
967 local county, municipality, or independent special fire control  
968 district as defined in s. 191.003 with respect to firesafety  
969 inspections of educational property required under s.  
970 1013.12(3)(b), and the State Fire Marshal may take necessary  
971 corrective action as authorized under s. 1013.12(7).

972 (8) The State Fire Marshal or her or his duly appointed  
973 hearing officer may administer oaths and take testimony about  
974 all matters within the jurisdiction of this chapter. Chapter 120  
975 governs hearings conducted by or on behalf of the State Fire  
976 Marshal.

977 (9) The State Fire Marshal may contract with any qualified  
978 public entity or private company in accordance with chapter 287  
979 to provide examinations for any applicant for any examination  
980 administered under the jurisdiction of the State Fire Marshal.  
981 The State Fire Marshal may direct payments from each applicant  
982 for each examination directly to such contracted entity or  
983 company.

984 Section 4. Section 633.163, Florida Statutes, is  
985 transferred, renumbered as section 633.106, Florida Statutes,  
986 and amended to read:

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987        633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;  
988 administrative fine and probation in lieu of suspension,  
989 revocation, or refusal to issue a license, permit, or  
990 certificate.-

991        (1) The State Fire Marshal may deny, suspend, or revoke the  
992 license, certificate, or permit of any individual who does not  
993 meet the qualifications established by, or who violates any  
994 provision under, this chapter or any rule authorized by this  
995 chapter.

996        (2) ~~(1)~~ If the State Fire Marshal finds that one or more  
997 grounds exist for the suspension, revocation, or refusal to  
998 issue, renew, or continue any license, certificate, or permit  
999 issued under this chapter, the State Fire Marshal may, in its  
1000 discretion, in lieu of the suspension, revocation, or refusal to  
1001 issue, renew, or continue, and, except on a second offense or  
1002 when the suspension, revocation, or refusal to issue, renew, or  
1003 continue is mandatory, impose upon the licensee,  
1004 certificateholder, or permittee one or more of the following:

1005        (a) An administrative fine not to exceed \$1,000 for each  
1006 violation, and not to exceed a total of \$10,000 in any one  
1007 proceeding.

1008        (b) Probation for a period not to exceed 2 years, as  
1009 specified by the State Fire Marshal in her or his order.

1010        (3) ~~(2)~~ The State Fire Marshal may allow the licensee,  
1011 certificateholder, or permittee a reasonable period, not to  
1012 exceed 30 days, within which to pay to the State Fire Marshal  
1013 the amount of the fine. If the licensee, certificateholder, or  
1014 permittee fails to pay the administrative fine in its entirety  
1015 to the State Fire Marshal within such period, the license,

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1016 permit, or certificate shall stand suspended until payment of  
1017 the administrative fine.

1018 (4) As a condition to probation or in connection therewith,  
1019 the State Fire Marshal may specify in her or his order  
1020 reasonable terms and conditions to be fulfilled by the  
1021 probationer during the probation period. If during the probation  
1022 period the State Fire Marshal has good cause to believe that the  
1023 probationer has violated any of the terms and conditions, she or  
1024 he shall suspend, revoke, or refuse to issue, renew, or continue  
1025 the license, certificate, or permit of the probationer, as upon  
1026 the original ground or grounds referred to in subsection (2).

1027 Section 5. Section 633.15, Florida Statutes, is transferred  
1028 and renumbered as section 633.108, Florida Statutes.

1029 Section 6. Section 633.101, Florida Statutes, is  
1030 transferred, renumbered as section 633.112, Florida Statutes,  
1031 and amended to read:

1032 633.112 ~~633.101~~ State Fire Marshal; hearings;  
1033 investigations; recordkeeping and reports; subpoenas of  
1034 witnesses; orders of circuit court investigatory powers of State  
1035 Fire Marshal; costs of service and witness fees.-

1036 (1) The State Fire Marshal may in his or her discretion  
1037 take or cause to be taken the testimony on oath of a person ~~all~~  
1038 ~~persons~~ whom he or she believes to be cognizant of any facts in  
1039 relation to matters under investigation.

1040 (2) If the State Fire Marshal is ~~shall be~~ of the opinion  
1041 that there is sufficient evidence to charge a ~~any~~ person with an  
1042 offense, he or she must ~~shall~~ cause the arrest of such person  
1043 and must ~~shall~~ furnish to the prosecuting officer of any court  
1044 having jurisdiction of the ~~said~~ offense all information obtained

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1045 by him or her, including a copy of all pertinent and material  
1046 testimony taken, together with the names and addresses of all  
1047 witnesses. In the conduct of such investigations, the State Fire  
1048 Marshal may request such assistance as may reasonably be given  
1049 by such prosecuting officers and other local officials.

1050 (3) The State Fire Marshal may summon and compel the  
1051 attendance of witnesses before him or her to testify in relation  
1052 to any matter ~~manner~~ which is, by ~~the provisions of this~~  
1053 chapter, a subject of inquiry and investigation, and he or she  
1054 may require the production of any book, paper, or document  
1055 deemed pertinent thereto by him or her, and may seize furniture  
1056 and other personal property to be held for evidence.

1057 (4) A person ~~All persons~~ so summoned and so testifying  
1058 shall be entitled to the same witness fees and mileage as  
1059 provided for witnesses testifying in the circuit courts of this  
1060 state, and officers serving subpoenas or orders of the State  
1061 Fire Marshal shall be paid in like manner for like services in  
1062 such courts, from the funds herein provided.

1063 (5) Any agent designated by the State Fire Marshal for such  
1064 purposes, may hold hearings, sign and issue subpoenas,  
1065 administer oaths, examine witnesses, receive evidence, and  
1066 require by subpoena the attendance and testimony of witnesses  
1067 and the production of such accounts, records, memoranda, or  
1068 other evidence, as may be material for the determination of any  
1069 complaint or conducting any inquiry or investigation under this  
1070 chapter. In the case of disobedience to a subpoena, the State  
1071 Fire Marshal or her or his agent may invoke the aid of any court  
1072 of competent jurisdiction in requiring the attendance and  
1073 testimony of witnesses and the production of accounts, records,

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1074 memoranda, or other evidence and any such court may in case of  
1075 refusal to obey a subpoena issued to a person, issue an order  
1076 requiring the person to appear before the State Fire Marshal's  
1077 agent or produce accounts, records, memoranda, or other  
1078 evidence, as so ordered, or to give evidence touching any matter  
1079 pertinent to any complaint or the subject of any inquiry or  
1080 investigation, and any failure to obey such order of the court  
1081 shall be punished by the court as contempt.

1082 (6) The State Fire Marshal shall investigate the cause,  
1083 origin, and circumstances of every fire or explosion occurring  
1084 in this state if property has been damaged or destroyed and  
1085 there is probable cause to believe that the fire or explosion  
1086 was the result of carelessness or design. Report of all such  
1087 investigations shall be made on approved forms.

1088 Section 7. Section 633.111, Florida Statutes, is  
1089 transferred, renumbered as subsections (7) and (8) of section  
1090 633.112, Florida Statutes, and amended to read:

1091 633.112 State Fire Marshal; hearings; investigations;  
1092 recordkeeping and reports; subpoenas of witnesses; orders of  
1093 circuit court investigatory powers of State Fire Marshal; costs  
1094 of service and witness fees.-

1095 (7) The State Fire Marshal shall keep in her or his office  
1096 a record of all fires and explosions occurring in this state  
1097 upon which she or he had caused an investigation to be made and  
1098 all facts concerning the same. These records, obtained or  
1099 prepared by the State Fire Marshal pursuant to her or his  
1100 investigation, include documents, papers, letters, maps,  
1101 diagrams, tapes, photographs, films, sound recordings, and  
1102 evidence. These records are confidential and exempt from the

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1103 provisions of s. 119.07(1) until the investigation is completed  
1104 or ceases to be active. For purposes of this section, an  
1105 investigation is considered "active" while such investigation is  
1106 being conducted by the department with a reasonable, good faith  
1107 belief that it may lead to the filing of administrative, civil,  
1108 or criminal proceedings. An investigation does not cease to be  
1109 active if the department is proceeding with reasonable dispatch,  
1110 and there is a good faith belief that action may be initiated by  
1111 the department or other administrative or law enforcement  
1112 agency. Further, these documents, papers, letters, maps,  
1113 diagrams, tapes, photographs, films, sound recordings, and  
1114 evidence relative to the subject of an investigation shall not  
1115 be subject to subpoena until the investigation is completed or  
1116 ceases to be active, unless the State Fire Marshal consents.  
1117 These records shall be made daily from the reports furnished the  
1118 State Fire Marshal by her or his agents or others.

1119 (8) Whenever the State Fire Marshal releases an  
1120 investigative report, any person requesting a copy of the report  
1121 shall pay in advance, and the State Fire Marshal shall collect  
1122 in advance, notwithstanding the provisions of s. 624.501(19)(a)  
1123 and (b), a fee of \$10 for the copy of the report, which fee  
1124 shall be deposited into the Insurance Regulatory Trust Fund. The  
1125 State Fire Marshal may release the report without charge to any  
1126 state attorney or to any law enforcement agency or fire  
1127 department assisting in the investigation.

1128 Section 8. Section 633.02, Florida Statutes, is  
1129 transferred, renumbered as section 633.114, Florida Statutes,  
1130 and amended to read:

1131 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents~~; authority;

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1132 ~~powers and duties; compensation.-~~

1133       (1) The State Fire Marshal shall appoint such agents as may  
1134 be necessary to carry out effectively ~~the provisions of this~~  
1135 chapter, who shall be reimbursed for travel expenses as provided  
1136 in s. 112.061, in addition to their salary, when traveling or  
1137 making investigations in the performance of their duties. Such  
1138 agents shall be at all times under the direction and control of  
1139 the State Fire Marshal, who shall fix their compensation, and  
1140 all orders shall be issued in the State Fire Marshal's name and  
1141 by her or his authority.

1142       (2) The authority given the State Fire Marshal under this  
1143 chapter may be exercised by her or his agents, individually or  
1144 in conjunction with any other state or local official charged  
1145 with similar responsibilities.

1146       Section 9. Section 633.14, Florida Statutes, is transferred  
1147 and renumbered as section 633.116, Florida Statutes.

1148       Section 10. Section 633.121, Florida Statutes, is  
1149 transferred, renumbered as section 633.118, Florida Statutes,  
1150 and amended to read:

1151       633.118 ~~633.121~~ Persons authorized to enforce laws and  
1152 rules of State Fire Marshal.—The chiefs of county, municipal,  
1153 and special-district fire service providers ~~departments~~; other  
1154 fire service provider ~~department~~ personnel designated by their  
1155 respective chiefs; and personnel designated by local governments  
1156 having no organized fire service providers ~~departments~~ are  
1157 authorized to enforce this chapter law and all rules prescribed  
1158 by the State Fire Marshal within their respective jurisdictions.  
1159 Such personnel acting under the authority of this section shall  
1160 be ~~deemed to be~~ agents of their respective jurisdictions, not



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1161 agents of the State Fire Marshal.

1162 Section 11. Section 633.151, Florida Statutes, is  
1163 transferred, renumbered as section 633.122, Florida Statutes,  
1164 and amended to read:

1165 633.122 ~~633.151~~ Impersonating State Fire Marshal,  
1166 firefighter ~~firefighters~~, volunteer firefighter, or firesafety  
1167 inspector; criminal penalties.—A person who falsely assumes or  
1168 pretends to be the State Fire Marshal, an agent of the division  
1169 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a  
1170 volunteer firefighter, or a firesafety inspector by identifying  
1171 himself or herself as the State Fire Marshal, an agent of the  
1172 division, a firefighter, a volunteer firefighter, or a  
1173 firesafety inspector by wearing a uniform or presenting or  
1174 displaying a badge as credentials that would cause a reasonable  
1175 person to believe that he or she is a State Fire Marshal, an  
1176 agent of the division, a firefighter, a volunteer firefighter,  
1177 or firesafety inspector commits ~~and who acts as such to require~~  
1178 ~~a person to aid or assist him or her in any matter relating to~~  
1179 ~~the duties of the State Fire Marshal, an agent of the division,~~  
1180 ~~a firefighter, or a firesafety inspector is guilty of a felony~~  
1181 of the third degree, punishable as provided in ss. 775.082 and  
1182 775.083 or, if the impersonation occurs during the commission of  
1183 a separate felony by that person, commits ~~is guilty of~~ a felony  
1184 of the first degree, punishable as provided in ss. 775.082 and  
1185 775.083.

1186 Section 12. Section 633.171, Florida Statutes, is  
1187 transferred and renumbered as section 633.124, Florida Statutes,  
1188 and subsections (1) and (2) and paragraph (b) of subsection (3)  
1189 of that section are amended, to read:

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1190 633.124 ~~633.171~~ Penalty for violation of law, rule, or  
 1191 order to cease and desist or for failure to comply with  
 1192 corrective order.—

1193 (1) A ~~Any~~ person who violates any provision of this chapter  
 1194 ~~law~~, any order or rule of the State Fire Marshal, or any order  
 1195 to cease and desist or to correct conditions issued under this  
 1196 chapter commits a misdemeanor of the second degree, punishable  
 1197 as provided in s. 775.082 or s. 775.083.

1198 (2) It is a misdemeanor of the first degree, punishable as  
 1199 provided in s. 775.082 or s. 775.083, to intentionally or  
 1200 willfully:

1201 (a) Render a fire protection system, fire extinguisher, or  
 1202 preengineered system required by statute or by rule inoperative  
 1203 except while ~~during such time as the~~ fire protection system,  
 1204 fire extinguisher, or preengineered system is being serviced,  
 1205 hydrotested, tested, repaired, or recharged, except pursuant to  
 1206 court order.

1207 (b) Obliterate the serial number on a fire extinguisher for  
 1208 purposes of falsifying service records.

1209 (c) Improperly service, recharge, repair, hydrotest, test,  
 1210 or inspect a fire extinguisher or preengineered system.

1211 (d) Use the license, certificate, or permit ~~number~~ of  
 1212 another person.

1213 (e) Hold a license, certificate, or permit and allow  
 1214 another person to use the license, certificate, or ~~said~~ permit  
 1215 ~~number~~.

1216 (f) Use, or allow ~~permit~~ the use of, any license,  
 1217 certificate, or permit by any individual or organization other  
 1218 than the one to whom the license, certificate, or permit is

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1219 issued.

1220 (3)

1221 (b) A person who initiates a pyrotechnic display within any  
1222 structure commits a felony of the third degree, punishable as  
1223 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1224 1. The structure has a fire protection system installed in  
1225 compliance with s. 633.334 ~~633.065~~.

1226 2. The owner of the structure has authorized in writing the  
1227 pyrotechnic display.

1228 3. If the local jurisdiction requires a permit for the use  
1229 of a pyrotechnic display in an occupied structure, such permit  
1230 has been obtained and all conditions of the permit complied with  
1231 or, if the local jurisdiction does not require a permit for the  
1232 use of a pyrotechnic display in an occupied structure, the  
1233 person initiating the display has complied with National Fire  
1234 Protection Association, Inc., Standard 1126, 2001 Edition,  
1235 Standard for the Use of Pyrotechnics before a Proximate  
1236 Audience.

1237 Section 13. Section 633.175, Florida Statutes, is  
1238 transferred and renumbered as section 633.126, Florida Statutes,  
1239 and subsections (1), (2), (3), (6), and (9) of that section are  
1240 amended, to read:

1241 633.126 ~~633.175~~ Investigation of fraudulent insurance  
1242 claims and crimes; immunity of insurance companies supplying  
1243 information.-

1244 (1) (a) As used in this section, the term "consultant" means  
1245 any individual or entity, or employee of the individual or  
1246 entity, retained by an insurer to assist in the investigation of  
1247 a fire, explosion, or suspected fraudulent insurance act.

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1248           **(b)** The State Fire Marshal or an agent appointed pursuant  
1249 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in  
1250 s. 111.065, any law enforcement officer of a federal agency, or  
1251 any fire service provider ~~department~~ official who is engaged in  
1252 the investigation of a fire or explosion loss may request any  
1253 insurance company or its agent, adjuster, employee, or attorney,  
1254 investigating a claim under an insurance policy or contract with  
1255 respect to a fire or explosion to release any information  
1256 whatsoever in the possession of the insurance company or its  
1257 agent, adjuster, employee, or attorney relative to a loss from  
1258 that fire or explosion. The insurance company shall release the  
1259 available information to and cooperate with any official  
1260 authorized to request such information pursuant to this section.  
1261 The information shall include, but shall not be limited to:

1262           **1.(a)** Any insurance policy relevant to a loss under  
1263 investigation and any application for such a policy.

1264           **2.(b)** Any policy premium payment records.

1265           **3.(c)** The records, reports, and all material pertaining to  
1266 any previous claims made by the insured with the reporting  
1267 company.

1268           **4.(d)** Material relating to the investigation of the loss,  
1269 including statements of a any person, proof of loss, and other  
1270 relevant evidence.

1271           **5.(e)** Memoranda, notes, and correspondence relating to the  
1272 investigation of the loss in the possession of the insurance  
1273 company or its agents, adjusters, employees, or attorneys.

1274           (2) If an insurance company has reason to suspect that a  
1275 fire or explosion loss to its insured's real or personal  
1276 property was caused by intentional ~~incendiary~~ means, the company

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1277 shall notify the State Fire Marshal and shall furnish her or him  
1278 with all material acquired by the company during ~~the course of~~  
1279 its investigation. The State Fire Marshal may adopt rules to  
1280 implement this subsection.

1281 (3) In the absence of fraud, bad faith, or malice, a ~~ne~~  
1282 representative of or consultant to an insurance company or of  
1283 the National Insurance Crime Bureau employed to adjust or  
1284 investigate losses caused by fire or explosion is not ~~shall be~~  
1285 liable for damages in a civil action for furnishing information  
1286 concerning fires or explosion suspected to be other than  
1287 accidental to investigators employed by other insurance  
1288 companies or the National Insurance Crime Bureau.

1289 (6) The actions of an insurance company or of its agents,  
1290 employees, adjusters, consultants, or attorneys, in complying  
1291 with the statutory obligation of this section may not ~~shall in~~  
1292 ~~no way~~ be construed by a court as a waiver or abandonment of any  
1293 privilege or confidentiality of attorney work product, attorney-  
1294 client communication, or such other privilege or immunity as is  
1295 provided by law.

1296 (9) ~~A~~ Any person who willfully violates ~~the provisions of~~  
1297 this section commits ~~is guilty of~~ a misdemeanor of the first  
1298 degree, punishable as provided in s. 775.082 or s. 775.083.

1299 Section 14. Section 633.45, Florida Statutes, is  
1300 transferred, renumbered as section 633.128, Florida Statutes,  
1301 and amended to read:

1302 633.128 ~~633.45~~ Division of State Fire Marshal; powers,  
1303 duties.-

1304 (1) The division shall:

1305 (a) Establish, by rule, uniform minimum standards for the

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1306 ~~employment and training of firefighters and volunteer~~  
1307 ~~firefighters.~~

1308 (b) Establish, by rule, minimum curriculum requirements and  
1309 criteria used to approve education or training providers,  
1310 including for schools operated by or for any fire service  
1311 provider, employing agency for the specific purpose of training  
1312 individuals seeking to become a firefighter recruits or  
1313 volunteer firefighter firefighters.

1314 (c) Specify, by rule, standards for the approval, denial of  
1315 approval, probation, suspension, and revocation of approval of  
1316 education or training providers and facilities for training  
1317 firefighters and volunteer firefighters ~~Approve institutions,~~  
1318 ~~instructors, and facilities for school operation by or for any~~  
1319 ~~employing agency for the specific purpose of training~~  
1320 ~~firefighters and firefighter recruits.~~

1321 (d) Specify, by rule, standards for the certification,  
1322 denial of certification, probation, and revocation of  
1323 certification for instructors, approval, denial of approval,  
1324 ~~probation, and revocation of approval of institutions,~~  
1325 ~~instructors, and facilities for training firefighters and~~  
1326 ~~firefighter recruits;~~ including a rule requiring each that an  
1327 instructor to must complete 40 hours of continuing education  
1328 every 4 3 years in order to maintain her or his certification  
1329 ~~the approval of the department.~~

1330 (e) Issue certificates of competency to persons who, by  
1331 reason of experience and completion of basic inservice training,  
1332 advanced education, or specialized training, are especially  
1333 qualified for particular aspects or classes of firefighting  
1334 ~~firefighter~~ duties.

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1335 (f) Establish, by rule, minimum training qualifications for  
1336 persons serving as firesafety coordinators for their respective  
1337 departments of state government and certify ~~all~~ persons who  
1338 satisfy such qualifications.

1339 (g) Establish a uniform lesson plan to be followed by  
1340 firesafety instructors in the training of state employees in  
1341 firesafety and emergency evacuation procedures.

1342 (h) Have complete jurisdiction over, and complete  
1343 management and control of, the Florida State Fire College and be  
1344 invested with full power and authority to make all rules ~~and~~  
1345 ~~regulations~~ necessary for the governance of the said  
1346 institution.

1347 (i) Appoint a superintendent of the Florida State Fire  
1348 College and such other instructors, experimental helpers, and  
1349 laborers as may be necessary and remove the same as in the  
1350 division's ~~its~~ judgment and discretion may be best, fix their  
1351 compensation, and provide for their payment.

1352 (j) Have full management, possession, and control of the  
1353 lands, buildings, structures, and property belonging to the  
1354 Florida State Fire College.

1355 (k) Provide for the courses of study and curriculum of the  
1356 Florida State Fire College.

1357 (l) Make rules ~~and regulations~~ for the admission of  
1358 trainees to the Florida State Fire College.

1359 (m) Visit and inspect the Florida State Fire College ~~and~~  
1360 ~~every department thereof~~ and provide for the proper keeping of  
1361 accounts and records thereof.

1362 (n) Make and prepare all necessary budgets of expenditures  
1363 for the enlargement, proper furnishing, maintenance, support,

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1364 and conduct of the Florida State Fire College.

1365 (o) Select and purchase all property, furniture, fixtures,  
1366 and paraphernalia necessary for the Florida State Fire College.

1367 (p) Build, construct, change, enlarge, repair, and maintain  
1368 any and all buildings or structures of the Florida State Fire  
1369 College that may at any time be necessary for the said  
1370 institution and purchase and acquire all lands and property  
1371 necessary for same, of every nature and description whatsoever.

1372 (q) Care for and maintain the Florida State Fire College  
1373 and do and perform every other matter or thing requisite to the  
1374 proper management, maintenance, support, and control of the said  
1375 institution, necessary or requisite to carry out fully the  
1376 purpose of this chapter ~~act~~ and for raising it to, and  
1377 maintaining it at, the proper efficiency and standard as  
1378 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

1379 (r) Issue a license, certificate, or permit of a specific  
1380 class to an individual who successfully completes the training,  
1381 education, and examination required under this chapter or by  
1382 rule for such class of license, certificate, or permit.

1383 (2) The division, subject to the limitations and  
1384 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1385 (a) Adopt rules ~~and regulations~~ for the administration of  
1386 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1387 (b) Adopt a seal and alter the same at its pleasure.

1388 (c) Sue and be sued.

1389 (d) Acquire any real or personal property by purchase,  
1390 gift, or donation, and have water rights.

1391 (e) Exercise the right of eminent domain to acquire any  
1392 property and lands necessary to the establishment, operation,



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1393 and expansion of the Florida State Fire College.

1394 (f) Make contracts and execute necessary or convenient  
1395 instruments.

1396 (g) Undertake by contract or contracts, or by its own agent  
1397 and employees, and otherwise than by contract, any project or  
1398 projects, and operate and maintain such projects.

1399 (h) Accept grants of money, materials, or property of any  
1400 kind from a federal agency, private agency, county,  
1401 municipality, ~~city, town~~, corporation, partnership, or  
1402 individual upon such terms and conditions as the grantor may  
1403 impose.

1404 (i) Perform all acts and do all things necessary or  
1405 convenient to carry out the powers granted herein and the  
1406 purposes of this chapter ~~ss. 633.30-633.49~~.

1407 (3) The title to all property referred to in part IV ~~ss.~~  
1408 ~~633.43-633.49~~, however acquired, shall be vested in the  
1409 department and shall only be transferred and conveyed by it.

1410 Section 15. Section 633.132, Florida Statutes, is created  
1411 to read:

1412 633.132 Fees.-

1413 (1) The division shall collect in advance the following  
1414 fees that it deems necessary to be charged:

1415 (a) Pursuant to part III of this chapter:

1416 1. Contractor certificate initial application: \$300 for  
1417 each class of certificate.

1418 2. Contractor biennial renewal fee: \$150 for each class of  
1419 certificate.

1420 3. Contractor permit initial application fee: \$100 for each  
1421 class of permit.

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- 1422       4. Contractor permit biennial renewal fee: \$50 for each  
1423 class of permit.
- 1424       5. Contractor examination or reexamination fee: \$100 for  
1425 each class of certificate.
- 1426       6. Fire equipment dealer license:
- 1427       a. Class A: \$250.
- 1428       b. Class B: \$150.
- 1429       c. Class C: \$150.
- 1430       d. Class D: \$200.
- 1431       7. Fire equipment dealer or contractor application and  
1432 renewal fee for an inactive license: \$75.
- 1433       8. Fire equipment dealer license or permit exam or  
1434 reexamination: \$50.
- 1435       9. Reinspection fee for a dealer equipment inspection  
1436 conducted by the State Fire Marshal under s. 633.304(1): \$50 for  
1437 each reinspection.
- 1438       10. Permit for a portable fire extinguisher  
1439 installer/repairer/inspector: \$90.
- 1440       11. Permit for a preengineered fire extinguishing system  
1441 installer/repairer/inspector: \$120.
- 1442       12. Conversion of a fire equipment dealer's license to a  
1443 different category: \$10 for each permit and license.
- 1444       (b) Pursuant to part IV of this chapter:
- 1445       1. Certificate of compliance: \$30.
- 1446       2. Certificate of competency: \$30.
- 1447       3. Renewal fee for a certificate of compliance, competency,  
1448 or instruction: \$15.
- 1449       (c) Duplicate or change of address for any license, permit,  
1450 or certificate: \$10.

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1451 (2) All moneys collected by the State Fire Marshal pursuant  
1452 to this chapter shall be deposited into the Insurance Regulatory  
1453 Trust Fund.

1454 Section 16. Section 633.39, Florida Statutes, is  
1455 transferred and renumbered as section 633.134, Florida Statutes.

1456 Section 17. Section 633.115, Florida Statutes, is  
1457 transferred, renumbered as section 633.136, Florida Statutes,  
1458 and amended to read:

1459 633.136 ~~633.115~~ Fire and Emergency Incident Information  
1460 Reporting Program; duties; fire reports.-

1461 (1) (a) The Fire and Emergency Incident Information  
1462 Reporting Program is created within the division ~~of State Fire~~  
1463 ~~Marshal~~. The program shall:

1464 1. Establish and maintain an electronic communication  
1465 system capable of transmitting fire and emergency incident  
1466 information to and between fire protection agencies.

1467 2. Initiate a Fire and Emergency Incident Information  
1468 Reporting System that shall be responsible for:

1469 a. Receiving fire and emergency incident information from  
1470 fire protection agencies.

1471 b. Preparing and disseminating annual reports to the  
1472 Governor, the President of the Senate, the Speaker of the House  
1473 of Representatives, fire protection agencies, and, upon request,  
1474 the public. Each report shall include, but not be limited to,  
1475 the information listed in the National Fire Incident Reporting  
1476 System.

1477 c. Upon request, providing other states and federal  
1478 agencies with fire and emergency incident data of this state.

1479 3. Adopt rules to effectively and efficiently implement,

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1480 administer, manage, maintain, and use the Fire and Emergency  
1481 Incident Information Reporting Program. The rules shall be  
1482 considered minimum requirements and shall not preclude a fire  
1483 protection agency from implementing its own requirements which  
1484 may shall not conflict with the rules of the division ~~of State~~  
1485 ~~Fire Marshal~~.

1486 4. By rule, establish procedures and a format for each fire  
1487 protection agency to voluntarily monitor its records and submit  
1488 reports to the program.

1489 5. Establish an electronic information database that ~~which~~  
1490 is accessible and searchable by fire protection agencies.

1491 (b) The division ~~of State Fire Marshal~~ shall consult with  
1492 the Florida Forest Service of the Department of Agriculture and  
1493 Consumer Services and the State Surgeon General of the  
1494 Department of Health to coordinate data, ensure accuracy of the  
1495 data, and limit duplication of efforts in data collection,  
1496 analysis, and reporting.

1497 (2) The Fire and Emergency Incident Information System  
1498 Technical Advisory Panel is created within the division ~~of State~~  
1499 ~~Fire Marshal~~. The panel shall advise, review, and recommend to  
1500 the State Fire Marshal with respect to the requirements of this  
1501 section. The membership of the panel shall consist of the  
1502 following 15 members:

1503 (a) The current 13 members of the Firefighters Employment,  
1504 Standards, and Training Council as established in s. 633.402  
1505 ~~633.31~~.

1506 (b) One member from the Florida Forest Service of the  
1507 Department of Agriculture and Consumer Services, appointed by  
1508 the director of the Florida Forest Service.

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1509 (c) One member from the Department of Health, appointed by  
1510 the State Surgeon General.

1511 (3) For the purpose of this section, the term "fire  
1512 protection agency" shall be defined by rule by the division ~~of~~  
1513 ~~State Fire Marshal.~~

1514 Section 18. Section 633.138, Florida Statutes, is created  
1515 to read:

1516 633.138 Notice of change of address of record; notice of  
1517 felony actions.-

1518 (1) Any individual issued a license, permit, or certificate  
1519 under this chapter shall notify the division in writing of any  
1520 changes to her or his current mailing address, e-mail address,  
1521 and place of practice as specified in rule adopted by the  
1522 division.

1523 (2) Notwithstanding any other provision of law, delivery by  
1524 regular mail or e-mail to a licensee, permittee, or  
1525 certificateholder, using the last known mailing address or e-  
1526 mail address on record with the division, constitutes adequate  
1527 and sufficient notice to the licensee, permittee, or  
1528 certificateholder of any official communication by the division.

1529 (3) Any individual issued a license, permit, or certificate  
1530 under this chapter shall notify the division in writing within  
1531 30 days after pleading guilty or nolo contendere to, or being  
1532 convicted or found guilty of, any felony or a crime punishable  
1533 by imprisonment of 1 year or more under the law of the United  
1534 States or of any state thereof, or under the law of any other  
1535 country, without regard to whether a judgment of conviction has  
1536 been entered by the court having jurisdiction of the case.

1537 Section 19. Section 633.042, Florida Statutes, is

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1538 transferred and renumbered as section 633.142, Florida Statutes,  
1539 and subsection (11) of that section is amended, to read:

1540 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity  
1541 Standard and Firefighter Protection Act; preemption.-

1542 (11) PREEMPTION.-

1543 (a) This section shall be repealed if a federal reduced  
1544 cigarette ignition propensity standard that preempts this  
1545 section is adopted and becomes effective.

1546 (b) Notwithstanding any other provision of law, local  
1547 governmental units of this state may not enact or enforce any  
1548 ordinance or other local law or rule conflicting with, or  
1549 preempted by, any provision of this act or any policy of this  
1550 state expressed by this act, whether that policy be expressed by  
1551 inclusion of a provision in this act or by exclusion of that  
1552 subject from this act.

1553 Section 20. The Division of Law Revision and Information is  
1554 requested to create part II of chapter 633, Florida Statutes,  
1555 consisting of sections 633.202, 633.204, 633.206, 633.208,  
1556 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,  
1557 and 633.228, Florida Statutes, to be entitled "Fire Safety and  
1558 Prevention."

1559 Section 21. Section 633.0215, Florida Statutes, is  
1560 transferred and renumbered as section 633.202, Florida Statutes,  
1561 and subsections (2), (4), (7), (9), (10), and (12) through (15)  
1562 of that section are amended, to read:

1563 633.202 ~~633.0215~~ Florida Fire Prevention Code.-

1564 (2) The State Fire Marshal shall adopt the current edition  
1565 of the National Fire Protection Association's Standard 1, Fire  
1566 Prevention Code but may ~~shall~~ not adopt a building, mechanical,

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1567 or plumbing code. The State Fire Marshal shall adopt the current  
1568 edition of the Life Safety Code, NFPA Pamphlet 101, current  
1569 editions, by reference. The State Fire Marshal may modify the  
1570 selected codes and standards as needed to accommodate the  
1571 specific needs of the state. Standards or criteria in the  
1572 selected codes shall be similarly incorporated by reference. The  
1573 State Fire Marshal shall incorporate within sections of the  
1574 Florida Fire Prevention Code provisions that address uniform  
1575 firesafety standards as established in s. 633.206 ~~633.022~~. The  
1576 State Fire Marshal shall incorporate within sections of the  
1577 Florida Fire Prevention Code provisions addressing regional and  
1578 local concerns and variations.

1579 (4) The State Fire Marshal shall update, by rule adopted  
1580 pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
1581 Prevention Code every 3 years. Once initially adopted and  
1582 subsequently updated, the Florida Fire Prevention Code ~~and the~~  
1583 ~~Life Safety Code~~ shall be adopted for use statewide without  
1584 adoptions by local governments. When updating the Florida Fire  
1585 Prevention Code ~~and the most recent edition of the Life Safety~~  
1586 ~~Code~~, the State Fire Marshal shall consider changes made by the  
1587 national model fire codes incorporated into the Florida Fire  
1588 Prevention Code, the State Fire Marshal's own interpretations,  
1589 declaratory statements, appellate decisions, and approved  
1590 statewide and local technical amendments.

1591 (7) Any local amendment adopted by a local government must  
1592 strengthen the Fire Prevention Code requirements of the minimum  
1593 firesafety code.

1594 (9) The State Fire Marshal shall make rules that implement  
1595 this section and ss. 633.104 and 633.208 ~~633.01 and 633.025~~ for

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1596 the purpose of accomplishing the objectives set forth in those  
1597 sections.

1598 (10) Notwithstanding other provisions of this chapter, if a  
1599 county or a municipality within that county adopts an ordinance  
1600 providing for a local amendment to the Florida Fire Prevention  
1601 Code and that amendment provides a higher level of protection to  
1602 the public than the level specified in the Florida Fire  
1603 Prevention Code, the local amendment becomes effective without  
1604 approval of the State Fire Marshal and is not rescinded pursuant  
1605 to ~~the provisions of~~ this section, provided that the ordinance  
1606 meets one or more of the following criteria:

1607 (a) The local authority has adopted, by ordinance, a fire  
1608 service facilities and operation plan that outlines goals and  
1609 objectives for related equipment, personnel, and capital  
1610 improvement needs of the local authority related to the specific  
1611 amendment for the next 5 years;

1612 (b) The local authority has adopted, by ordinance, a  
1613 provision requiring proportionate reduction in, or rebate or  
1614 waivers of, impact or other fees or assessments levied on  
1615 buildings that are built or modified in compliance with the more  
1616 stringent firesafety standards required by the local amendment;  
1617 or

1618 (c) The local authority has adopted, by ordinance, a growth  
1619 management plan that requires buildings and structures to be  
1620 equipped with more stringent firesafety requirements required by  
1621 the local amendment when these firesafety requirements are used  
1622 as the basis for planning infrastructure development, uses, or  
1623 housing densities.

1624



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1625 Except as provided in s. 633.206 ~~633.022~~, the local appeals  
1626 process shall be the venue if there is a dispute between parties  
1627 affected by the provisions of the more stringent local  
1628 firesafety amendment adopted as part of the Florida Fire  
1629 Prevention Code pursuant to the authority in this subsection.  
1630 Local amendments adopted pursuant to this subsection shall be  
1631 deemed local or regional variations and published as such in the  
1632 Florida Fire Prevention Code. The act of publishing locally  
1633 adopted firesafety amendments to the Florida Fire Prevention  
1634 Code may shall not be construed to mean that the State Fire  
1635 Marshal approves or denies the authenticity or appropriateness  
1636 of the locally adopted firesafety provision, and the burden of  
1637 protecting the local firesafety amendment remains solely with  
1638 the adopting local governmental authority.

1639 ~~(12) Notwithstanding other provisions of this section, the~~  
1640 ~~State Fire Marshal shall study the use of managed, facilities-~~  
1641 ~~based, voice-over-Internet-protocol telephone service for~~  
1642 ~~monitoring fire alarm signals. If the study determines that~~  
1643 ~~voice-over-Internet-protocol telephone service technology~~  
1644 ~~provides a level of protection equivalent to that required by~~  
1645 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~  
1646 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~  
1647 ~~December 1, 2008, to allow the use of this technology as an~~  
1648 ~~additional method of monitoring fire alarm systems.~~

1649 (12) ~~(13)~~ (a) The State Fire Marshal shall issue an expedited  
1650 declaratory statement relating to interpretations of provisions  
1651 ~~of~~ the Florida Fire Prevention Code according to the following  
1652 guidelines:

1653 1. The declaratory statement shall be rendered in

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1654 accordance with s. 120.565, except that a final decision must be  
1655 issued by the State Fire Marshal within 45 days after the  
1656 division's receipt of a petition seeking an expedited  
1657 declaratory statement. The State Fire Marshal shall give notice  
1658 of the petition and the expedited declaratory statement or the  
1659 denial of the petition in the next available issue of the  
1660 Florida Administrative Register ~~Weekly~~ after the petition is  
1661 filed and after the statement or denial is rendered.

1662 2. The petitioner must be the owner of the disputed project  
1663 or the owner's representative.

1664 3. The petition for an expedited declaratory statement must  
1665 be:

1666 a. Related to an active project that is under construction  
1667 or must have been submitted for a permit.

1668 b. The subject of a written notice citing a specific  
1669 provision of the Florida Fire Prevention Code which is in  
1670 dispute.

1671 c. Limited to a single question that is capable of being  
1672 answered with a "yes" or "no" response.

1673 (b) A petition for a declaratory statement which does not  
1674 meet all of the requirements of this subsection must be denied  
1675 without prejudice. This subsection does not affect the right of  
1676 the petitioner as a substantially affected person to seek a  
1677 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1678 ~~(13)-(14)~~ A condominium, cooperative, or multifamily  
1679 residential building that is less than four stories in height  
1680 and has an exterior corridor providing a means of egress is  
1681 exempt from installing a manual fire alarm system as required in  
1682 s. 9.6 of the most recent edition of the Life Safety Code

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1683 adopted in the Florida Fire Prevention Code. ~~This is intended to~~  
1684 ~~clarify existing law.~~

1685 (14) ~~(15)~~ The Legislature finds that the electronic filing  
1686 of construction plans will increase governmental efficiency,  
1687 reduce costs, and increase timeliness of processing permits. If  
1688 the fire code administrator or fire official provides for  
1689 electronic filing, any construction plans, drawings,  
1690 specifications, reports, final documents, or documents prepared  
1691 or issued by a licensee may be dated and electronically signed  
1692 and sealed by the licensee in accordance with part I of chapter  
1693 668, and may be transmitted electronically to the fire code  
1694 administrator or fire official for approval.

1695 Section 22. Section 633.72, Florida Statutes, is  
1696 transferred, renumbered as section 633.204, Florida Statutes,  
1697 and amended to read:

1698 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1699 (1) There is created within the department the Florida Fire  
1700 Code Advisory Council with 11 members appointed by the State  
1701 Fire Marshal. The council shall advise and recommend to the  
1702 State Fire Marshal changes to and interpretation of the uniform  
1703 firesafety standards adopted under s. 633.206 ~~633.022~~, the  
1704 Florida Fire Prevention Code, and those portions of the Florida  
1705 Fire Prevention Code that have the effect of conflicting with  
1706 building construction standards that are adopted pursuant to ss.  
1707 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of the  
1708 council shall represent the following groups and professions:

1709 (a) One member shall be the State Fire Marshal, or his or  
1710 her designated appointee who shall be an administrative employee  
1711 of the marshal.†

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1712 (b) One member shall be an administrative officer from a  
1713 fire department representing a municipality, ~~or~~ a county, or a  
1714 special district selected from a list of persons submitted by  
1715 the Florida Fire Chiefs Association.†

1716 (c) One member shall be an architect licensed in the state  
1717 selected from a list of persons submitted by the Florida  
1718 Association/American Institute of Architects.†

1719 (d) One member shall be an engineer with fire protection  
1720 design experience registered to practice in the state selected  
1721 from a list of persons submitted by the Florida Engineering  
1722 Society.†

1723 (e) One member shall be an administrative officer from a  
1724 building department of a county or municipality selected from a  
1725 list of persons submitted by the Building Officials Association  
1726 of Florida.†

1727 (f) One member shall be a contractor licensed in the state  
1728 selected from a list submitted by the Florida Home Builders  
1729 Association.†

1730 (g) One member shall be a Florida ~~certified~~ firefighter  
1731 selected from a list submitted by the Florida Professional  
1732 Firefighters' Association.†

1733 (h) One member shall be a Florida certified firesafety  
1734 ~~municipal fire~~ inspector selected from a list submitted by the  
1735 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.†

1736 (i) One member shall be selected from a list submitted by  
1737 the Department of Education.†

1738 (j) One member shall be selected from a list submitted by  
1739 the Chancellor of the State University System.† ~~and~~

1740 (k) One member shall be representative of the general

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1741 public.

1742 (2) The State Fire Marshal and the Florida Building  
1743 Commission shall coordinate efforts to provide consistency  
1744 between the Florida Building Code and the Florida Fire  
1745 Prevention Code ~~and the Life Safety Code.~~

1746 (3) The council shall meet at least semiannually to advise  
1747 the State Fire Marshal's Office on matters subject to this  
1748 section.

1749 (4) The council may review proposed changes to the Florida  
1750 Fire Prevention Code and the uniform firesafety standards  
1751 pursuant to s. 633.202(4).

1752 (5)~~(3)~~ The council and Florida Building Commission shall  
1753 cooperate through joint representation and coordination of codes  
1754 and standards to resolve conflicts in their development,  
1755 updating, and interpretation.

1756 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member  
1757 shall serve more than two consecutive terms. A ~~No~~ member of the  
1758 council may not ~~shall~~ be paid a salary as such member, but each  
1759 shall receive travel and expense reimbursement as provided in s.  
1760 112.061.

1761 Section 23. Section 633.022, Florida Statutes, is  
1762 transferred and renumbered as section 633.206, Florida Statutes,  
1763 and subsection (1) and paragraph (a) of subsection (4) of that  
1764 section are amended, to read:

1765 633.206 ~~633.022~~ Uniform firesafety standards.—The  
1766 Legislature hereby determines that to protect the public health,  
1767 safety, and welfare it is necessary to provide for firesafety  
1768 standards governing the construction and utilization of certain  
1769 buildings and structures. The Legislature further determines

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1770 that certain buildings or structures, due to their specialized  
1771 use or to the special characteristics of the person utilizing or  
1772 occupying these buildings or structures, should be subject to  
1773 firesafety standards reflecting these special needs as may be  
1774 appropriate.

1775 (1) The department shall establish uniform firesafety  
1776 standards that apply to:

1777 (a) All new, existing, and proposed state-owned and state-  
1778 leased buildings, including state universities as defined under  
1779 s. 1000.21.

1780 (b) All new, existing, and proposed hospitals, nursing  
1781 homes, assisted living facilities, adult family-care homes,  
1782 correctional facilities, public schools, transient public  
1783 lodging establishments, public food service establishments,  
1784 elevators, migrant labor camps, mobile home parks, lodging  
1785 parks, recreational vehicle parks, recreational camps,  
1786 residential and nonresidential child care facilities, facilities  
1787 for the developmentally disabled, motion picture and television  
1788 special effects productions, tunnels, and self-service gasoline  
1789 stations, of which standards the State Fire Marshal is the final  
1790 administrative interpreting authority.

1791  
1792 In the event there is a dispute between the owners of the  
1793 buildings specified in paragraph (b) and a local authority  
1794 requiring a more stringent uniform firesafety standard for  
1795 sprinkler systems, the State Fire Marshal shall be the final  
1796 administrative interpreting authority and the State Fire  
1797 Marshal's interpretation regarding the uniform firesafety  
1798 standards shall be considered final agency action.

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1799 (4) (a) Notwithstanding any provision of law to the  
1800 contrary, each nursing home licensed under part II of chapter  
1801 400 shall be protected throughout by an approved, supervised  
1802 automatic sprinkler system in accordance with s. 9 of National  
1803 Fire Protection Association, Inc., Life Safety Code, no later  
1804 than December 31, 2010. ~~A nursing home licensee shall submit~~  
1805 ~~complete sprinkler construction documents to the Agency for~~  
1806 ~~Health Care Administration for review by December 31, 2008, and~~  
1807 ~~the licensee must gain final approval to start construction from~~  
1808 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~  
1809 ~~extension to a nursing home licensee if the completion and~~  
1810 ~~submission of the sprinkler construction documents are~~  
1811 ~~contingent upon the approval of the application for the loan~~  
1812 ~~guarantee program authorized under s. 633.0245. In such case,~~  
1813 ~~the agency may extend the deadline for final approval to begin~~  
1814 ~~construction beyond June 30, 2009, but the deadline may not be~~  
1815 ~~extended beyond December 31, 2009.~~

1816 Section 24. Section 633.025, Florida Statutes, is  
1817 transferred, renumbered as section 633.208, Florida Statutes,  
1818 and amended to read:

1819 633.208 ~~633.025~~ Minimum firesafety standards.—

1820 (1) The Florida Fire Prevention Code ~~and the Life Safety~~  
1821 ~~Code~~ adopted by the State Fire Marshal, which shall operate in  
1822 conjunction with the Florida Building Code, shall be deemed  
1823 adopted by each municipality, county, and special district with  
1824 firesafety responsibilities. The minimum firesafety codes do  
1825 ~~shall~~ not apply to buildings and structures subject to the  
1826 uniform firesafety standards under s. 633.206 ~~633.022~~ and  
1827 buildings and structures subject to the minimum firesafety

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1828 standards adopted pursuant to s. 394.879.

1829 (2) Pursuant to subsection (1), each municipality, county,  
1830 and special district with firesafety responsibilities shall  
1831 enforce the Florida Fire Prevention Code ~~and the Life Safety~~  
1832 ~~Code~~ as the minimum firesafety code required by this section.

1833 ~~(3) The most current edition of the National Fire~~  
1834 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~  
1835 ~~the State Fire Marshal, shall be deemed to be adopted by each~~  
1836 ~~municipality, county, and special district with firesafety~~  
1837 ~~responsibilities as part of the minimum firesafety code.~~

1838 (3) ~~(4)~~ Such code ~~codes~~ shall be a minimum ~~code~~ ~~codes~~ and a  
1839 municipality, county, or special district with firesafety  
1840 responsibilities may adopt more stringent firesafety standards,  
1841 subject to the requirements of this subsection. Such county,  
1842 municipality, or special district may establish alternative  
1843 requirements to those requirements which are required under the  
1844 minimum firesafety standards on a case-by-case basis, in order  
1845 to meet special situations arising from historic, geographic, or  
1846 unusual conditions, if the alternative requirements result in a  
1847 level of protection to life, safety, or property equal to or  
1848 greater than the applicable minimum firesafety standards. For  
1849 the purpose of this subsection, the term "historic" means that  
1850 the building or structure is listed on the National Register of  
1851 Historic Places of the United States Department of the Interior.

1852 (a) The local governing body shall determine, following a  
1853 public hearing which has been advertised in a newspaper of  
1854 general circulation at least 10 days before the hearing, if  
1855 there is a need to strengthen the requirements of the minimum  
1856 firesafety code adopted by such governing body. The



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1857 determination must be based upon a review of local conditions by  
1858 the local governing body, which review demonstrates that local  
1859 conditions justify more stringent requirements than those  
1860 specified in the minimum firesafety code for the protection of  
1861 life and property or justify requirements that meet special  
1862 situations arising from historic, geographic, or unusual  
1863 conditions.

1864 (b) Such additional requirements may ~~shall~~ not be  
1865 discriminatory as to materials, products, or construction  
1866 techniques of demonstrated capabilities.

1867 (c) Paragraphs (a) and (b) apply solely to the local  
1868 enforcing agency's adoption of requirements more stringent than  
1869 those specified in the Florida Fire Prevention Code and the Life  
1870 Safety Code that have the effect of amending building  
1871 construction standards. Upon request, the enforcing agency must  
1872 ~~shall~~ provide a person making application for a building permit,  
1873 or any state agency or board with construction-related  
1874 regulation responsibilities, a listing of all such requirements  
1875 and codes.

1876 (d) A local government which adopts amendments to the  
1877 minimum firesafety code must provide a procedure by which the  
1878 validity of such amendments may be challenged by any  
1879 substantially affected party to test the amendment's compliance  
1880 with ~~the provisions of~~ this section.

1881 1. Unless the local government agrees to stay enforcement  
1882 of the amendment, or other good cause is shown, the challenging  
1883 party shall be entitled to a hearing on the challenge within 45  
1884 days.

1885 2. For purposes of such challenge, the burden of proof

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1886 shall be on the challenging party, but the amendment may ~~shall~~  
1887 not be presumed to be valid or invalid.

1888

1889 This subsection gives local government the authority to  
1890 establish firesafety codes that exceed the Florida Fire  
1891 Prevention Code ~~minimum firesafety codes and standards~~ adopted  
1892 by the State Fire Marshal. The Legislature intends that local  
1893 government give proper public notice and hold public hearings  
1894 before adopting more stringent firesafety codes ~~and standards~~. A  
1895 substantially affected person may appeal, to the department, the  
1896 local government's resolution of the challenge, and the  
1897 department shall determine if the amendment complies with this  
1898 section. Actions of the department are subject to judicial  
1899 review pursuant to s. 120.68. The department shall consider  
1900 reports of the Florida Building Commission, pursuant to part IV  
1901 of chapter 553, when evaluating building code enforcement.

1902 (4) ~~(5)~~ The new building or structure provisions enumerated  
1903 within the Florida Fire Prevention Code ~~firesafety code~~ adopted  
1904 pursuant to this section shall apply only to buildings or  
1905 structures for which the building permit is issued on or after  
1906 the effective date of the current edition of the Florida Fire  
1907 Prevention Code ~~this act~~. Subject to ~~the provisions of~~  
1908 subsection (5) ~~(6)~~, the existing building or structure  
1909 provisions enumerated within the firesafety code adopted  
1910 pursuant to this section shall apply to buildings or structures  
1911 for which the building permit was issued or the building or  
1912 structure was constructed before ~~prior to~~ the effective date of  
1913 this act.

1914 (5) ~~(6)~~ With regard to existing buildings, the Legislature

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1915 recognizes that it is not always practical to apply any or all  
1916 of the provisions of the Florida Fire Prevention Code ~~minimum~~  
1917 ~~firesafety code~~ and that physical limitations may require  
1918 disproportionate effort or expense with little increase in fire  
1919 or life safety ~~lifesafety~~. ~~Prior to applying the minimum~~  
1920 ~~firesafety code to an existing building, the local fire official~~  
1921 ~~shall determine that a threat to lifesafety or property exists.~~  
1922 If a threat to lifesafety or property exists, the firesafety  
1923 inspector ~~fire official~~ shall apply the applicable firesafety  
1924 code for existing buildings to the extent practical to assure a  
1925 reasonable degree of lifesafety and safety of property or the  
1926 firesafety inspector ~~fire official~~ shall fashion a reasonable  
1927 alternative which affords an equivalent degree of lifesafety and  
1928 safety of property. The decision of the local firesafety  
1929 inspector ~~fire official~~ may be appealed to the local  
1930 administrative board described in s. 553.73.

1931 (6) ~~(7)~~ Nothing herein shall preclude a municipality,  
1932 county, or special district from requiring a structure to be  
1933 maintained in accordance with the Florida Fire Prevention Code  
1934 ~~applicable firesafety code~~.

1935 (7) ~~(8)~~ Electrically operated single station smoke detectors  
1936 required for residential buildings are not required to be  
1937 interconnected within individual living units in all buildings  
1938 having direct access to the outside from each living unit and  
1939 having three stories or less. This subsection does not apply to  
1940 any residential building required to have a manual or an  
1941 automatic fire alarm system.

1942 (8) ~~(9)~~ The provisions of the Life Safety Code, as contained  
1943 in the Florida Fire Prevention Code, do ~~shall~~ not apply to newly

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1944 constructed one-family and two-family dwellings. However, fire  
1945 sprinkler protection may be permitted by local government in  
1946 lieu of other fire protection-related development requirements  
1947 for such structures. While local governments may adopt fire  
1948 sprinkler requirements for one- and two-family dwellings under  
1949 this subsection, it is the intent of the Legislature that the  
1950 economic consequences of the fire sprinkler mandate on home  
1951 owners be studied before the enactment of such a requirement.  
1952 After the effective date of this act, any local government that  
1953 desires to adopt a fire sprinkler requirement on one- or two-  
1954 family dwellings must prepare an economic cost and benefit  
1955 report that analyzes the application of fire sprinklers to one-  
1956 or two-family dwellings or any proposed residential subdivision.  
1957 The report must consider the tradeoffs and specific cost savings  
1958 and benefits of fire sprinklers for future owners of property.  
1959 The report must include an assessment of the cost savings from  
1960 any reduced or eliminated impact fees if applicable, the  
1961 reduction in special fire district tax, insurance fees, and  
1962 other taxes or fees imposed, and the waiver of certain  
1963 infrastructure requirements including the reduction of roadway  
1964 widths, the reduction of water line sizes, increased fire  
1965 hydrant spacing, increased dead-end roadway length and a  
1966 reduction in cul-de-sac sizes relative to the costs from fire  
1967 sprinkling. A failure to prepare an economic report shall result  
1968 in the invalidation of the fire sprinkler requirement to any  
1969 one- or two-family dwelling or any proposed subdivision. In  
1970 addition, a local jurisdiction or utility may not charge any  
1971 additional fee, above what is charged to a non-fire sprinklered  
1972 dwelling, on the basis that a one- or two-family dwelling unit

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1973 is protected by a fire sprinkler system.

1974 (9)~~(10)~~ Before imposing a fire sprinkler requirement on any  
1975 one- or two-family dwelling, a local government must provide the  
1976 owner of any one- or two-family dwelling a letter documenting  
1977 specific infrastructure or other tax or fee allowances and  
1978 waivers that are listed in but not limited to those described in  
1979 subsection (8) ~~(9)~~ for the dwelling. The documentation must show  
1980 that the cost savings reasonably approximate the cost of the  
1981 purchase and installation of a fire protection system.

1982 (10)~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)  
1983 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire  
1984 sprinklers in any residential property based upon the use of  
1985 such property as a rental property or any change in or  
1986 reclassification of the property's primary use to a rental  
1987 property.

1988 Section 25. Section 633.026, Florida Statutes, is  
1989 transferred, renumbered as section 633.212, Florida Statutes,  
1990 and amended to read:

1991 633.212 ~~633.026~~ Legislative intent; informal  
1992 interpretations of the Florida Fire Prevention Code.—It is the  
1993 intent of the Legislature that the Florida Fire Prevention Code  
1994 be interpreted by fire officials and local enforcement agencies  
1995 in a manner that reasonably and cost-effectively protects the  
1996 public safety, health, and welfare; ensures uniform  
1997 interpretations throughout this state; and provides just and  
1998 expeditious processes for resolving disputes regarding such  
1999 interpretations. It is the further intent of the Legislature  
2000 that such processes provide for the expeditious resolution of  
2001 the issues presented and that the resulting interpretation of

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2002 such issues be published on the website of the division ~~of State~~  
2003 ~~Fire Marshal~~.

2004 (1) The division ~~of State Fire Marshal~~ shall by rule  
2005 establish an informal process of rendering nonbinding  
2006 interpretations of the Florida Fire Prevention Code. The  
2007 division ~~of State Fire Marshal~~ may contract with and refer  
2008 interpretive issues to a third party, selected based upon cost  
2009 effectiveness, quality of services to be performed, and other  
2010 performance-based criteria, which has experience in interpreting  
2011 and enforcing the Florida Fire Prevention Code. It is the intent  
2012 of the Legislature that the division ~~of State Fire Marshal~~  
2013 establish a Fire Code Interpretation Committee composed of seven  
2014 persons and seven alternates, equally representing each area of  
2015 the state, to which a party can pose questions regarding the  
2016 interpretation of the Florida Fire Prevention Code provisions.

2017 (2) Each member and alternate member of the Fire Code  
2018 Interpretation Committee must be certified as a firesafety  
2019 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a  
2020 minimum of 5 years of experience interpreting and enforcing the  
2021 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each  
2022 member and alternate member must be approved by the division ~~of~~  
2023 ~~State Fire Marshal~~ and deemed by the division to have met these  
2024 requirements for at least 30 days before participating in a  
2025 review of a nonbinding interpretation.

2026 (3) Each nonbinding interpretation of code provisions must  
2027 be provided within 10 business days after receipt of a request  
2028 for interpretation. The response period established in this  
2029 subsection may be waived only with the written consent of the  
2030 party requesting the nonbinding interpretation and the division

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2031 ~~of State Fire Marshal~~. Nonbinding interpretations shall be  
2032 advisory only and nonbinding on the parties or the State Fire  
2033 Marshal.

2034 (4) In order to administer this section, the division ~~of~~  
2035 ~~State Fire Marshal~~ shall charge a fee for nonbinding  
2036 interpretations. The fee may not exceed \$150 for each request  
2037 for a review or interpretation. The division may authorize  
2038 payment of fees directly to the nonprofit organization under  
2039 contract pursuant to subsection (1).

2040 (5) A party requesting a nonbinding interpretation who  
2041 disagrees with the interpretation issued under this section may  
2042 apply for a declaratory statement ~~formal interpretation~~ from the  
2043 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2044 (6) The division ~~of State Fire Marshal~~ shall issue or cause  
2045 to be issued a nonbinding interpretation of the Florida Fire  
2046 Prevention Code pursuant to this section when requested to do so  
2047 upon submission of a petition by a fire official or by the owner  
2048 or owner's representative or the contractor or contractor's  
2049 representative of a project in dispute. The division shall adopt  
2050 a petition form by rule, and the petition form must be published  
2051 on the State Fire Marshal's website. The form must ~~shall~~, at a  
2052 minimum, require:

2053 (a) The name and address of the local fire official,  
2054 including the address of the county, municipality, or special  
2055 district.

2056 (b) The name and address of the owner or owner's  
2057 representative or the contractor or contractor's representative.

2058 (c) A statement of the specific sections of the Florida  
2059 Fire Prevention Code being interpreted by the local fire

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2060 official.

2061 (d) An explanation of how the petitioner's substantial  
2062 interests are being affected by the local interpretation of the  
2063 Florida Fire Prevention Code.

2064 (e) A statement of the interpretation of the specific  
2065 sections of the Florida Fire Prevention Code by the local fire  
2066 official.

2067 (f) A statement of the interpretation that the petitioner  
2068 contends should be given to the specific sections of the Florida  
2069 Fire Prevention Code and a statement supporting the petitioner's  
2070 interpretation.

2071 (7) Upon receipt of a petition that meets the requirements  
2072 of subsection (6), the division ~~of State Fire Marshal~~ shall  
2073 immediately provide copies of the petition to the Fire Code  
2074 Interpretation Committee, and shall publish the petition and any  
2075 response submitted by the local fire official on the State Fire  
2076 Marshal's website.

2077 (8) The committee shall conduct proceedings as necessary to  
2078 resolve the issues and give due regard to the petition, the  
2079 facts of the matter at issue, specific code sections cited, and  
2080 any statutory implications affecting the Florida Fire Prevention  
2081 Code. The committee shall issue an interpretation regarding the  
2082 provisions of the Florida Fire Prevention Code within 10 days  
2083 after the filing of a petition. The committee shall issue an  
2084 interpretation based upon the Florida Fire Prevention Code or,  
2085 if the code is ambiguous, the intent of the code. The  
2086 committee's interpretation shall be provided to the petitioner  
2087 and shall include a notice that if the petitioner disagrees with  
2088 the interpretation, the petitioner may file a request for a



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2089 declaratory statement ~~formal interpretation~~ by the State Fire  
2090 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's  
2091 interpretation shall be provided to the State Fire Marshal, and  
2092 the division shall publish the declaratory statement  
2093 ~~interpretation~~ on the State Fire Marshal's website and in the  
2094 Florida Administrative Register ~~Weekly~~.

2095 Section 26. Section 633.052, Florida Statutes, is  
2096 transferred and renumbered as section 633.214, Florida Statutes,  
2097 and paragraphs (a) and (b) of subsection (1), paragraph (d) of  
2098 subsection (2), and subsections (3) and (4) of that section are  
2099 amended, to read:

2100 633.214 ~~633.052~~ Ordinances relating to firesafety;  
2101 definitions; penalties.—

2102 (1) As used in this section:

2103 (a) A "firesafety inspector" is an individual certified by  
2104 the division ~~of State Fire Marshal~~, officially assigned the  
2105 duties of conducting firesafety inspections of buildings and  
2106 facilities on a recurring or regular basis, investigating civil  
2107 infractions relating to firesafety, and issuing citations  
2108 pursuant to this section on behalf of the state or any county,  
2109 municipality, or special district with firesafety  
2110 responsibilities.

2111 (b) "Citation" means a written notice, issued only after a  
2112 written warning has been previously issued and a minimum time  
2113 period of 45 days, except for major structural changes, which  
2114 may be corrected within an extended adequate period of time,  
2115 from the date of the issuance of the warning whereby the party  
2116 warned may correct the alleged violation, issued to a person by  
2117 a firesafety inspector, that the firesafety inspector has

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2118 probable cause to believe that the person has committed a civil  
2119 infraction in violation of a duly enacted ordinance and that the  
2120 county court will hear the charge. The citation must ~~shall~~  
2121 contain:

- 2122 1. The date and time of issuance.
- 2123 2. The name and address of the person.
- 2124 3. The date and time the civil infraction was committed.
- 2125 4. The facts constituting probable cause.
- 2126 5. The Florida Fire Prevention Code ordinance violated.
- 2127 6. The name and authority of the firesafety inspector  
2128 ~~officer~~.
- 2129 7. The procedure for the person to follow in order to pay  
2130 the civil penalty or to contest the citation.
- 2131 8. The applicable civil penalty if the person elects to  
2132 contest the citation.
- 2133 9. The applicable civil penalty if the person elects not to  
2134 contest the citation.
- 2135 10. A conspicuous statement that if the person fails to pay  
2136 the civil penalty within the time allowed or fails to appear in  
2137 court to contest the citation, then she or he shall be deemed to  
2138 have waived her or his right to contest the citation and that,  
2139 in such case, judgment may be entered against the person for an  
2140 amount up to the maximum civil penalty.

2141 (2) A county or municipality that has created a code  
2142 enforcement board or special magistrate system pursuant to  
2143 chapter 162 may enforce firesafety code violations as provided  
2144 in chapter 162. The governing body of a county or municipality  
2145 which has not created a code enforcement board or special  
2146 magistrate system for firesafety under chapter 162 may ~~is~~

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2147 ~~authorized to~~ enact ordinances relating to firesafety codes,  
2148 which ordinances shall provide:

2149 (d) For the issuance of a citation by an officer who has  
2150 probable cause to believe that a person has committed a  
2151 violation of an ordinance relating to firesafety or the Florida  
2152 Fire Prevention Code.

2153 (3) A person ~~Any person~~ who willfully refuses to sign and  
2154 accept a citation issued by a firesafety inspector commits ~~shall~~  
2155 ~~be guilty of~~ a misdemeanor of the second degree, punishable as  
2156 provided in s. 775.082 or s. 775.083.

2157 (4) ~~Nothing contained in~~ This section does not ~~shall~~  
2158 prevent any county, ~~or~~ municipality, or special district from  
2159 enacting any ordinance relating to firesafety codes which is  
2160 identical to ~~the provisions of~~ this chapter or any state law,  
2161 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or  
2162 special district ordinance relating to firesafety codes may not  
2163 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other  
2164 state law.

2165 Section 27. Section 633.081, Florida Statutes, is  
2166 transferred and renumbered as section 633.216, Florida Statutes,  
2167 a new subsection (6) is added to that section, and present  
2168 subsections (1) and (2), paragraph (c) of subsection (3), and  
2169 subsections (4) through (9) of that section are amended, to  
2170 read:

2171 633.216 ~~633.081~~ Inspection of buildings and equipment;  
2172 orders; firesafety inspection training requirements;  
2173 certification; disciplinary action.—The State Fire Marshal and  
2174 her or his agents or persons authorized to enforce laws and  
2175 rules of the State Fire Marshal shall, at any reasonable hour,

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2176 when the State Fire Marshal has reasonable cause to believe that  
2177 a violation of this chapter or s. 509.215, or a rule adopted  
2178 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by  
2179 the State Fire Marshal or a local authority, may exist, inspect  
2180 any and all buildings and structures which are subject to the  
2181 requirements of this chapter or s. 509.215 and rules adopted  
2182 ~~promulgated~~ thereunder. The authority to inspect shall extend to  
2183 all equipment, vehicles, and chemicals which are located on or  
2184 within the premises of any such building or structure.

2185 (1) Each county, municipality, and special district that  
2186 has firesafety enforcement responsibilities shall employ or  
2187 contract with a firesafety inspector. Except as provided in s.  
2188 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must  
2189 conduct all firesafety inspections that are required by law. The  
2190 governing body of a county, municipality, or special district  
2191 that has firesafety enforcement responsibilities may provide a  
2192 schedule of fees to pay only the costs of inspections conducted  
2193 pursuant to this subsection and related administrative expenses.  
2194 Two or more counties, municipalities, or special districts that  
2195 have firesafety enforcement responsibilities may jointly employ  
2196 or contract with a firesafety inspector.

2197 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every  
2198 firesafety inspection conducted pursuant to state or local  
2199 firesafety requirements shall be by a person certified as having  
2200 met the inspection training requirements set by the State Fire  
2201 Marshal. Such person shall meet the requirements of s.  
2202 633.412(1)(a)-(d), and:

2203 (a) ~~Be a high school graduate or the equivalent as~~  
2204 ~~determined by the department;~~

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2205 ~~(b) Not have been found guilty of, or having pleaded guilty~~  
2206 ~~or nolo contendere to, a felony or a crime punishable by~~  
2207 ~~imprisonment of 1 year or more under the law of the United~~  
2208 ~~States, or of any state thereof, which involves moral turpitude,~~  
2209 ~~without regard to whether a judgment of conviction has been~~  
2210 ~~entered by the court having jurisdiction of such cases;~~

2211 ~~(c) Have her or his fingerprints on file with the~~  
2212 ~~department or with an agency designated by the department;~~

2213 ~~(d) Have good moral character as determined by the~~  
2214 ~~department;~~

2215 ~~(e) Be at least 18 years of age;~~

2216 ~~(f) Have satisfactorily completed the firesafety inspector~~  
2217 ~~certification examination as prescribed by division rule ~~the~~~~  
2218 ~~department; and~~

2219 ~~(b)(g)~~1. Have satisfactorily completed, as determined by  
2220 division rule ~~the department~~, a firesafety inspector training  
2221 program of at least ~~not less than~~ 200 hours established by the  
2222 department and administered by education or training providers  
2223 ~~agencies and institutions~~ approved by the department for the  
2224 purpose of providing basic certification training for firesafety  
2225 inspectors; or

2226 2. Have received ~~in another state~~ training in another state  
2227 which is determined by the division ~~department~~ to be at least  
2228 equivalent to that required by the department for approved  
2229 firesafety inspector education and training programs in this  
2230 state.

2231 (3)

2232 (c)1. To be certified as a firesafety inspector under this  
2233 section, a ~~any~~ person who:

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2234 a. Is a special state firesafety inspector on July 1, 2011,  
2235 and who does not have 5 years of experience as a special state  
2236 firesafety inspector as of July 1, 2011; or

2237 b. Has 5 years of experience as a special state firesafety  
2238 inspector but has failed the examination taken as provided in  
2239 paragraph (2) (a) ~~(2) (f)~~, must take an additional 80 hours of the  
2240 courses described in paragraph (2) (b) ~~(2) (g)~~.

2241 2. After successfully completing the courses described in  
2242 this paragraph, such person may take the firesafety inspection  
2243 examination as provided in paragraph (2) (a) ~~(2) (f)~~, if such  
2244 examination is taken before July 1, 2013.

2245 3. Upon passing the examination, the person shall be  
2246 certified as a firesafety inspector as provided in this section.

2247 4. A person who fails the course of study or the  
2248 examination described in this paragraph may not perform any  
2249 firesafety inspection required by law on or after July 1, 2013.

2250 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~  
2251 may conduct firesafety inspections, under the supervision of a  
2252 certified firesafety inspector, while on duty as a member of a  
2253 fire department company conducting inservice firesafety  
2254 inspections without being certified as a firesafety inspector,  
2255 if such firefighter has satisfactorily completed an inservice  
2256 fire department company inspector training program of at least  
2257 24 hours' duration as provided by rule of the department.

2258 (5) Every firesafety inspector certificate is valid for a  
2259 period of 4 ~~3~~ years from the date of issuance. Renewal of  
2260 certification is subject to the affected person's completing  
2261 proper application for renewal and meeting all of the  
2262 requirements for renewal as established under this chapter or by

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2263 rule adopted under this chapter, which must ~~shall~~ include  
2264 completion of at least 54 ~~40~~ hours during the preceding 4-year  
2265 ~~3-year~~ period of continuing education as required by the rule of  
2266 the department or, in lieu thereof, successful passage of an  
2267 examination as established by the department.

2268 (6) A previously certified firesafety inspector whose  
2269 certification has lapsed for 8 years or more must repeat the  
2270 fire safety inspector training as specified by the division.

2271 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,  
2272 suspend, or revoke the certificate of a firesafety inspector if  
2273 the State Fire Marshal finds that any of the following grounds  
2274 exist:

2275 (a) Any cause for which issuance of a certificate could  
2276 have been refused had it then existed and been known to the  
2277 division ~~State Fire Marshal~~.

2278 (b) Violation of this chapter or any rule or order of the  
2279 State Fire Marshal.

2280 (c) Falsification of records relating to the certificate.

2281 ~~(d) Having been found guilty of or having pleaded guilty or~~  
2282 ~~nolo contendere to a felony, whether or not a judgment of~~  
2283 ~~conviction has been entered.~~

2284 (d) ~~(e)~~ Failure to meet any of the renewal requirements.

2285 ~~(f) Having been convicted of a crime in any jurisdiction~~  
2286 ~~which directly relates to the practice of fire code inspection,~~  
2287 ~~plan review, or administration.~~

2288 (e) ~~(g)~~ Making or filing a report or record that the  
2289 certificateholder knows to be false, or knowingly inducing  
2290 another to file a false report or record, or knowingly failing  
2291 to file a report or record required by state or local law, or

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2292 knowingly impeding or obstructing such filing, or knowingly  
2293 inducing another person to impede or obstruct such filing.

2294 (f)~~(h)~~ Failing to properly enforce applicable fire codes or  
2295 permit requirements within this state which the  
2296 certificateholder knows are applicable by committing willful  
2297 misconduct, gross negligence, gross misconduct, repeated  
2298 negligence, or negligence resulting in a significant danger to  
2299 life or property.

2300 (g)~~(i)~~ Accepting labor, services, or materials at no charge  
2301 or at a noncompetitive rate from a ~~any~~ person who performs work  
2302 that is under the enforcement authority of the certificateholder  
2303 and who is not an immediate family member of the  
2304 certificateholder. For the purpose of this paragraph, the term  
2305 "immediate family member" means a spouse, child, parent,  
2306 sibling, grandparent, aunt, uncle, or first cousin of the person  
2307 or the person's spouse or a ~~any~~ person who resides in the  
2308 primary residence of the certificateholder.

2309 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida  
2310 Building Code Administrators and Inspectors Board, established  
2311 pursuant to s. 468.605, shall enter into a reciprocity agreement  
2312 to facilitate joint recognition of continuing education  
2313 recertification hours for certificateholders licensed under s.  
2314 468.609 and firesafety inspectors certified under subsection  
2315 (2).

2316 (9)~~(8)~~ The State Fire Marshal shall develop by rule an  
2317 advanced training and certification program for firesafety  
2318 inspectors having fire code management responsibilities. The  
2319 program must be consistent with the appropriate provisions of  
2320 NFPA 1037, or similar standards adopted by the division, and



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2321 establish minimum training, education, and experience levels for  
2322 firesafety inspectors having fire code management  
2323 responsibilities.

2324 (10)~~(9)~~ The department shall provide by rule for the  
2325 certification of firesafety inspectors and Fire Code  
2326 Administrators.

2327 Section 28. Section 633.085, Florida Statutes, is  
2328 transferred and renumbered as section 633.218, Florida Statutes,  
2329 paragraph (a) of subsection (1) and subsections (2) through (5)  
2330 of that section are amended, and paragraphs (e) and (f) are  
2331 added to subsection (1) of that section, to read:

2332 633.218 ~~633.085~~ Inspections of state buildings and  
2333 premises; tests of firesafety equipment; building plans to be  
2334 approved.—

2335 (1) (a) It is the duty of the State Fire Marshal and her or  
2336 his agents to inspect, or cause to be inspected, each state-  
2337 owned building on a recurring basis established by rule, and to  
2338 ensure that high-hazard occupancies are inspected at least  
2339 annually, for the purpose of ascertaining and causing to be  
2340 corrected any conditions liable to cause fire or endanger life  
2341 from fire and any violation of the firesafety standards for  
2342 state-owned buildings, ~~the provisions of this chapter, or the~~  
2343 ~~rules or regulations adopted and promulgated pursuant hereto.~~  
2344 The State Fire Marshal shall, within 7 days following an  
2345 inspection, submit a report of such inspection to the head of  
2346 the ~~department of state agency government~~ responsible for the  
2347 building.

2348 (e) For purposes of this section:

2349 1.a. The term "high-hazard occupancy" means any building or

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2350 structure:

2351 (I) That contains combustible or explosive matter or  
2352 flammable conditions dangerous to the safety of life or  
2353 property;

2354 (II) At which persons receive educational instruction;

2355 (III) At which persons reside, excluding private dwellings;

2356 or

2357 (IV) Containing three or more floor levels.

2358 b. As used in this subparagraph, the phrase "building or  
2359 structure":

2360 (I) Includes, but is not limited to, all hospitals and  
2361 residential health care facilities, nursing homes and other  
2362 adult care facilities, correctional or detention facilities,  
2363 public schools, public lodging establishments, migrant labor  
2364 camps, residential child care facilities, and self-service  
2365 gasoline stations.

2366 (II) Does not include any residential condominium where the  
2367 declaration of condominium or the bylaws provide that the rental  
2368 of units shall not be permitted for less than 90 days.

2369 2. The term "state-owned building," includes private  
2370 correctional facilities as defined under s. 944.710(3) and state  
2371 universities as defined under s. 1000.21(6).

2372 (f) A state-owned building or state-leased building or  
2373 space shall be identified through use of the United States  
2374 National Grid Coordinate System.

2375 (2) The State Fire Marshal and her or his agents may ~~shall~~  
2376 conduct performance tests on any electronic fire warning and  
2377 smoke detection system, and any pressurized air-handling unit,  
2378 in any state-owned building or state-leased building or space on

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2379 a recurring basis as provided in subsection (1). The State Fire  
2380 Marshal and her or his agents shall also ensure that fire drills  
2381 are conducted in all high-hazard state-owned buildings or high-  
2382 hazard state-leased ~~high-hazard~~ occupancies at least annually.

2383 (3) All construction of any new state-owned building or  
2384 state-leased building or space, or any renovation, alteration,  
2385 or change of occupancy of any existing, state-owned building or  
2386 state-leased building or space must ~~shall~~ comply with the  
2387 uniform firesafety standards of the State Fire Marshal.

2388 (a) For all new construction or renovation, alteration, or  
2389 change of occupancy of state-leased space, compliance with the  
2390 uniform firesafety standards shall be determined by reviewing  
2391 the plans for the proposed construction or occupancy submitted  
2392 by the lessor to the division ~~of State Fire Marshal~~ for review  
2393 and approval before ~~prior to~~ commencement of construction or  
2394 occupancy, which review shall be completed within 10 working  
2395 days after receipt of the plans by the division ~~of State Fire~~  
2396 ~~Marshal~~.

2397 (b) The plans for all construction of any new, or  
2398 renovation or alteration of any existing, state-owned building  
2399 are subject to the review and approval of the division ~~of State~~  
2400 ~~Fire Marshal~~ for compliance with the uniform firesafety  
2401 standards before ~~prior to~~ commencement of construction or change  
2402 of occupancy, which review shall be completed within 30 calendar  
2403 days of receipt of the plans by the division ~~of State Fire~~  
2404 ~~Marshal~~.

2405 (4) The division ~~of State Fire Marshal~~ may inspect state-  
2406 owned buildings and space and state-leased buildings and space  
2407 as necessary before ~~prior to~~ occupancy or during construction,

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2408 renovation, or alteration to ascertain compliance with the  
2409 uniform firesafety standards. Whenever the division ~~of State~~  
2410 ~~Fire Marshal~~ determines by virtue of such inspection or by  
2411 review of plans that construction, renovation, or alteration of  
2412 state-owned buildings and state-leased buildings or space is not  
2413 in compliance with the uniform firesafety standards, the  
2414 division ~~of State Fire Marshal~~ shall issue an order to cease  
2415 construction, renovation, or alteration, or to preclude  
2416 occupancy, of a building until compliance is obtained, except  
2417 for those activities required to achieve such compliance.

2418 (5) The division ~~of State Fire Marshal~~ shall by rule  
2419 provide a schedule of fees to pay for the costs of the  
2420 inspections, whether recurring or high hazard, any firesafety  
2421 review or plans for proposed construction, renovations, or  
2422 occupancy, and related administrative expenses.

2423 Section 29. Section 633.027, Florida Statutes, is  
2424 transferred and renumbered as section 633.222, Florida Statutes,  
2425 and subsection (3) of that section is amended, to read:

2426 633.222 ~~633.027~~ Buildings with light-frame truss-type  
2427 construction; notice requirements; enforcement.-

2428 (3) The State Fire Marshal, and local fire officials in  
2429 accordance with s. 633.118 ~~633.121~~, shall enforce ~~the provisions~~  
2430 ~~of~~ this section. An ~~Any~~ owner who fails to comply with the  
2431 requirements of this section is subject to penalties as provided  
2432 in s. 633.228 ~~633.161~~.

2433 Section 30. Section 633.60, Florida Statutes, is  
2434 transferred and renumbered as section 633.224, Florida Statutes,  
2435 and subsection (1) of that section is amended, to read:

2436 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-

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2437 family dwellings, two-family dwellings, and mobile homes.-

2438 (1) It is unlawful for a ~~any~~ person to engage in the  
2439 business or act in the capacity of a contractor of automatic  
2440 fire sprinkler systems for one-family dwellings, two-family  
2441 dwellings, and mobile homes without having been duly certified  
2442 and holding a current certificate as a Contractor I, Contractor  
2443 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

2444 Section 31. Section 633.557, Florida Statutes, is  
2445 transferred and renumbered as section 633.226, Florida Statutes.

2446 Section 32. Section 633.161, Florida Statutes, is  
2447 transferred and renumbered as section 633.228, Florida Statutes,  
2448 and paragraphs (a) and (b) of subsection (1), paragraph (a) of  
2449 subsection (2), and subsection (3) of that section are amended,  
2450 to read:

2451 633.228 ~~633.161~~ Violations; orders to cease and desist,  
2452 correct hazardous conditions, preclude occupancy, or vacate;  
2453 enforcement; penalties.-

2454 (1) If it is determined by the department that a violation  
2455 specified in this subsection exists, the State Fire Marshal or  
2456 her or his deputy may issue and deliver to the person committing  
2457 the violation an order to cease and desist from such violation,  
2458 to correct any hazardous condition, to preclude occupancy of the  
2459 affected building or structure, or to vacate the premises of the  
2460 affected building or structure. Such violations are:

2461 (a) Except as set forth in paragraph (b), a violation of  
2462 any provision of this chapter, of any rule adopted pursuant  
2463 thereto, of any applicable uniform firesafety standard adopted  
2464 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed  
2465 by any alternative requirements adopted on a local level, or of

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2466 any minimum firesafety standard adopted pursuant to s. 394.879.

2467 (b) A substantial violation of an applicable minimum  
2468 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which  
2469 is not reasonably addressed by any alternative requirement  
2470 imposed at the local level, or an unreasonable interpretation of  
2471 an applicable minimum firesafety standard, and which violation  
2472 or interpretation clearly constitutes a danger to lifesafety.

2473 (2) (a) If, during the conduct of a firesafety inspection  
2474 authorized by ss. 633.216 and 633.218 ~~633.081~~ and ~~633.085~~, it is  
2475 determined that a violation described in this section exists  
2476 which poses an immediate danger to the public health, safety, or  
2477 welfare, the State Fire Marshal may issue an order to vacate the  
2478 building in question, which order shall be immediately effective  
2479 and shall be an immediate final order under s. 120.569(2) (n).  
2480 With respect to a facility under the jurisdiction of a district  
2481 school board or community college board of trustees, the order  
2482 to vacate shall be issued jointly by the district superintendent  
2483 or college president and the State Fire Marshal.

2484 (3) A ~~Any~~ person who violates or fails to comply with any  
2485 order under subsection (1) or subsection (2) commits is guilty  
2486 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

2487 Section 33. The Division of Law Revision and Information is  
2488 directed to create part III of chapter 633, Florida Statutes,  
2489 consisting of sections 633.302, 633.304, 633.306, 633.308,  
2490 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,  
2491 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,  
2492 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled  
2493 "Fire Protection and Suppression."

2494 Section 34. Section 633.511, Florida Statutes, is

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2495 transferred, renumbered as section 633.302, Florida Statutes,  
2496 and amended to read:

2497 633.302 ~~633.511~~ Florida Fire Safety Board; membership;  
2498 duties; meetings; officers; quorum; compensation; seal.-

2499 (1) The Florida Fire Safety Board is created consisting of  
2500 seven members who are ~~citizens and~~ residents of this state. One  
2501 shall be the State Fire Marshal, or her or his designee  
2502 ~~designated appointee~~ who shall be an administrative employee of  
2503 the marshal; one shall be an administrative officer from a  
2504 building department representing an incorporated municipality or  
2505 a county; one shall be an administrative officer from a fire  
2506 department representing an incorporated municipality or a  
2507 county; two shall be contractors licensed pursuant to s. 633.318  
2508 ~~633.521~~; and two shall be persons who hold valid licenses under  
2509 s. 633.304 ~~633.061~~.

2510 (2) (a) To be eligible for appointment, each contractor must  
2511 ~~shall~~ personally hold a current certificate of competency and a  
2512 current license issued by the division ~~State Fire Marshal~~,  
2513 together with an unexpired occupational license to operate as a  
2514 contractor issued by an incorporated municipality or a county;  
2515 be actively engaged in such business and have been so engaged  
2516 for a period of not less than 5 consecutive years before the  
2517 date of her or his appointment; and be a ~~citizen and~~ resident of  
2518 the state.

2519 (b) To be eligible for appointment, each fire equipment  
2520 dealer must ~~shall~~ personally hold a current Class A, B, or C and  
2521 Class D fire equipment dealer license issued by the division  
2522 ~~State Fire Marshal~~, together with an unexpired occupational  
2523 license to operate as a fire equipment dealer issued by an

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2524 incorporated municipality or a county; must ~~shall~~ be actively  
2525 engaged in such business and have been so engaged for a period  
2526 of not less than 5 consecutive years before the date of  
2527 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this  
2528 state.

2529 (3) The State Fire Marshal's term on the board, or that of  
2530 her or his designee ~~designated administrative employee~~, shall  
2531 coincide with the State Fire Marshal's term of office. Of the  
2532 other six members of the board, one member shall be appointed  
2533 for a term of 1 year, one member for a term of 2 years, two  
2534 members for terms of 3 years, and two members for terms of 4  
2535 years. All terms expire on June 30 of the last year of the term.  
2536 ~~When Effective July 1, 1997,~~ as the term of a each member  
2537 expires, the State Fire Marshal shall appoint a member to fill  
2538 the vacancy for a term of 4 years. The State Fire Marshal may  
2539 remove any appointed member for cause. A vacancy in the  
2540 membership of the board for any cause shall be filled by  
2541 appointment by the State Fire Marshal for the balance of the  
2542 unexpired term.

2543 (4) The board shall act in an advisory capacity to the  
2544 State Fire Marshal and shall meet regularly as the need presents  
2545 itself. The board shall have the authority to review complaints  
2546 and disputed administrative action and make recommendations for  
2547 disciplinary action to the division at the request of the  
2548 licenseholder, permitholder, or certificateholder. The board  
2549 will serve in an advisory capacity to the division regarding  
2550 rules, codes, standards, interpretations, and training. As soon  
2551 as practicable after July 1, 2013, the board shall meet to elect  
2552 officers from its membership, whose terms shall expire on June



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2553 30 and annually thereafter. A majority of the board shall  
2554 constitute a quorum. A member of the advisory board may not be  
2555 paid a salary as such member, but shall be reimbursed for  
2556 necessary expenses while attending advisory board meetings,  
2557 including travel in the performance of her or his duties, as  
2558 provided in s. 112.061.

2559 (5) The board shall adopt a seal for its use containing the  
2560 words "Florida Fire Safety Board."

2561 Section 35. Section 633.061, Florida Statutes, is  
2562 transferred and renumbered as section 633.304, Florida Statutes,  
2563 and subsections (1) through (4) and subsection (9) of that  
2564 section are amended, to read:

2565 633.304 ~~633.061~~ Fire suppression equipment; license to  
2566 install or maintain.—

2567 (1) It is unlawful for any organization or individual to  
2568 engage in the business of servicing, repairing, recharging,  
2569 testing, marking, inspecting, installing, or hydrotesting any  
2570 fire extinguisher or preengineered system in this state except  
2571 in conformity with ~~the provisions of~~ this chapter. Each  
2572 organization or individual that engages in such activity must  
2573 possess a valid and subsisting license issued by the division  
2574 ~~State Fire Marshal~~. All fire extinguishers and preengineered  
2575 systems required by statute or by rule must be serviced by an  
2576 organization or individual licensed under ~~the provisions of~~ this  
2577 chapter. A licensee who receives appropriate training shall not  
2578 be prohibited by a manufacturer from servicing any particular  
2579 brand of fire extinguisher or preengineered system. The licensee  
2580 is legally qualified to act for the business organization in all  
2581 matters connected with its business, and the licensee must

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2582 supervise all activities undertaken by such business  
2583 organization. Each licensee shall maintain a specific business  
2584 location. A further requirement, in the case of multiple  
2585 locations where such servicing or recharging is taking place, is  
2586 that each licensee who maintains more than one place of business  
2587 where actual work is carried on must possess an additional  
2588 license, as set forth in this section, for each location, except  
2589 that a licensed individual may not qualify for more than five  
2590 locations. A licensee is limited to a specific type of work  
2591 performed depending upon the class of license held. Licenses ~~and~~  
2592 ~~license fees~~ are required for the following:

2593 (a) Class A: —\$250

2594 To service, recharge, repair, install, or inspect all types of  
2595 fire extinguishers and to conduct hydrostatic tests on all types  
2596 of fire extinguishers.

2597 (b) Class B: —\$150

2598 To service, recharge, repair, install, or inspect all types of  
2599 fire extinguishers, including recharging carbon dioxide units  
2600 and conducting hydrostatic tests on all types of fire  
2601 extinguishers, except carbon dioxide units.

2602 (c) Class C: —\$150

2603 To service, recharge, repair, install, or inspect all types of  
2604 fire extinguishers, except recharging carbon dioxide units, and  
2605 to conduct hydrostatic tests on all types of fire extinguishers,  
2606 except carbon dioxide units.

2607 (d) Class D: —\$200

2608 To service, repair, recharge, hydrotest, install, or inspect all  
2609 types of preengineered fire extinguishing systems.

2610 ~~(e) Licenses issued as duplicates or to reflect a change of~~

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2611 address—\$10

2612

2613 Any fire equipment dealer licensed pursuant to this subsection  
2614 who does not want to engage in the business of servicing,  
2615 inspecting, recharging, repairing, hydrotesting, or installing  
2616 halon equipment must file an affidavit on a form provided by the  
2617 division so stating. Licenses will be issued by the division to  
2618 show ~~reflect~~ the work authorized thereunder. It is unlawful,  
2619 unlicensed activity for a any person or firm to falsely hold  
2620 himself or herself or a business organization out to perform any  
2621 service, inspection, recharge, repair, hydrotest, or  
2622 installation except as specifically described in the license. A  
2623 fire equipment dealer licensed pursuant to this subsection who  
2624 wishes to withdraw a previously filed halon equipment exemption  
2625 affidavit and engage in the business of servicing, inspecting,  
2626 recharging, repairing, hydrotesting, or installing halon  
2627 equipment must submit a written statement requesting the  
2628 withdrawal to the division. The dealer must also submit to an  
2629 inspection by the State Fire Marshal or her or his designee in  
2630 order to determine that the dealer possesses the equipment  
2631 required to service, inspect, recharge, repair, hydrotest, or  
2632 install halon equipment.

2633 (2) A person who holds a valid fire equipment dealer  
2634 license may maintain such license in an inactive status during  
2635 which time he or she may not engage in any work under the  
2636 definition of the license held. An inactive status license shall  
2637 be void after 4 ~~2~~ years or when ~~at the time~~ that the license is  
2638 renewed, whichever comes first. ~~The biennial renewal fee for an~~  
2639 ~~inactive status license shall be \$75.~~ An inactive status license

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2640 may not be reactivated unless the continuing education  
2641 requirements of this chapter have been fulfilled.

2642 (3) Each individual actually performing the work of  
2643 servicing, recharging, repairing, hydrotesting, installing,  
2644 testing, or inspecting fire extinguishers or preengineered  
2645 systems must possess a valid and subsisting permit issued by the  
2646 division ~~State Fire Marshal~~. Permittees are limited as to  
2647 specific type of work performed to allow work no more extensive  
2648 than the class of license held by the licensee under whom the  
2649 permittee is working. Permits will be issued by the division ~~and~~  
2650 ~~the fees required~~ are as follows:

2651 (a) Portable permit: ~~—\$90~~ "Portable permittee" means a  
2652 person who is limited to performing work no more extensive than  
2653 the employing licensee in the servicing, recharging, repairing,  
2654 installing, or inspecting all types of portable fire  
2655 extinguishers.

2656 (b) Preengineered permit: ~~—\$120~~ "Preengineered  
2657 permittee" means a person who is limited to the servicing,  
2658 recharging, repairing, installing, or inspecting of all types of  
2659 preengineered fire extinguishing systems.

2660 ~~(c) Permits issued as duplicates or to reflect a change of~~  
2661 ~~address —\$10~~

2662  
2663 Any fire equipment permittee licensed pursuant to this  
2664 subsection who does not want to engage in servicing, inspecting,  
2665 recharging, repairing, hydrotesting, or installing halon  
2666 equipment must file an affidavit on a form provided by the  
2667 division so stating. Permits will be issued by the division to  
2668 show ~~reflect~~ the work authorized thereunder. It is unlawful,

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2669 unlicensed activity for a ~~any~~ person or firm to falsely hold  
2670 himself or herself out to perform any service, inspection,  
2671 recharge, repair, hydrotest, or installation except as  
2672 specifically described in the permit.

2673 (4) (a) Such licenses and permits shall be issued by the  
2674 division ~~State Fire Marshal~~ for 2 years beginning January 1,  
2675 2000, and each 2-year period thereafter and expiring December 31  
2676 of the second year. All licenses or permits issued will expire  
2677 on December 31 of each odd-numbered year. The failure to renew a  
2678 license or permit by December 31 of the second year will cause  
2679 the license or permit to become inoperative. The holder of an  
2680 inoperative license or permit may ~~shall~~ not engage in any  
2681 activities for which a license or permit is required by this  
2682 section. A license or permit which is inoperative because of the  
2683 failure to renew it shall be restored upon payment of the  
2684 applicable fee plus a penalty equal to the applicable fee, if  
2685 the application for renewal is filed no later than the following  
2686 March 31. If the application for restoration is not made before  
2687 the March 31st deadline, the fee for restoration shall be equal  
2688 to the original application fee and the penalty provided for  
2689 herein, and, in addition, the State Fire Marshal shall require  
2690 reexamination of the applicant. The fee for a license or permit  
2691 issued for 1 year or less shall be prorated at 50 percent of the  
2692 applicable fee for a biennial license or permit.

2693 (b) After initial licensure, each licensee or permittee  
2694 must successfully complete a course or courses of continuing  
2695 education for fire equipment technicians of at least 16 hours. A  
2696 license or permit may not be renewed unless the licensee or  
2697 permittee produces documentation of the completion of at least

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2698 16 hours of continuing education for fire equipment technicians  
2699 during the biennial licensure period. A person who is both a  
2700 licensee and a permittee shall be required to complete 16 hours  
2701 of continuing education during each renewal period. Each  
2702 licensee shall ensure that all permittees in his or her  
2703 employment meet their continuing education requirements. The  
2704 State Fire Marshal shall adopt rules describing the continuing  
2705 education requirements and shall have the authority upon  
2706 reasonable belief, to audit a fire equipment dealer to determine  
2707 compliance with continuing education requirements.

2708 (c) ~~(b)~~ The forms of such licenses and permits and  
2709 applications therefor shall be prescribed by the State Fire  
2710 Marshal; in addition to such other information and data as that  
2711 officer determines is appropriate and required for such forms,  
2712 there shall be included in such forms the following matters.  
2713 Each such application must ~~shall~~ be in such form as to provide  
2714 that the data and other information set forth therein shall be  
2715 sworn to by the applicant or, if a corporation, by an officer  
2716 thereof. An application for a permit must ~~shall~~ include the name  
2717 of the licensee employing such permittee, and the permit issued  
2718 in pursuance of such application must ~~shall~~ also set forth the  
2719 name of such licensee. A permit is valid solely for use by the  
2720 holder thereof in his or her employment by the licensee named in  
2721 the permit.

2722 (d) ~~(e)~~ A license of any class may ~~shall~~ not be issued or  
2723 renewed by the division ~~State Fire Marshal~~ and a license of any  
2724 class does ~~shall~~ not remain operative unless:

2725 1. The applicant has submitted to the State Fire Marshal  
2726 evidence of registration as a Florida corporation or evidence of

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2727 compliance with s. 865.09.

2728       2. The State Fire Marshal or his or her designee has by  
2729 inspection determined that the applicant possesses the equipment  
2730 required for the class of license sought. The State Fire Marshal  
2731 shall give an applicant a reasonable opportunity to correct any  
2732 deficiencies discovered by inspection. To obtain such  
2733 inspection, an applicant with facilities located outside this  
2734 state must:

2735       a. Provide a notarized statement from a professional  
2736 engineer licensed by the applicant's state of domicile  
2737 certifying that the applicant possesses the equipment required  
2738 for the class of license sought and that all such equipment is  
2739 operable; or

2740       b. Allow the State Fire Marshal or her or his designee to  
2741 inspect the facility. All costs associated with the State Fire  
2742 Marshal's inspection shall be paid by the applicant. The State  
2743 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
2744 establish standards for the calculation and establishment of the  
2745 amount of costs associated with any inspection conducted by the  
2746 State Fire Marshal under this section. Such rules shall include  
2747 procedures for invoicing and receiving funds in advance of the  
2748 inspection ~~A fee of \$50, payable to the State Fire Marshal,~~  
2749 ~~shall be required for any subsequent reinspection.~~

2750       3. The applicant has submitted to the State Fire Marshal  
2751 proof of insurance providing coverage for comprehensive general  
2752 liability for bodily injury and property damage, products  
2753 liability, completed operations, and contractual liability. The  
2754 State Fire Marshal shall adopt rules providing for the amounts  
2755 of such coverage, but such amounts shall not be less than

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2756 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
2757 licenses, and \$100,000 for Class C licenses; and the total  
2758 coverage for any class of license held in conjunction with a  
2759 Class D license may ~~shall~~ not be less than \$300,000. The State  
2760 Fire Marshal may, at any time after the issuance of a license or  
2761 its renewal, require upon demand, and in no event more than 30  
2762 days after notice of such demand, the licensee to provide proof  
2763 of insurance, on a form provided by the State Fire Marshal,  
2764 containing confirmation of insurance coverage as required by  
2765 this chapter. Failure, for any length of time, to provide proof  
2766 of insurance coverage as required shall result in the immediate  
2767 suspension of the license until proof of proper insurance is  
2768 provided to the State Fire Marshal. An insurer which provides  
2769 such coverage shall notify the State Fire Marshal of any change  
2770 in coverage or of any termination, cancellation, or nonrenewal  
2771 of any coverage.

2772 4. The applicant applies to the State Fire Marshal,  
2773 provides proof of experience, and successfully completes a  
2774 prescribed training course offered by the State Fire College or  
2775 an equivalent course approved by the State Fire Marshal. This  
2776 subparagraph does not apply to any holder of or applicant for a  
2777 permit under paragraph (g) ~~(f)~~ or to a business organization or  
2778 a governmental entity seeking initial licensure or renewal of an  
2779 existing license solely for the purpose of inspecting,  
2780 servicing, repairing, marking, recharging, and maintaining fire  
2781 extinguishers used and located on the premises of and owned by  
2782 such organization or entity.

2783 5. The applicant has a current retestor identification  
2784 number that is appropriate for the license for which the



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2785 applicant is applying and that is listed with the United States  
2786 Department of Transportation.

2787         6. The applicant has passed, with a grade of at least 70  
2788 percent, a written examination testing his or her knowledge of  
2789 the rules and statutes governing ~~regulating~~ the activities  
2790 authorized by the license and demonstrating his or her knowledge  
2791 and ability to perform those tasks in a competent, lawful, and  
2792 safe manner. Such examination shall be developed and  
2793 administered by the State Fire Marshal, or his or her designee  
2794 in accordance with policies and procedures of the State Fire  
2795 Marshal. An applicant shall pay a nonrefundable examination fee  
2796 of \$50 for each examination or reexamination scheduled. A ~~No~~  
2797 reexamination may not ~~shall~~ be scheduled sooner than 30 days  
2798 after any administration of an examination to an applicant. An  
2799 ~~No~~ applicant may not ~~shall~~ be permitted to take an examination  
2800 for any level of license more than a total of four times during  
2801 1 year, regardless of the number of applications submitted. As a  
2802 prerequisite to licensure of the applicant, he or she:

2803         a. Must be at least 18 years of age.

2804         b. Must have 4 years of proven experience as a fire  
2805 equipment permittee at a level equal to or greater than the  
2806 level of license applied for or have a combination of education  
2807 and experience determined to be equivalent thereto by the State  
2808 Fire Marshal. Having held a permit at the appropriate level for  
2809 the required period constitutes the required experience.

2810         c. Must not have been convicted of a felony or a crime  
2811 punishable by imprisonment of 1 year or more under the law of  
2812 the United States or of any state thereof or under the law of  
2813 any other country, ~~or pled nolo contendere to, any felony.~~

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2814 "Convicted" means a finding of guilt or the acceptance of a plea  
2815 of guilty or nolo contendere in any federal or state court or a  
2816 court in any other country, without regard to whether a judgment  
2817 of conviction has been entered by the court having jurisdiction  
2818 of the case. If an applicant has been convicted of any such  
2819 felony, the applicant shall be excluded from licensure for a  
2820 period of 4 years after expiration of sentence or final release  
2821 by the Parole Commission unless the applicant, before the  
2822 expiration of the 4-year period, has received a full pardon or  
2823 has had her or his civil rights restored ~~must comply with s.~~  
2824 ~~112.011(1)(b).~~

2825  
2826 This subparagraph does not apply to any holder of or applicant  
2827 for a permit under paragraph (g) ~~(f)~~ or to a business  
2828 organization or a governmental entity seeking initial licensure  
2829 or renewal of an existing license solely for the purpose of  
2830 inspecting, servicing, repairing, marking, recharging,  
2831 hydrotesting, and maintaining fire extinguishers used and  
2832 located on the premises of and owned by such organization or  
2833 entity.

2834 ~~(d) An applicant who fails the examination may take it~~  
2835 ~~three more times during the 1-year period after he or she~~  
2836 ~~originally filed an application for the examination. If the~~  
2837 ~~applicant fails the examination within 1 year after the~~  
2838 ~~application date and seeks to retake the examination, he or she~~  
2839 ~~must file a new application, pay the application and examination~~  
2840 ~~fees, and successfully complete a prescribed training course~~  
2841 ~~approved by the State Fire College or an equivalent course~~  
2842 ~~approved by the State Fire Marshal. An applicant may not submit~~

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2843 ~~a new application within 6 months after the date of his or her~~  
2844 ~~last reexamination.~~

2845 (e) A fire equipment dealer licensed under this section may  
2846 apply to convert ~~upgrade~~ the license currently held to a higher  
2847 licensing category, if the licensed dealer:

2848 1. Submits an application for the license on a form in  
2849 conformance with paragraph (c) ~~(b)~~. The application must be  
2850 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~  
2851 for the type of license requested.

2852 2. Provides evidence of 2 years' experience as a licensed  
2853 dealer and meets such relevant educational requirements as are  
2854 established by rule by the State Fire Marshal for purposes of  
2855 upgrading a license.

2856 3. Meets the requirements of paragraph (d) ~~(e)~~.

2857 (f) A fire equipment dealer licensed under this section may  
2858 apply to convert the license currently held to a lower licensing  
2859 category, if the licensed dealer:

2860 1. Submits an application for the license on a form in  
2861 conformance with paragraph (c). The application must be  
2862 accompanied by a fee as prescribed in s. 633.132 for the type of  
2863 license requested.

2864 2. Submits proof of insurance providing coverage meeting  
2865 the requirements prescribed in subparagraph (d)3.

2866 3. Submits to an inspection of the facility to ensure all  
2867 equipment associated with the higher class of license has been  
2868 removed and submits the required reinspection fee.

2869 (g) A ~~no~~ permit of any class may not shall be issued or  
2870 renewed to a person by the division ~~State Fire Marshal~~, and a ~~no~~  
2871 permit of any class does not shall remain operative, unless the

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2872 person has:

2873 1. Submitted a nonrefundable examination fee in the amount  
2874 of \$50.~~7~~

2875 2. Successfully completed a training course offered by the  
2876 State Fire College or an equivalent course approved by the State  
2877 Fire Marshal.~~7~~ ~~and~~

2878 3. Passed, with a grade of at least 70 percent, a written  
2879 examination testing his or her knowledge of the rules and  
2880 statutes governing ~~regulating~~ the activities authorized by the  
2881 permit and demonstrating his or her knowledge and ability to  
2882 perform those tasks in a competent, lawful, and safe manner.  
2883 Such examination must ~~shall~~ be developed and administered by the  
2884 State Fire Marshal in accordance with the policies and  
2885 procedures of the State Fire Marshal. An examination fee must  
2886 ~~shall~~ be paid for each examination scheduled. A ~~No~~ reexamination  
2887 may not ~~shall~~ be scheduled sooner than 30 days after any  
2888 administration of an examination to an applicant. An ~~No~~  
2889 applicant may not ~~shall~~ be permitted to take an examination for  
2890 any level of permit more than four times during 1 year,  
2891 regardless of the number of applications submitted. As a  
2892 prerequisite to taking the permit examination, the applicant  
2893 must be at least 16 years of age.

2894 (h) ~~(g)~~ An applicant for a license or permit under this  
2895 section who fails the examination may take it three more times  
2896 during the 1-year period after he or she originally filed an  
2897 application for the examination. If the applicant fails the  
2898 examination within 1 year after the application date and he or  
2899 she seeks to retake the examination, he or she must file a new  
2900 application, pay the application and examination fees, and

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2901 successfully complete a prescribed training course offered by  
2902 the State Fire College or an equivalent course approved by the  
2903 State Fire Marshal. The applicant may not submit a new  
2904 application within 6 months after the date of his or her fourth  
2905 ~~last~~ reexamination. An applicant who passes the examination but  
2906 does not meet the remaining qualifications prescribed by law and  
2907 rule within 1 year after the application date must file a new  
2908 application, pay the application and examination fee,  
2909 successfully complete a prescribed training course approved by  
2910 the State Fire College or an equivalent course approved by the  
2911 State Fire Marshal, and pass the written examination.

2912 (9) ~~The provisions of This section does chapter do~~ not  
2913 apply to inspections by fire chiefs, fire inspectors, fire  
2914 marshals, or insurance company inspectors.

2915 Section 36. Section 633.065, Florida Statutes, is  
2916 transferred and renumbered as section 633.306, Florida Statutes,  
2917 and paragraph (a) of subsection (1) of that section is amended,  
2918 to read:

2919 633.306 ~~633.065~~ Requirements for installation, inspection,  
2920 and maintenance of fire suppression equipment.-

2921 (1) The requirements for installation of fire extinguishers  
2922 and preengineered systems are as follows:

2923 (a) Fire equipment dealers shall be licensed under s.  
2924 633.304 ~~633.061~~.

2925 Section 37. Section 633.071, Florida Statutes, is  
2926 transferred and renumbered as section 633.308, Florida Statutes,  
2927 and subsection (2) of that section is amended, to read:

2928 633.308 ~~633.071~~ Standard service tag required on all fire  
2929 extinguishers and preengineered systems; serial number required

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2930 on all portable fire extinguishers; standard inspection tags  
2931 required on all fire protection systems.—

2932 (2) All portable fire extinguishers required by statute or  
2933 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,  
2934 or approved by Factory Mutual Laboratories, Inc., or listed by a  
2935 nationally recognized testing laboratory in accordance with  
2936 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and  
2937 carry an Underwriters Laboratories, Inc., or manufacturer's  
2938 serial number. These listings, approvals, and serial numbers may  
2939 be stamped on the manufacturer's identification and instructions  
2940 plate or on a separate Underwriters Laboratories, Inc., or  
2941 Factory Mutual Laboratories, Inc., plate soldered or attached to  
2942 the extinguisher shell in some permanent manner.

2943 Section 38. Section 633.082, Florida Statutes, is  
2944 transferred and renumbered as section 633.312, Florida Statutes,  
2945 and subsections (2) and (3) of that section are amended, to  
2946 read:

2947 633.312 ~~633.082~~ Inspection of fire control systems, fire  
2948 hydrants, and fire protection systems.—

2949 (2) Fire hydrants and fire protection systems installed in  
2950 public and private properties, except one-family or two-family  
2951 dwellings, shall be inspected following procedures established  
2952 in the nationally recognized inspection, testing, and  
2953 maintenance standards publications NFPA-24 and NFPA-25 as set  
2954 forth in the edition adopted by the State Fire Marshal.  
2955 Quarterly, annual, 3-year, and 5-year inspections consistent  
2956 with the contractual provisions with the owner shall be  
2957 conducted by the certificateholder or permittees employed by the  
2958 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

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2959 (a) Public fire hydrants owned by a governmental entity  
2960 shall be inspected following procedures established in the  
2961 inspection, testing, and maintenance standards adopted by the  
2962 State Fire Marshal or equivalent standards such as those  
2963 contained in the latest edition of the American Water Works  
2964 Association's Manual M17, "Installation, Field Testing, and  
2965 Maintenance of Fire Hydrants."

2966 (b) County, municipal, and special district utilities may  
2967 perform fire hydrant inspections required by this section using  
2968 designated employees. Such designated employees need not be  
2969 certified under this chapter. However, counties, municipalities,  
2970 or special districts that use designated employees are  
2971 responsible for ensuring that the designated employees are  
2972 qualified to perform such inspections.

2973 (3) The inspecting contractor shall provide to the building  
2974 owner or hydrant owner and the local authority having  
2975 jurisdiction a copy of the applicable inspection report  
2976 established under this chapter. The maintenance of fire hydrant  
2977 and fire protection systems as well as corrective actions on  
2978 deficient systems is the responsibility of the owner of the  
2979 system or hydrant. Equipment requiring periodic testing or  
2980 operation to ensure its maintenance shall be tested or operated  
2981 as specified in the Fire Prevention Code, Life Safety Code,  
2982 National Fire Protection Association standards, or as directed  
2983 by the appropriate authority ~~agency having jurisdiction~~,  
2984 provided that such appropriate authority ~~may agency shall~~ not  
2985 require a sprinkler system not required by the Fire Prevention  
2986 Code, Life Safety Code, or National Fire Protection Association  
2987 standards to be removed regardless of its condition. This

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2988 section does not prohibit governmental entities from inspecting  
2989 and enforcing firesafety codes.

2990 Section 39. Section 633.083, Florida Statutes, is  
2991 transferred and renumbered as section 633.314, Florida Statutes,  
2992 and subsection (3) of that section is amended, to read:

2993 633.314 ~~633.083~~ Sale or use of certain types of fire  
2994 extinguishers prohibited; penalty.—

2995 (3) A person who violates ~~any of the provisions of this~~  
2996 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
2997 punishable as provided in s. 775.082 or s. 775.083.

2998 Section 40. Section 633.162, Florida Statutes, is  
2999 transferred and renumbered as section 633.316, Florida Statutes,  
3000 and subsection (1) and paragraph (e) of subsection (4) of that  
3001 section are amended, to read:

3002 633.316 ~~633.162~~ Fire suppression system contractors;  
3003 disciplinary action.—

3004 (1) The violation of any provision of this chapter or any  
3005 rule adopted and adopted ~~promulgated~~ pursuant hereto or the  
3006 failure or refusal to comply with any notice or order to correct  
3007 a violation or any cease and desist order by a ~~any~~ person who  
3008 possesses a license or permit issued pursuant to s. 633.304  
3009 ~~633.061~~ is cause for denial, nonrenewal, revocation, or  
3010 suspension of such license or permit by the State Fire Marshal  
3011 after such officer has determined that the person committed ~~is~~  
3012 ~~guilty of~~ such violation. An order of suspension must ~~shall~~  
3013 state the period ~~of time~~ of such suspension, which period may  
3014 not be in excess of 2 years from the date of such order. An  
3015 order of revocation may be entered for a period not exceeding 5  
3016 years. Such orders shall effect suspension or revocation of all



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3017 licenses or permits issued by the division to ~~then held by~~ the  
3018 person, and during such period a ~~of time~~ no license or permit  
3019 may not ~~shall~~ be issued by the division to such person. During  
3020 the suspension or revocation of any license or permit, the  
3021 former licensee or permittee may ~~shall~~ not engage in or attempt  
3022 or profess to engage in any transaction or business for which a  
3023 license or permit is required under this chapter or directly or  
3024 indirectly own, control, or be employed in any manner by any  
3025 firm, business, or corporation for which a license or permit  
3026 under this chapter is required. If, during the period between  
3027 the beginning of proceedings and the entry of an order of  
3028 suspension or revocation by the State Fire Marshal, a new  
3029 license or permit has been issued by the division to the person  
3030 so charged, the order of suspension or revocation shall operate  
3031 to suspend or revoke such new license or permit held by such  
3032 person.

3033 (4) In addition to the grounds set forth in subsection (1),  
3034 it is cause for denial, nonrenewal, revocation, or suspension of  
3035 a license or permit by the State Fire Marshal if she or he  
3036 determines that the licensee or permittee has:

3037 (e) Failed to provide proof of insurance to the State Fire  
3038 Marshal or failed to maintain in force the insurance coverage  
3039 required by s. 633.304 ~~633.061~~.

3040 Section 41. Section 633.521, Florida Statutes, is  
3041 transferred and renumbered as section 633.318, Florida Statutes,  
3042 and subsection (1), paragraph (a) of subsection (2), paragraphs  
3043 (c) and (g) of subsection (3), and subsections (4), (8), and  
3044 (11) of that section are amended, to read:

3045 633.318 ~~633.521~~ Certificate application and issuance;

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3046 permit issuance; examination and investigation of applicant.—

3047 (1) To obtain a fire protection system contractor's  
3048 certificate, an applicant shall submit to the division State  
3049 ~~Fire Marshal~~ an application in writing, on a form provided by  
3050 the division State Fire Marshal containing the information  
3051 prescribed, which shall be accompanied by the fee fixed herein,  
3052 containing a statement that the applicant desires the issuance  
3053 of a certificate and stating the class of certificate requested.

3054 (2) (a) Examinations shall be administered by the division  
3055 ~~State Fire Marshal~~ and held at times and places within the state  
3056 as the division State Fire Marshal determines, but there shall  
3057 be at least two examinations a year. Each applicant shall take  
3058 and pass an objective, written examination of her or his fitness  
3059 for a certificate in the class for which the application is  
3060 requested. There shall be a type of examination for each class  
3061 of certificate for contractors as ~~of the classes of certificates~~  
3062 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~  
3063 test the applicant's ability to lay out, fabricate, install,  
3064 alter, repair, and inspect fire protection systems and their  
3065 appurtenances and must ~~shall~~ test the applicant's fitness in  
3066 business and financial management. The test must ~~shall~~ be based  
3067 on applicable standards of the National Fire Protection  
3068 Association and on relevant Florida and federal laws pertaining  
3069 to the construction industry, safety standards, administrative  
3070 procedures, and pertinent technical data.

3071 (3)

3072 (c) Required education and experience for certification as  
3073 a Contractor I, Contractor II, Contractor III, or Contractor IV  
3074 includes training and experience in both installation and system

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3075 layout as defined in s. 633.102 ~~633.021~~.

3076 (g) Within 30 days after the date of the examination, the  
3077 division ~~State Fire Marshal~~ shall inform the applicant in  
3078 writing whether she or he has qualified or not and, if the  
3079 applicant has qualified, that she or he is eligible ~~ready~~ to be  
3080 issued ~~issue~~ a certificate of competency, subject to compliance  
3081 with the requirements of subsection (4).

3082 (4) As a prerequisite to issuance of a certificate, the  
3083 division ~~must~~ ~~State Fire Marshal~~ ~~shall~~ require the applicant to  
3084 submit satisfactory evidence that she or he has obtained  
3085 insurance providing coverage for comprehensive general liability  
3086 for bodily injury and property damages, products liability,  
3087 completed operations, and contractual liability. The division  
3088 ~~State Fire Marshal~~ may adopt rules providing for the amount of  
3089 insurance, but such amount shall not be less than \$500,000 for a  
3090 Contractor I, Contractor II, Contractor III, or Contractor V and  
3091 shall not be less than \$250,000 for a Contractor IV. An insurer  
3092 which provides such coverage shall notify ~~within 30 days~~ the  
3093 division ~~within 30 days~~ ~~State Fire Marshal~~ of any material  
3094 change in coverage or any termination, cancellation, or  
3095 nonrenewal of such coverage. An insurer which fails to so notify  
3096 the division ~~State Fire Marshal's office~~ shall be subject to the  
3097 penalties provided under s. 624.4211.

3098 (8) An individual employed by a Contractor I or Contractor  
3099 II certificateholder, as established in this section, who will  
3100 be inspecting water-based fire protection systems as required  
3101 under s. 633.312 ~~633.082~~, must be issued a permit by the  
3102 division ~~State Fire Marshal~~ to conduct such work. The permit is  
3103 valid solely for use by the holder thereof in his or her

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3104 employment by the certificateholder named in the permit. A  
3105 permittee must have a valid and subsisting permit upon his or  
3106 her person at all times while engaging in inspecting fire  
3107 protection systems, and a permitholder must be able to produce  
3108 such a permit upon demand. In addition, a permittee shall, at  
3109 all times while performing inspections, carry an identification  
3110 card containing his or her photograph and other identifying  
3111 information as prescribed by the State Fire Marshal, and the  
3112 permittee must produce the identification card and information  
3113 upon demand. The permit and the identification may be one and  
3114 the same. A permittee is limited as to the specific type of work  
3115 performed, depending upon the class of certificate held by the  
3116 certificateholder under whom the permittee is working. The  
3117 permit class shall be known as a Water-Based Fire Protection  
3118 Inspector whose permit allows the holder to inspect water  
3119 sprinkler systems, water spray systems, foam-water sprinkler  
3120 systems, foam-water spray systems, standpipes, combination  
3121 standpipes and sprinkler systems, all piping that is an integral  
3122 part of the system beginning at the point where the piping is  
3123 used exclusively for fire protection, sprinkler tank heaters,  
3124 air lines, thermal systems used in connection with sprinklers,  
3125 and tanks and pumps connected thereto, excluding preengineered  
3126 systems.

3127 (11) It is intended that a certificateholder, or a  
3128 permitholder who is employed by a certificateholder, conduct  
3129 inspections required by this chapter. It is understood that  
3130 after July 1, 2008, employee turnover may result in a depletion  
3131 of personnel who are certified under the NICET Sub-field of  
3132 Inspection and Testing of Fire Protection Systems Level II or

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3133 equivalent training and education as required by the division of  
3134 ~~State Fire Marshal~~. A certificateholder may obtain a provisional  
3135 permit with an endorsement for inspection, testing, and  
3136 maintenance of water-based fire extinguishing systems for an  
3137 employee if the employee has initiated procedures for obtaining  
3138 Level II certification from the National Institute for  
3139 Certification in Engineering Technologies Sub-field of  
3140 Inspection and Testing of Fire Protection Systems and achieved  
3141 Level I certification or an equivalent level as determined by  
3142 the State Fire Marshal through verification of experience,  
3143 training, and examination. The division ~~State Fire Marshal~~ may  
3144 establish rules to administer this subsection. After 2 years of  
3145 provisional certification, the employee must have achieved NICET  
3146 Level II certification or obtain equivalent training and  
3147 education as determined by the division, or cease performing  
3148 inspections requiring Level II certification. The provisional  
3149 permit is valid only for the 2 calendar years after the date of  
3150 issuance, may not be extended, and is not renewable. After the  
3151 initial 2-year provisional permit expires, the certificateholder  
3152 must wait 2 additional years before a new provisional permit may  
3153 be issued. The intent is to prohibit the certificateholder from  
3154 using employees who never reach NICET Level II status, or  
3155 equivalent training and education as determined by the division,  
3156 by continuously obtaining provisional permits.

3157 Section 42. Section 633.551, Florida Statutes, is  
3158 transferred and renumbered as section 633.322, Florida Statutes,  
3159 and subsections (1) through (3) of that section are amended, to  
3160 read:

3161 633.322 ~~633.551~~ County, ~~and~~ municipal, and special district

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3162 powers; effect of ch. 75-240.—

3163 (1) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the  
3164 power of a municipality, ~~or~~ county, or special district to  
3165 regulate the quality and character of work performed by  
3166 contractors through a system of permits, fees, and inspections  
3167 which are designed to secure compliance with, and aid in the  
3168 implementation of, state and local building laws or to enforce  
3169 other local laws for the protection of the public health and  
3170 safety.

3171 (2) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the  
3172 power of a municipality, ~~or~~ county, or special district to adopt  
3173 any system of permits requiring submission to and approval by  
3174 the municipality, ~~or~~ county, or special district of plans and  
3175 specifications for work to be performed by contractors before  
3176 commencement of the work, except that a ~~no~~ municipality, ~~or~~  
3177 county, or special district may not ~~shall~~ require a fire  
3178 protection system contractor's shop drawings to be sealed by a  
3179 professional engineer.

3180 (3) An ~~Any~~ official authorized to issue building or other  
3181 related permits shall ascertain that the applicant contractor is  
3182 duly certified before issuing the permit. The evidence shall  
3183 consist only of the exhibition to him or her of ~~current~~ evidence  
3184 of current certification.

3185 Section 43. Section 633.527, Florida Statutes, is  
3186 transferred and renumbered as section 633.324, Florida Statutes.

3187 Section 44. Section 633.531, Florida Statutes, is  
3188 transferred and renumbered as section 633.326, Florida Statutes.

3189 Section 45. Section 633.534, Florida Statutes, is  
3190 transferred and renumbered as section 633.328, Florida Statutes,

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3191 and subsection (4) of that section is amended, to read:

3192 633.328 ~~633.534~~ Issuance of certificate to individuals and  
3193 business organizations.—

3194 (4) ~~If~~ When the certified business organization makes  
3195 application for an occupational license in any municipality or  
3196 county of this state, the application must ~~shall~~ be made with  
3197 the tax collector in the name of the business organization, and  
3198 the license, when issued, shall be issued to the business  
3199 organization upon payment of the appropriate licensing fee and  
3200 exhibition to the tax collector of a valid certificate issued by  
3201 the division ~~State Fire Marshal~~.

3202 Section 46. Section 633.537, Florida Statutes, is  
3203 transferred and renumbered as section 633.332, Florida Statutes,  
3204 and subsections (1) and (2) and paragraph (a) of subsection (3)  
3205 of that section are amended, to read:

3206 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive  
3207 certificate; continuing education.—

3208 (1) Certificates shall expire every 2 years at midnight on  
3209 June 30. ~~Effective with the June 30, 1998, renewal,~~ All  
3210 certificates must be renewed every 2 years. The failure to renew  
3211 a certificate before ~~during~~ June 30, shall cause the certificate  
3212 to become inoperative, and it is unlawful thereafter for a any  
3213 person to engage, offer to engage, or hold herself or himself  
3214 out as engaging in contracting under the certificate unless the  
3215 certificate is restored or reissued. A certificate which is  
3216 inoperative because of failure to renew shall be restored on  
3217 payment of the proper renewal fee if the application for  
3218 restoration is made within 90 days after June 30. If the  
3219 application for restoration is not made within the 90-day

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3220 period, the fee for restoration must ~~shall~~ be equal to the  
3221 original application fee, and, in addition, the State Fire  
3222 Marshal must ~~shall~~ require examination or reexamination of the  
3223 applicant.

3224 (2) A person who holds a valid certificate may maintain  
3225 such certificate in an inactive status during which time she or  
3226 he may not engage in contracting. An inactive status certificate  
3227 shall be void after a 2-year period. ~~The biennial renewal fee~~  
3228 ~~for an inactive status certificate shall be \$75.~~ An inactive  
3229 status certificate may be reactivated upon application to the  
3230 State Fire Marshal and payment of the initial application fee.

3231 (3) (a) A certificate for the Contractor I, II, and III  
3232 classifications as defined in this chapter may ~~shall~~ not be  
3233 renewed unless the certificateholder produces documentation of  
3234 at least 32 contact hours of continuing education in the fire  
3235 protection discipline during the biennial licensure period.  
3236 Holders of Contractor IV certificates are required to obtain 14  
3237 contact hours of continuing education encompassing the  
3238 appropriate National Fire Protection Association fire sprinkler  
3239 documents before ~~prior to~~ renewal. Holders of Contractor V  
3240 certificates are required to obtain 14 contact hours of  
3241 continuing education before ~~prior to~~ renewal, at least 1 hour of  
3242 which is in the fire protection discipline. Any continuing  
3243 education hours approved pursuant to chapter 489 by the  
3244 Construction Industry Licensing Board for underground utility  
3245 and excavation contractors shall be considered as also approved  
3246 to comply with Contractor V continuing education requirements. A  
3247 Contractor V certificateholder shall provide to the State Fire  
3248 Marshal evidence of approval of such coursework by the



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3249 Construction Industry Licensing Board.

3250 Section 47. Section 633.539, Florida Statutes, is  
3251 transferred and renumbered as section 633.334, Florida Statutes,  
3252 and paragraph (a) of subsection (1) and subsections (2) and (4)  
3253 of that section are amended, to read:

3254 633.334 ~~633.539~~ Requirements for installation, inspection,  
3255 and maintenance of fire protection systems.—

3256 (1) The requirements for installation of fire protection  
3257 systems are as follows:

3258 (a) Contractors of fire protection systems shall be  
3259 certified under s. 633.318 ~~633.521~~.

3260 (2) Equipment shall be inspected, serviced, and maintained  
3261 in accordance with the manufacturer's maintenance procedures and  
3262 with applicable National Fire Protection Association standards.  
3263 The inspection of fire protection systems shall be conducted by  
3264 a certificateholder or holder of a permit issued by the division  
3265 ~~State Fire Marshal~~. The permitholder may perform inspections on  
3266 fire protection systems only while employed by the  
3267 certificateholder. This section does not prohibit the authority  
3268 having jurisdiction or insurance company representatives from  
3269 reviewing the system in accordance with acceptable oversight  
3270 standards.

3271 (4) The Contractor V may install the cross-connection  
3272 backflow prevention device as defined in this chapter on new  
3273 installations following the engineer of record's direction on  
3274 the type and size of the device. The retrofitting of a backflow  
3275 device on an existing fire protection system will cause a  
3276 reduction in available water pressure and probable system  
3277 malfunction. The development of aboveground fire protection

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3278 system hydraulic calculations is a task of the Contractor I and  
3279 II, as defined in this chapter. Accordingly, a Contractor V is  
3280 expressly prohibited from retrofitting cross-connection backflow  
3281 prevention devices on an existing fire protection system, and  
3282 only a Contractor I or Contractor II who is tasked to  
3283 recalculate the system and take corrective actions to ensure  
3284 that the system will function with the available water supply  
3285 may retroactively install these backflow devices on existing  
3286 fire protection systems.

3287 Section 48. Section 633.541, Florida Statutes, is  
3288 transferred and renumbered as section 633.336, Florida Statutes,  
3289 and subsections (1), (3), and (4) of that section are amended,  
3290 to read:

3291 633.336 ~~633.541~~ Contracting without certificate prohibited;  
3292 violations; penalty.—

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

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3307 certificate of a certificateholder who allows the use of the  
 3308 certificate to qualify a company of which the certificateholder  
 3309 is not a full-time employee. A contractor who maintains more  
 3310 than one place of business must employ a certificateholder at  
 3311 each location. ~~Nothing in~~ This subsection does not prohibit  
 3312 ~~prohibits~~ an employee acting on behalf of governmental entities  
 3313 from inspecting and enforcing firesafety codes, provided such  
 3314 employee is certified under s. 633.216 ~~633.081~~.

3315 (3) A ~~Any~~ person who violates any provision of this act or  
 3316 commits any of the acts constituting cause for disciplinary  
 3317 action as herein set forth commits ~~is guilty of~~ a misdemeanor of  
 3318 the second degree, punishable as provided in s. 775.082 or s.  
 3319 775.083.

3320 (4) In addition to the penalties provided in subsection  
 3321 (3), a fire protection contractor certified under this chapter  
 3322 who violates any provision of this section or who commits any  
 3323 act constituting cause for disciplinary action is subject to  
 3324 suspension or revocation of the certificate and administrative  
 3325 fines pursuant to s. 633.338 ~~633.547~~.

3326 Section 49. Section 633.547, Florida Statutes, is  
 3327 transferred and renumbered as section 633.338, Florida Statutes,  
 3328 and paragraphs (d) and (h) of subsection (2) and subsection (3)  
 3329 of that section are amended, to read:

3330 633.338 ~~633.547~~ Disciplinary action; fire protection system  
 3331 contractors; grounds for denial, nonrenewal, suspension, or  
 3332 revocation of certificate or permit.—

3333 (2) The following acts constitute cause for disciplinary  
 3334 action:

3335 (d) Disciplinary action by any municipality, ~~or~~ county, or

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3336 special district, which action shall be reviewed by the State  
3337 Fire Marshal before taking any disciplinary action.

3338 (h) Failing to provide proof of insurance to the State Fire  
3339 Marshal or failing to maintain in force the insurance coverage  
3340 required by s. 633.318 ~~633.521~~.

3341 (3) The State Fire Marshal ~~is authorized to take the~~  
3342 ~~following disciplinary action:~~

3343 ~~(a) She or he may suspend the contractor's certificate~~  
3344 ~~certificateholder for a period of up to not to exceed 2 years.~~  
3345 During that period, the contractor must cease all operations as  
3346 a contractor, but the State Fire Marshal may authorize the  
3347 certificateholder from all operations as a contractor during the  
3348 period fixed by the State Fire Marshal, but she or he may permit  
3349 the certificateholder to complete any contracts then incomplete.

3350 ~~(b) She or he may revoke a certificate for a period not to~~  
3351 ~~exceed 5 years.~~

3352 Section 50. Section 633.549, Florida Statutes, is  
3353 transferred, renumbered as section 633.342, Florida Statutes,  
3354 and amended to read:

3355 633.342 ~~633.549~~ Violations subject to injunction.—A ~~Any~~  
3356 person who operates as a contractor without a current  
3357 certificate or who violates any part of this chapter or any  
3358 rule, decision, order, direction, demand, or requirement of the  
3359 State Fire Marshal in relation thereto, or any part or provision  
3360 thereof, may be enjoined by the courts of the state from any  
3361 such violation or such unauthorized or unlawful contracting at  
3362 the request ~~instance~~ of the State Fire Marshal, the board, or  
3363 any resident ~~citizen~~ or taxpayer of the state.

3364 Section 51. Section 633.554, Florida Statutes, is

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3365 transferred and renumbered as section 633.344, Florida Statutes.

3366 Section 52. Section 633.70, Florida Statutes, is  
3367 transferred and renumbered as section 633.346, Florida Statutes,  
3368 and subsection (1) of that section is amended, to read:

3369 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over  
3370 alarm system contractors and certified unlimited electrical  
3371 contractors.—

3372 (1) If ~~When~~ the State Fire Marshal, in the course of its  
3373 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that  
3374 an alarm system contractor or a certified unlimited electrical  
3375 contractor working with an alarm system has violated any  
3376 provision of this chapter or the rules of the State Fire  
3377 Marshal, the State Fire Marshal shall have jurisdiction,  
3378 notwithstanding any other provision of this chapter, to order  
3379 corrective action by the alarm system contractor or the  
3380 certified unlimited electrical contractor to bring the alarm  
3381 system into compliance with applicable standards set forth in  
3382 this chapter and the rules of the State Fire Marshal.

3383 Section 53. Section 633.701, Florida Statutes, is  
3384 transferred and renumbered as section 633.348, Florida Statutes.

3385 Section 54. Section 633.702, Florida Statutes, is  
3386 transferred and renumbered as section 633.3482, Florida  
3387 Statutes, and subsection (2) and paragraph (c) of subsection (3)  
3388 of that section are amended, to read:

3389 633.3482 ~~633.702~~ Prohibited acts regarding alarm system  
3390 contractors or certified unlimited electrical contractors;  
3391 penalties.—

3392 (2) A ~~Any~~ person who violates this section commits is  
3393 ~~guilty of~~ a misdemeanor of the second degree, punishable as

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3394 provided in s. 775.082 or s. 775.083.

3395 (3) It is a misdemeanor of the first degree, punishable as  
3396 provided in s. 775.082 or s. 775.083, for any fire alarm system  
3397 contractor or certified unlimited electrical contractor to  
3398 intentionally or willfully:

3399 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with  
3400 a ~~any~~ person by allowing one's certificate to be used by an ~~any~~  
3401 uncertified person with intent to evade ~~the provisions of this~~  
3402 act. When a licensee allows his or her license to be used by one  
3403 or more companies without having any active participation in the  
3404 operation or management of the said ~~the~~ companies, such act  
3405 constitutes prima facie evidence of any intent to evade ~~the~~  
3406 ~~provisions of this chapter act.~~

3407 Section 55. The Division of Law Revision and Information is  
3408 directed to create part IV of chapter 633, Florida Statutes,  
3409 consisting of sections 633.402, 633.404, 633.406, 633.408,  
3410 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,  
3411 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,  
3412 and 633.446, Florida Statutes, to be entitled "Fire Standards  
3413 and Training."

3414 Section 56. Section 633.31, Florida Statutes, is  
3415 transferred and renumbered as section 633.402, Florida Statutes,  
3416 subsection (1) of that section is amended, and new subsections  
3417 (5) through (9) are added to that section, to read:

3418 633.402 ~~633.31~~ Firefighters Employment, Standards, and  
3419 Training Council; organization; meetings; quorum; compensation;  
3420 seal; special powers; firefighter training.-

3421 (1) There is created within the department a Firefighters  
3422 Employment, Standards, and Training Council of 14 ~~13~~ members.

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- 3423 (a) The members shall be appointed as follows:
- 3424 1. Two ~~members shall be~~ fire chiefs appointed by the
- 3425 Florida Fire Chiefs Association.
- 3426 2. Two ~~members shall be~~ firefighters, who are not officers,
- 3427 appointed by the Florida Professional Firefighters Association.
- 3428 3. Two ~~members shall be~~ firefighter officers, who are not
- 3429 fire chiefs, appointed by the State Fire Marshal.
- 3430 4. One individual member appointed by the Florida League of
- 3431 Cities.
- 3432 5. One individual member appointed by the Florida
- 3433 Association of Counties.
- 3434 6. One individual member appointed by the Florida
- 3435 Association of Special Districts.
- 3436 7. One individual member appointed by the Florida Fire
- 3437 Marshals' and Inspectors' ~~Marshal's~~ Association.
- 3438 8. One employee of the Florida Forest Service of the
- 3439 Department of Agriculture and Consumer Services appointed by the
- 3440 director of the Florida Forest Service.
- 3441 9. One individual member appointed by the State Fire
- 3442 Marshal.
- 3443 10. One ~~member shall be a~~ director or instructor of a
- 3444 state-certified firefighting training facility appointed by the
- 3445 State Fire Marshal.
- 3446 11. The remaining member, who shall be appointed by the
- 3447 State Fire Marshal, may not be a member or representative of the
- 3448 firefighting profession or of any local government.
- 3449 (b) To be eligible for appointment as a member under
- 3450 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
- 3451 subparagraph (a)8., or subparagraph (a)10. ~~fire chief member,~~

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3452 ~~firefighter officer member, firefighter member, or a director or~~  
3453 ~~instructor of a state-certified firefighting facility,~~ a person  
3454 must shall have had at least 4 years' experience in the  
3455 firefighting profession. ~~The remaining member, who shall be~~  
3456 ~~appointed by the State Fire Marshal, shall not be a member or~~  
3457 ~~representative of the firefighting profession or of any local~~  
3458 ~~government.~~ Members shall serve only as long as they continue to  
3459 meet the criteria under which they were appointed, or unless a  
3460 member has failed to appear at three consecutive and properly  
3461 noticed meetings unless excused by the chair.

3462 (5) The council shall elect to 1-year terms a chair and a  
3463 vice chair. A person may not serve more than two consecutive  
3464 terms in either office.

3465 (6) The council shall meet at the call of the chair, at the  
3466 request of a majority of its membership, at the request of the  
3467 department, or at such times as are prescribed by its rules, and  
3468 a majority of the council shall constitute a quorum.

3469 (7) Members of the council shall serve without compensation  
3470 but shall be entitled to be reimbursed for per diem and travel  
3471 expenses as provided by s. 112.061.

3472 (8) The council may adopt a seal for its use containing the  
3473 words "Firefighters Employment, Standards, and Training  
3474 Council."

3475 (9) The council shall have special powers in connection  
3476 with the employment and training of firefighters to:

3477 (a) Recommend, for adoption by the division, uniform  
3478 minimum standards for the employment and training of  
3479 firefighters and training of volunteer firefighters.

3480 (b) Recommend, for adoption by the division, minimum



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3481 curriculum requirements for schools operated by or for any fire  
3482 service provider for the specific purpose of training  
3483 firefighter trainees, firefighters, and volunteer firefighters.

3484 (c) Recommend, for adoption by the division, on matters  
3485 relating to the funding, general operation, and administration  
3486 of the Bureau of Fire Standards and Training (Florida State Fire  
3487 College), including, but not limited to, all standards,  
3488 training, curriculum, and the issuance of any certificate of  
3489 competency required by this chapter.

3490 (d) Make or support studies on any aspect of firefighting  
3491 employment, education, and training or recruitment.

3492 (e) Make recommendations concerning any matter within its  
3493 purview pursuant to this section.

3494 Section 57. Section 633.42, Florida Statutes, is  
3495 transferred, renumbered as 633.404, Florida Statutes, and  
3496 amended to read:

3497 633.404 ~~633.42~~ Additional standards authorized.—Nothing  
3498 herein shall be construed to preclude a fire service provider ~~an~~  
3499 ~~employing agency~~ from establishing qualifications and standards  
3500 for hiring, training, or promoting firefighters that exceed the  
3501 minimum set by the division ~~department~~.

3502 Section 58. Section 633.406, Florida Statutes, is created  
3503 to read:

3504 633.406 Classes of certification.—

3505 (1) The division may award one or more of the following  
3506 certificates:

3507 (a) Firefighter Certificate of Compliance.—A Firefighter  
3508 Certificate of Compliance may be awarded to a person who meets  
3509 the requirements established in s. 633.408(4).

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3510       (b) Fire Safety Inspector Certificate of Compliance.—A Fire  
3511 Safety Inspector Certificate of Compliance may be awarded to a  
3512 person who meets the requirements established in s. 633.216(2).

3513       (c) Special Certificate of Compliance.—A Special  
3514 Certificate of Compliance may be awarded to a person who  
3515 qualifies under s. 633.408(6).

3516       (d) Forestry Certificate of Compliance.—A Forestry  
3517 Certificate of Compliance may be awarded to a person who has  
3518 satisfactorily complied with a training program and successfully  
3519 passed an examination as prescribed by rule, and who possesses  
3520 the qualifications established in s. 590.02(1)(e).

3521       (e) Fire Service Instructor Certificate.—A Fire Service  
3522 Instructor Certificate may be awarded to a person who  
3523 demonstrates general or specialized knowledge, skills, and  
3524 abilities in firefighting service and meets the qualification  
3525 requirements prescribed by rule.

3526       (f) Certificate of Competency.—A Certificate of Competency  
3527 may be awarded to a person who meets the experience, training,  
3528 advanced education, or examination requirements as prescribed by  
3529 rule, and is especially qualified for particular aspects of  
3530 firefighting service.

3531       (g) Volunteer Firefighter Certificate of Completion.—A Fire  
3532 Service Instructor Certificate may be awarded to a person who  
3533 has satisfactorily completed the training requirements as  
3534 prescribed by rule for a volunteer firefighter.

3535       (2) The division may establish by rule certificates, in  
3536 addition to those provided in subsection (1), that the division  
3537 may award in recognition of special training or education  
3538 received by an individual, authorizing that individual to

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3539 perform specialized firefighting services or provide specialized  
3540 firefighting instruction, such as hazardous materials and urban  
3541 search and rescue.

3542 Section 59. Section 633.35, Florida Statutes, is  
3543 transferred, renumbered as section 633.408, Florida Statutes,  
3544 and amended to read:

3545 633.408 ~~633.35~~ Firefighter and volunteer firefighter  
3546 training and certification.-

3547 (1) The division shall establish by rule:

3548 (a) A Minimum Standards Course and course examination to  
3549 provide the training required to obtain a Firefighter  
3550 Certificate of Compliance.

3551 (b) Courses and course examinations to provide training  
3552 required to obtain a Volunteer Firefighter Certificate of  
3553 Completion or a Special Certificate of Compliance.

3554 (c) Courses to provide continuing training for firefighters  
3555 and volunteer firefighters.

3556 (2) Courses under subsection (1) may only be administered  
3557 by education or training providers approved by the division  
3558 pursuant to s. 633.128(1)(c) and taught by instructors certified  
3559 pursuant to s. 633.128(1)(d) ~~a firefighter training program of~~  
3560 ~~not less than 360 hours, administered by such agencies and~~  
3561 ~~institutions as it approves for the purpose of providing basic~~  
3562 ~~employment training for firefighters.~~

3563 (3) (a) Nothing herein shall require a fire service provider  
3564 ~~public employer~~ to pay the cost of such training.

3565 (b) A fire service provider may pay part or all of the  
3566 costs of tuition for attendance at approved courses.

3567 (4) ~~(2)~~ The division shall issue a firefighter certificate

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3568 of compliance to any individual who:

3569 (a) person Satisfactorily completes ~~complying with the~~  
3570 Minimum Standards Course or who has satisfactorily completed  
3571 training for firefighters in another state which has been  
3572 determined by the division to be at least the equivalent of the  
3573 training required for the Minimum Standards Course.

3574 (b) Passes the minimum standards course examination.  
3575 ~~training program established in subsection (1), who has~~  
3576 ~~successfully passed an examination as prescribed by the~~  
3577 ~~division, and~~

3578 (c) who Possesses the qualifications for employment in s.  
3579 633.412 633.34, except s. 633.34(5).

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

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3597 ~~employed as a regular or permanent firefighter may function,~~  
3598 ~~during this period, in the same capacity in which he or she~~  
3599 ~~acted as a volunteer firefighter, provided that he or she has~~  
3600 ~~completed all training required by the volunteer organization.~~

3601 ~~(3) The division may issue a certificate to any person who~~  
3602 ~~has received basic employment training for firefighters in~~  
3603 ~~another state when the division has determined that such~~  
3604 ~~training was at least equivalent to that required by the~~  
3605 ~~division for approved firefighter education and training~~  
3606 ~~programs in this state and when such person has satisfactorily~~  
3607 ~~complied with all other requirements of this section.~~

3608 (6) (a) The division may also issue a Special Certificate of  
3609 Compliance to an individual ~~a person~~ who:

3610 1. Satisfactorily completes the course established in  
3611 paragraph (1) (b) to obtain a Special Certificate of Compliance.

3612 2. Passes the examination established in paragraph (1) (b),  
3613 to obtain a Special Certificate of Compliance.

3614 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~  
3615 ~~qualified under this section and who is employed as the~~  
3616 ~~administrative and command head of a fire/rescue/emergency~~  
3617 ~~services organization, based on the acknowledgment that such~~  
3618 ~~person is less likely to need physical dexterity and more likely~~  
3619 ~~to need advanced knowledge of firefighting and supervisory~~  
3620 ~~skills.~~

3621 (b) A special ~~The certificate of compliance is valid only~~  
3622 authorizes an individual to serve ~~while the person is serving in~~  
3623 ~~a position~~ as an administrative and command head of a fire  
3624 service provider ~~fire/rescue/emergency services organization.~~

3625 ~~(7) (4)~~ An individual ~~A person~~ who fails an examination

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3626 given under this section may retake the examination once within  
 3627 6 months after the original examination date. If the individual  
 3628 ~~An applicant who~~ does not retake the examination or fails the  
 3629 reexamination within such time, the individual must take the  
 3630 Minimum Standards Course for a Firefighter Certificate of  
 3631 Compliance or the course established under paragraph (1)(b) for  
 3632 a Special Certificate of Compliance, pursuant to subsection (1),  
 3633 before being reexamined. The division may grant an extension of  
 3634 the 6-month period based upon documented medical necessity and  
 3635 may establish reasonable preregistration deadlines for such  
 3636 reexaminations.

3637 ~~(8)(5)~~ Pursuant to s. 590.02(1)(e), the division shall  
 3638 establish a structural fire training program of not less than  
 3639 206 ~~40~~ hours. The division shall issue to a ~~any~~ person  
 3640 satisfactorily complying with this training program and who has  
 3641 successfully passed an examination as prescribed by the division  
 3642 and who has met the requirements of s. 590.02(1)(e), a Forestry  
 3643 Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

3644 ~~(6)~~ An individual who holds a current and valid Forestry  
 3645 Certificate of Compliance ~~A certified forestry firefighter~~ is  
 3646 entitled to the same rights, privileges, and benefits provided  
 3647 for by law as a ~~certified~~ firefighter.

3648 Section 60. Section 633.34, Florida Statutes, is  
 3649 transferred, renumbered as section 633.412, Florida Statutes,  
 3650 and amended to read:

3651 633.412 ~~633.34~~ Firefighters; qualifications for  
 3652 certification employment.—

3653 (1) ~~A~~ Any person applying for certification employment as a  
 3654 firefighter must:

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3655        (a)~~(1)~~ Be a high school graduate or the equivalent, as the  
3656 term may be determined by the division, and at least 18 years of  
3657 age.

3658        (b)~~(2)~~ ~~Not~~ ~~Neither~~ have been convicted of a misdemeanor  
3659 relating to the certification or to perjury or false statements,  
3660 or a felony or a crime punishable by imprisonment of 1 year or  
3661 more under the law of the United States or of any state thereof  
3662 or under the law of any other country, or dishonorably  
3663 discharged from any of the Armed Forces of the United States.

3664 "Convicted" means a finding of guilt or the acceptance of a plea  
3665 of guilty or nolo contendere, in any federal or state court or a  
3666 court in any other country, without regard to whether a judgment  
3667 of conviction has been entered by the court having jurisdiction  
3668 of the case ~~felony or of a misdemeanor directly related to the~~  
3669 ~~position of employment sought, nor have pled nolo contendere to~~  
3670 ~~any charge of a felony. If an applicant has been convicted of a~~  
3671 ~~felony, such applicant must be in compliance with s.~~

3672 ~~112.011(2) (b). If an applicant has been convicted of a~~  
3673 ~~misdemeanor directly related to the position of employment~~  
3674 ~~sought, such applicant shall be excluded from employment for a~~  
3675 ~~period of 4 years after expiration of sentence. If the sentence~~  
3676 ~~is suspended or adjudication is withheld in a felony charge or~~  
3677 ~~in a misdemeanor directly related to the position or employment~~  
3678 ~~sought and a period of probation is imposed, the applicant must~~  
3679 ~~have been released from probation.~~

3680        (c)~~(3)~~ Submit fingerprints ~~a fingerprint card~~ to the  
3681 division with a current processing fee. The fingerprints  
3682 ~~fingerprint card~~ will be forwarded to the Department of Law  
3683 Enforcement for state processing, and forwarded by the

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3684 Department of Law Enforcement to ~~and/or~~ the Federal Bureau of  
 3685 Investigation for national processing.

3686 (d) ~~(4)~~ Have a good moral character as determined by  
 3687 investigation under procedure established by the division.

3688 (e) ~~(5)~~ Be in good physical condition as determined by a  
 3689 medical examination given by a physician, surgeon, or physician  
 3690 assistant licensed to practice in the state pursuant to chapter  
 3691 458; an osteopathic physician, surgeon, or physician assistant  
 3692 licensed to practice in the state pursuant to chapter 459; or an  
 3693 advanced registered nurse practitioner licensed to practice in  
 3694 the state pursuant to chapter 464. Such examination may include,  
 3695 but need not be limited to, ~~provisions of~~ the National Fire  
 3696 Protection Association Standard 1582. A medical examination  
 3697 evidencing good physical condition shall be submitted to the  
 3698 division, on a form as provided by rule, before an individual is  
 3699 eligible for admission into a course under ~~firefighter training~~  
 3700 ~~program as defined in s. 633.408~~ 633.35.

3701 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at  
 3702 least 1 year immediately preceding application, as evidenced by  
 3703 the sworn affidavit of the applicant.

3704 (2) If the division suspends or revokes an individual's  
 3705 certificate, the division must suspend or revoke all other  
 3706 certificates issued by the division pursuant to this part.

3707 Section 61. Section 633.352, Florida Statutes, is  
 3708 transferred, renumbered as section 633.414, Florida Statutes,  
 3709 and amended to read:

3710 633.414 ~~633.352~~ Retention of firefighter certification.—

3711 (1) In order for a firefighter to retain her or his  
 3712 Firefighter Certificate of Compliance, every 4 years he or she



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3713 must:

3714 (a) Be ~~Any certified firefighter who has not been active as~~  
3715 ~~a firefighter, or as a volunteer firefighter with an organized~~  
3716 ~~fire department, for a period of 3 years shall be required to~~  
3717 ~~retake the practical portion of the minimum standards state~~  
3718 ~~examination specified in rule 69A-37.056(6)(b), Florida~~  
3719 ~~Administrative Code, in order to maintain her or his~~  
3720 ~~certification as a firefighter;~~

3721 (b) Maintain a current and valid fire service instructor  
3722 certificate, instruct at least 40 hours during the 4-year  
3723 period, and provide proof of such instruction to the division,  
3724 which proof must be registered in an electronic database  
3725 designated by the division;

3726 (c) Successfully complete a refresher course consisting of  
3727 a minimum of 40 hours of training to be prescribed by rule; or

3728 (d) Within 6 months before the 4-year period expires,  
3729 successfully retake and pass the Minimum Standards Course  
3730 examination.

3731 (2) In order for a volunteer firefighter to retain her or  
3732 his Volunteer Firefighter Certificate of Completion, every 4  
3733 years he or she must:

3734 (a) Be active as a volunteer firefighter; or

3735 (b) Successfully complete a refresher course consisting of  
3736 a minimum of 40 hours of training to be prescribed by rule.

3737 (3) Subsection (1) however, this requirement does not apply  
3738 to state-certified firefighters who are certified and employed  
3739 as full-time, as determined by the fire service provider, as  
3740 firesafety inspectors or fire investigators ~~firesafety~~  
3741 ~~instructors, regardless of her or his the firefighter's~~

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3742 employment status as a firefighter.

3743 (4) For the purposes of this section, the term "active"  
3744 means being employed as a firefighter or providing service as a  
3745 volunteer firefighter for a cumulative 6 months within a 4-year  
3746 period.

3747 (5) The 4-year ~~3-year~~ period begins:

3748 (a) If the individual is certified on or after July 1,  
3749 2013, on the date the certificate ~~of compliance~~ is issued or  
3750 upon termination of employment or service with a an-organized  
3751 fire department.

3752 (b) If the individual is certified before July 1, 2013, on  
3753 July 1, 2014, or upon termination of employment or service  
3754 thereafter.

3755 Section 62. Section 633.41, Florida Statutes, is  
3756 transferred, renumbered as section 633.416, Florida Statutes,  
3757 and amended to read:

3758 633.416 ~~633.41~~ Firefighter employment and volunteer  
3759 firefighter service; saving clause.-

3760 (1) A fire service provider may not employ an individual  
3761 to:

3762 (a) Extinguish fires for the protection of life or property  
3763 or to supervise individuals who perform such services unless the  
3764 individual holds a current and valid Firefighter Certificate of  
3765 Compliance; or

3766 (b) Serve as the administrative and command head of a fire  
3767 service provider for a period in excess of 1 year unless the  
3768 individual holds a current and valid Firefighter Certificate of  
3769 Compliance or Special Certificate of Compliance.

3770 (2) A fire service provider may not retain the services of

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3771 an individual volunteering to extinguish fires for the  
3772 protection of life or property or to supervise individuals who  
3773 perform such services unless the individual holds a current and  
3774 valid Volunteer Firefighter Certificate of Completion.

3775 (3) (a) A fire service provider must make a diligent effort  
3776 to determine whether the individual has a current and valid  
3777 certificate before employing or retaining an individual for the  
3778 services under subsection (1) or subsection (2), including  
3779 making a determination of whether the requirements set forth in  
3780 s. 633.414 have been fulfilled.

3781 (b) For the purposes of this subsection, the term "diligent  
3782 effort" means contacting at least three of the individual's  
3783 previous employers to obtain her or his dates of employment and  
3784 contacting the division to determine the certification status of  
3785 the individual.

3786 (4) (a) A fire service provider must notify the division  
3787 electronically, as directed by rule by the division, within 10  
3788 days after:

- 3789 1. The hiring of a firefighter.
- 3790 2. The retention of a volunteer firefighter.
- 3791 3. The cessation of employment of a firefighter.
- 3792 4. A decision not to retain a volunteer firefighter.

3793 (b) Notification under paragraph (a) must include:

- 3794 1. The individual's name.
- 3795 2. The date on which he or she was hired or retained.
- 3796 3. The last date of employment or retention before leaving  
3797 the fire service provider.

3798 4. Any other information deemed necessary by the division  
3799 to determine compliance with ss. 633.414 and 633.426.

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3800       (5) If the fire service provider makes a determination that  
3801 an individual has not met the requirements set forth in s.  
3802 633.414(1), the fire service provider must notify the division  
3803 in writing within 10 days after making that determination.

3804       (6) The division may conduct site visits to fire  
3805 departments to monitor compliance with this section.

3806       (7) For purposes of this section, the term "employ" means  
3807 to pay an individual a salary, wage, or other compensation for  
3808 the performance of work. The term does not include the payment  
3809 of expenses, reasonable benefits, a nominal fee, or a  
3810 combination thereof to a volunteer for a public or private fire  
3811 service provider who is only paid in a manner that would be  
3812 authorized for a volunteer under the federal Fair Labor  
3813 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,  
3814 and its implementing rules.

3815       (8) Firefighters employed on July 5, 1969, are not required  
3816 to meet the provisions of ss. 633.412 and 633.408 ~~633.34 and~~  
3817 ~~633.35~~ as a condition of tenure or continued employment, and~~+~~  
3818 ~~nor shall~~ their failure to fulfill such requirements does not  
3819 make them ineligible for any promotional examination for which  
3820 they are otherwise eligible or affect in any way any pension  
3821 rights to which they may be entitled on July 5, 1969.

3822       Section 63. Section 633.38, Florida Statutes, is  
3823 transferred, renumbered as section 633.418, Florida Statutes,  
3824 and amended to read:

3825       633.418 ~~633.38~~ Inservice training and promotion;  
3826 participation.-

3827       (1) (a) The division shall by rule ~~rules and regulations~~  
3828 prescribe curricula and standards for advanced and specialized

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3829 training courses and education ~~training~~ in addition to those  
3830 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

3831 (b) The standards provided by this section do ~~shall~~ not  
3832 bind any fire service provider ~~employing agency~~ as to the  
3833 requirements it may have for promoting personnel.

3834 (2) A fire service provider ~~departments or any fire service~~  
3835 ~~participating under the provisions of~~ this section shall adhere  
3836 to the standards and procedures established by the division.

3837 Section 64. Section 633.382, Florida Statutes, is  
3838 transferred, renumbered as section 633.422, Florida Statutes,  
3839 and amended to read:

3840 633.422 ~~633.382~~ Firefighters; supplemental compensation.—

3841 ~~(1) DEFINITIONS. As used in this section, the term:~~

3842 ~~(a) "Employing agency" means any municipality or any~~  
3843 ~~county, the state, or any political subdivision of the state,~~  
3844 ~~including authorities and special districts employing~~  
3845 ~~firefighters.~~

3846 ~~(b) "Firefighter" means any person who meets the definition~~  
3847 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~  
3848 ~~compliance with s. 633.35 and who is employed solely within the~~  
3849 ~~fire department of the employing agency or is employed by the~~  
3850 ~~division.~~

3851 (1)(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The  
3852 Legislature recognizes the need for supplemental compensation  
3853 for firefighters who pursue higher educational opportunities  
3854 that directly relate to the improvement of the health, safety,  
3855 and welfare of firefighters and those who firefighters protect.  
3856 The State Fire Marshal shall determine, and adopt by rule, the  
3857 course work or degrees that represent the best practices toward

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3858 this goal in the field of firefighting.

3859 (a) In addition to the compensation now paid by a fire  
3860 service provider ~~an employing agency~~ to any firefighter, every  
3861 firefighter shall be paid supplemental compensation by the fire  
3862 service provider ~~employing agency~~ when such firefighter is a  
3863 full-time employee, as determined by the employing fire service  
3864 provider, and has complied with one of the following criteria:

3865 1. A ~~Any~~ firefighter who receives an associate degree from  
3866 an accredited ~~a~~ college, which degree is directly applicable to  
3867 fire department duties, as outlined in policy guidelines adopted  
3868 by rule by ~~of~~ the division, shall be additionally compensated as  
3869 outlined in paragraph (2) (a) ~~(3) (a)~~.

3870 2. A ~~Any~~ firefighter, regardless of whether or not she or  
3871 he earned an associate degree earlier, who receives from an  
3872 accredited college or university a bachelor's degree, which  
3873 bachelor's degree is directly applicable to fire department  
3874 duties, as outlined in policy guidelines adopted by rule by ~~of~~  
3875 the division, shall receive compensation as outlined in  
3876 paragraph (2) (b) ~~(3) (b)~~.

3877 (b) If ~~Whenever~~ any question arises as to the eligibility  
3878 of any firefighter to receive supplemental compensation as  
3879 provided in this section, the question, together with all facts  
3880 relating thereto, must ~~shall~~ be submitted to the division for  
3881 determination, and the decision of the division with regard to  
3882 determination of eligibility shall be final, subject to ~~the~~  
3883 ~~provisions of~~ chapter 120.

3884 (2) (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation  
3885 shall be determined as follows:

3886 (a) Fifty dollars shall be paid monthly to each firefighter

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3887 who qualifies under ~~the provisions of~~ subparagraph (1)(a)1  
3888 ~~(2)(a)1~~.

3889 (b) One hundred and ten dollars shall be paid monthly to  
3890 each firefighter who qualifies under ~~the provisions of~~  
3891 subparagraph (1)(a)2 ~~(2)(a)2~~.

3892 (3) ~~(4)~~ FUNDING.—

3893 (a) The fire service provider ~~employing agency~~ is  
3894 responsible for the correct payment of firefighters pursuant to  
3895 ~~the provisions of~~ this section. The division may review, in a  
3896 postaudit capacity, any action taken by an agency in  
3897 administering the educational incentive program. The fire  
3898 service provider ~~employing agency~~ shall take appropriate action  
3899 when a postaudit shows that an action taken by the fire service  
3900 provider ~~employing agency~~ was in error.

3901 (b) Each fire service provider ~~agency~~ employing  
3902 firefighters who are eligible for this compensation shall submit  
3903 reports containing information relating to compensation paid as  
3904 a result of this section to the division on March 31, June 30,  
3905 September 30, and December 31 of each year.

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

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3916 participation in the distribution of the revenues collected  
3917 pursuant to chapter 175. The total required annual distribution  
3918 from the Firefighters' Supplemental Compensation Trust Fund  
3919 shall equal the amount necessary to pay supplemental  
3920 compensation as provided in this section, provided that:

3921 1. Any deficit in the total required annual distribution  
3922 shall be made up from accrued surplus funds existing in the  
3923 Firefighters' Supplemental Compensation Trust Fund on June 30,  
3924 1990, for as long as such funds last. If the accrued surplus is  
3925 insufficient to cure the deficit in any given year, the  
3926 proration of the appropriation among the counties,  
3927 municipalities, and special fire service taxing districts shall  
3928 equal the ratio of compensation paid in the prior year to  
3929 county, municipal, and special fire service taxing district  
3930 firefighters pursuant to this section. This ratio shall be  
3931 provided annually to the Department of Revenue by the division  
3932 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue  
3933 on or after July 1, 1990, shall be redistributed to  
3934 municipalities and special fire control districts as provided in  
3935 subparagraph 2.

3936 2. By October 1 of each year, any funds that have accrued  
3937 or accrue on or after July 1, 1990, and remain in the  
3938 Firefighters' Supplemental Compensation Trust Fund following the  
3939 required annual distribution shall be redistributed by the  
3940 Department of Revenue pro rata to those municipalities and  
3941 special fire control districts identified by the Department of  
3942 Management Services as being eligible for additional funds  
3943 pursuant to s. 175.121(3)(b).

3944 (d) Salary incentive payments to firefighters shall



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3945 commence in the first full calendar month following the initial  
3946 date of certification of eligibility by the division ~~of State~~  
3947 ~~Fire Marshal~~.

3948 (e) Special fire service taxing districts are authorized  
3949 ~~and empowered~~ to spend ~~expend~~ the funds necessary to ensure  
3950 correct payment to firefighters.

3951 (4) (5) LEGISLATIVE FINDINGS.—The payment of supplemental  
3952 compensation and expenses of the administration provided by this  
3953 section is found to serve a state, county, district, and  
3954 municipal purpose and to provide benefit to the state and to its  
3955 counties, municipalities, and districts.

3956 (5) APPLICABILITY.—For the purposes of this section, the  
3957 division shall be considered a fire service provider responsible  
3958 for the payment of supplemental compensation in accordance with  
3959 this section to firefighters employed full-time by the division.

3960 Section 65. Section 633.353, Florida Statutes, is  
3961 transferred, renumbered as section 633.424, Florida Statutes,  
3962 and amended to read:

3963 633.424 ~~633.353~~ Falsification of qualifications.—An  
3964 individual ~~Any person~~ who willfully and knowingly falsifies her  
3965 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of  
3966 Fire Standards and Training of the division commits ~~is guilty of~~  
3967 a misdemeanor of the second degree, punishable as provided in s.  
3968 775.082 or s. 775.083.

3969 Section 66. Section 633.351, Florida Statutes, is  
3970 transferred, renumbered as section 633.426, Florida Statutes,  
3971 and amended to read:

3972 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~  
3973 standards for revocation of certification.—

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- 3974           (1) For purposes of this section, the term:
- 3975           (a) "Certificate" means any of the certificates issued
- 3976 under s. 633.406.
- 3977           (b) "Certification" or "certified" means the act of holding
- 3978 a current and valid certificate.
- 3979           (c) "Convicted" means a finding of guilt, or the acceptance
- 3980 of a plea of guilty or nolo contendere, in any federal or state
- 3981 court or a court in any other country, without regard to whether
- 3982 a judgment of conviction has been entered by the court having
- 3983 jurisdiction of the case.
- 3984           (2) An individual is ineligible to apply for certification
- 3985 if the individual has, at any time, been:
- 3986           (a) Convicted of a misdemeanor relating to the
- 3987 certification or to perjury or false statements.
- 3988           (b) Convicted of a felony or a crime punishable by
- 3989 imprisonment of 1 year or more under the law of the United
- 3990 States or of any state thereof, or under the law of any other
- 3991 country.
- 3992           (c) Dishonorably discharged from any of the Armed Forces of
- 3993 the United States.
- 3994           (3) (a) The certification of an individual shall be
- 3995 permanently revoked if the individual is:
- 3996           1. Convicted of a misdemeanor relating to perjury or false
- 3997 statement.
- 3998           2. Convicted of a felony or a crime punishable by
- 3999 imprisonment of 1 year or more under the law of the United
- 4000 States or of any state thereof, or under the law of any other
- 4001 country.
- 4002           3. Dishonorably discharged from any of the Armed Forces of

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4003 the United States.

4004 (b) For individuals who are certified before July 1, 2013:

4005 1. This subsection applies prospectively to convictions or  
4006 dishonorable discharges entered on or after July 1, 2013.

4007 2. Section 633.351 as it existed before July 1, 2013,  
4008 applies to convictions entered before July 1, 2013.

4009 (4) The certification of an individual ~~a firefighter~~ shall  
4010 be revoked if evidence is found which demonstrates that the  
4011 certification was improperly issued by the division or ~~if~~  
4012 ~~evidence is found that the certification~~ was issued on the basis  
4013 of false, incorrect, incomplete, or misleading information, or  
4014 that the individual has demonstrated a lack of moral fitness or  
4015 trustworthiness to carry out the responsibilities under the  
4016 individual's certification.

4017 (5) After investigation, if the division has reason to  
4018 believe that an individual who is certified may have been  
4019 convicted of a felony or of a misdemeanor related to perjury or  
4020 false statement in this state or any other state or  
4021 jurisdiction, the division may require the individual to submit  
4022 fingerprints to the division with a current processing fee. The  
4023 fingerprints shall be forwarded by the division to the  
4024 Department of Law Enforcement for state processing and shall be  
4025 forwarded by the Department of Law Enforcement to the Federal  
4026 Bureau of Investigation for national processing.

4027 ~~(2) The certification of a firefighter who is convicted of~~  
4028 ~~a felony, or who is convicted of a misdemeanor relating to~~  
4029 ~~misleading or false statements, or who pleads nolo contendere to~~  
4030 ~~any charge of a felony shall be revoked until the firefighter~~  
4031 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~

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4032 ~~felony or such misdemeanor charge is suspended or adjudication~~  
4033 ~~is withheld, the firefighter's certification shall be revoked~~  
4034 ~~until she or he completes any probation.~~

4035 Section 67. Section 633.43, Florida Statutes, is  
4036 transferred, renumbered as section 633.428, Florida Statutes,  
4037 and amended to read:

4038 633.428 ~~633.43~~ Florida State Fire College established.—  
4039 There is ~~hereby~~ established a state institution to be known as  
4040 the Florida State Fire College, to be located at or near Ocala,  
4041 Marion County. The institution shall be operated by the division  
4042 ~~of State Fire Marshal of the department.~~

4043 Section 68. Section 633.44, Florida Statutes, is  
4044 transferred, renumbered as section 633.432, Florida Statutes,  
4045 and amended to read:

4046 633.432 ~~633.44~~ Purpose of fire college.—The purposes of  
4047 part IV ~~ss. 633.43-633.49~~ and of the Florida State Fire College  
4048 ~~are shall be:~~

4049 (1) To provide professional and volunteer firefighters with  
4050 needful professional instruction and training in subjects,  
4051 including, but not limited to, firefighting, fire prevention,  
4052 hazardous materials, urban search and rescue, and emergency  
4053 operations, at a minimum of cost to them and to their employers.

4054 (2) To ensure the professionalism and competence of those  
4055 performing firefighting, fire prevention, and associated fire  
4056 protection functions by administering a system of certification  
4057 and licensing.

4058 (3) ~~(2)~~ To develop new methods and practices of firefighting  
4059 and fire prevention.

4060 (4) ~~(3)~~ To assist the state and county, municipal, and other

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4061 local governments of this state and their agencies and officers  
4062 in their investigation and determination of the causes of fires.

4063 (5)~~(4)~~ To provide testing facilities for testing  
4064 firefighting equipment.

4065 (6)~~(5)~~ To disseminate useful information on fires,  
4066 firefighting and fire prevention and other related subjects, to  
4067 fire departments and others interested in such information.

4068 (7)~~(6)~~ To do such other needful or useful things necessary  
4069 to the promotion of public safety in the field of fire hazards  
4070 and fire prevention work.

4071  
4072 It is ~~hereby~~ declared by the Legislature that the above purposes  
4073 are legitimate state functions and are designed to promote  
4074 public safety.

4075 Section 69. Section 633.48, Florida Statutes, is  
4076 transferred, renumbered as section 633.434, Florida Statutes,  
4077 and amended to read:

4078 633.434 ~~633.48~~ Superintendent of college.—The division may  
4079 employ a superintendent for the Florida State Fire College, who  
4080 must ~~shall~~ be especially trained and qualified in firefighting,  
4081 fire prevention and fire experimental work, and may employ on  
4082 the recommendations of the ~~said~~ superintendent such other  
4083 instructors, experimental helpers and laborers as may be  
4084 necessary to the proper conduct of the ~~said~~ institution; and may  
4085 proceed with the erection and detailed operation of the ~~said~~  
4086 institution under ss. 633.428-633.444 ~~633.43-633.49~~.

4087 Section 70. Section 633.461, Florida Statutes, is  
4088 transferred, renumbered as section 633.436, Florida Statutes,  
4089 and amended to read:

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4090           633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The  
4091 funds received from the Insurance Regulatory Trust Fund shall be  
4092 used by the staff of the Florida State Fire College to provide  
4093 all necessary services, training, equipment, and supplies to  
4094 carry out the college's responsibilities, including, but not  
4095 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~  
4096 the procurement of training resources and films, ~~videotapes,~~  
4097 ~~audiovisual~~ equipment, and other useful information on fire,  
4098 firefighting, and fire prevention, including public fire service  
4099 information packages.

4100           Section 71. Section 633.47, Florida Statutes, is  
4101 transferred and renumbered as section 633.438, Florida Statutes.

4102           Section 72. Section 633.49, Florida Statutes, is  
4103 transferred, renumbered as section 633.442, Florida Statutes,  
4104 and amended to read:

4105           633.442 ~~633.49~~ Buildings, equipment, and other facilities;  
4106 use.—The division shall have the power to prescribe and shall  
4107 make the necessary rules ~~and regulations~~ for the use of  
4108 buildings, equipment, and other facilities of the Florida State  
4109 Fire College when they are not in use for the purposes set forth  
4110 in part IV ~~ss. 633.43–633.49~~.

4111           Section 73. Section 633.50, Florida Statutes, is  
4112 transferred, renumbered as section 633.444, Florida Statutes,  
4113 and amended to read:

4114           633.444 ~~633.50~~ Division powers and duties; Florida State  
4115 Fire College.—

4116           (1) The division, in performing its duties related to the  
4117 Florida State Fire College, specified in part IV ~~ss. 633.43–~~  
4118 ~~633.49~~, shall:

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4119 (a) Enter into agreements with public or private school  
4120 districts, community colleges, junior colleges, or state  
4121 universities to carry out its duties and responsibilities.

4122 (b) Review and approve budget requests for the fire college  
4123 educational program.

4124 (c) Prepare the legislative budget request for the Florida  
4125 State Fire College education program. The superintendent is  
4126 responsible for all expenditures pursuant to appropriations.

4127 (d) Implement procedures to obtain appropriate entitlement  
4128 funds from federal and state grants to supplement the annual  
4129 legislative appropriation. Such funds must be used expressly for  
4130 the fire college educational programs.

4131 (e) Develop a staffing and funding formula for the Florida  
4132 State Fire College. The formula must ~~shall~~ include differential  
4133 funding levels for various types of programs, must ~~shall~~ be  
4134 based on the number of full-time equivalent students and  
4135 information obtained from scheduled attendance counts taken the  
4136 first day of each program, and must ~~shall~~ provide the basis for  
4137 the legislative budget request. As used in this section, a full-  
4138 time equivalent student is equal to a minimum of 900 hours in a  
4139 technical certificate program and 400 hours in a degree-seeking  
4140 program. The funding formula must ~~shall~~ be as prescribed  
4141 pursuant to s. 1011.62, must ~~shall~~ include procedures to  
4142 document daily attendance, and must ~~shall~~ require that  
4143 attendance records be retained for audit purposes.

4144 (f) Approve and register in an electronic database an  
4145 education or training provider, designated by the division,  
4146 before the education or training provider may offer any course  
4147 to fulfill any education or training requirement under this

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4148 chapter. The division shall establish criteria, by rule, for the  
4149 approval of such education or training providers, including  
4150 courses taught. Only approved and registered education or  
4151 training providers are eligible to provide instruction or  
4152 training that will be recognized by the division as fulfilling  
4153 any education or training requirement under this chapter.

4154 (g) Recognize only courses offered by approved and  
4155 registered training or education providers as fulfilling the  
4156 education or training requirements under this chapter.

4157 (2) Funds generated by the formula per full-time equivalent  
4158 student may not exceed the level of state funding per full-time  
4159 equivalent student generated through the Florida Education  
4160 Finance Program or the State Community College Program Fund for  
4161 students enrolled in comparable education programs provided by  
4162 public school districts and community colleges. Funds  
4163 appropriated for education and operational costs shall be  
4164 deposited in the Insurance Regulatory Trust Fund to be used  
4165 solely for purposes specified in s. 633.436 ~~633.461~~ and may not  
4166 be transferred to any other budget entity for purposes other  
4167 than education.

4168 Section 74. Section 633.46, Florida Statutes, is transferred  
4169 and renumbered as section 633.446, Florida Statutes.

4170 Section 75. The Division of Law Revision and Information is  
4171 directed to create part V of chapter 633, Florida Statutes,  
4172 consisting of sections 633.502, 633.504, 633.506, 633.508,  
4173 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,  
4174 633.532, 633.534, and 633.536, Florida Statutes, to be entitled  
4175 "Florida Firefighters Occupational Safety and Health Act."

4176 Section 76. Section 633.801, Florida Statutes, is



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4177 transferred, renumbered as section 633.502, Florida Statutes,  
4178 and amended to read:

4179 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,  
4180 ~~633.801-633.821~~ may be cited as the “Florida Firefighters  
4181 Occupational Safety and Health Act.”

4182 Section 77. Section 633.802, Florida Statutes, is  
4183 transferred and renumbered as section 633.504, Florida Statutes,  
4184 and subsections (1), (2), and (4) of that section are amended,  
4185 to read:

4186 633.504 ~~633.802~~ Definitions.—As used in this part, the term  
4187 ~~Unless the context clearly requires otherwise, the following~~  
4188 ~~definitions shall apply to ss. 633.801-633.821:~~

4189 (1) “Firefighter employee” means a firefighter, volunteer  
4190 firefighter, or individual providing support services who is ~~any~~  
4191 ~~person~~ engaged in any employment, public or private, ~~as a~~  
4192 ~~firefighter~~ under any appointment or contract of hire or  
4193 apprenticeship, express or implied, oral or written, whether  
4194 lawfully or unlawfully employed, responding to or assisting with  
4195 fire or medical emergencies, regardless of whether ~~or not the~~  
4196 ~~firefighter is~~ on duty, except those appointed under s.  
4197 590.02(1)(d).

4198 (2) “Firefighter employer” means the state and all  
4199 political subdivisions of this state, all public and quasi-  
4200 public corporations in this state, and a every person carrying  
4201 on any employment for this state, political subdivisions of this  
4202 state, and public and quasi-public corporations in this state  
4203 which employs firefighter employees ~~firefighters~~, except those  
4204 appointed under s. 590.02(1)(d).

4205 (4) “Firefighter place of employment” or “place of

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4206 employment" means the physical location at which the firefighter  
4207 employee is employed or deployed.

4208 Section 78. Section 633.803, Florida Statutes, is  
4209 transferred, renumbered as section 633.506, Florida Statutes,  
4210 and amended to read:

4211 633.506 ~~633.803~~ Legislative intent.—It is the intent of the  
4212 Legislature to enhance firefighter occupational safety and  
4213 health in the state through the implementation and maintenance  
4214 of policies, procedures, practices, rules, and standards that  
4215 reduce the incidence of firefighter employee accidents,  
4216 firefighter employee occupational diseases, and firefighter  
4217 employee fatalities compensable under chapter 440 or otherwise.  
4218 The Legislature further intends that the division develop a  
4219 means by which the division can identify individual firefighter  
4220 employers with a high frequency or severity of work-related  
4221 injuries, conduct safety inspections of those firefighter  
4222 employers, and assist those firefighter employers in the  
4223 development and implementation of firefighter employee safety  
4224 and health programs. In addition, it is the intent of the  
4225 Legislature that the division administer and enforce this part  
4226 ~~the provisions of ss. 633.801-633.821~~; provide assistance to  
4227 firefighter employers, firefighter employees, and insurers; and  
4228 enforce the policies, rules, and standards set forth in this  
4229 part ~~ss. 633.801-633.821~~.

4230 Section 79. Section 633.821, Florida Statutes, is  
4231 transferred and renumbered as section 633.508, Florida Statutes,  
4232 subsections (2), (3), (5), and (6) of that section are amended,  
4233 and subsection (7) is added to that section, to read:

4234 633.508 ~~633.821~~ Workplace safety; rulemaking authority;

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4235 division authority.—

4236 (2) The division shall have the authority to adopt rules  
4237 for the purpose of ensuring safe working conditions for all  
4238 firefighter employees by authorizing the enforcement of  
4239 effective standards, by assisting and encouraging firefighter  
4240 employers to maintain safe working conditions, and by providing  
4241 for education and training in the field of safety. Specifically,  
4242 the division may by rule adopt the most current edition of all  
4243 or any part of subparts C through T and subpart Z of 29 C.F.R.  
4244 s. 1910, as revised April 8, 1998; the National Fire Protection  
4245 Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert  
4246 Safety System) (1992 edition); the National Fire Protection  
4247 Association, Inc., Publication 1403, Standard on Live Fire  
4248 Training Evolutions (latest edition), as limited by subsection  
4249 (6); and ANSI A 10.4-1990.

4250 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
4251 individuals located outside the immediately dangerous to life  
4252 and health atmosphere may be assigned to an additional role,  
4253 such as incident commander, pumper operator, engineer, or  
4254 driver, so long as such individual can ~~is able to~~ immediately  
4255 perform assistance or rescue activities without jeopardizing the  
4256 safety or health of any firefighter employee working at an  
4257 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

4258 ~~(a) Each county, municipality, and special district shall~~  
4259 ~~implement such provision by April 1, 2002, except as provided in~~  
4260 ~~paragraphs (b) and (c).~~

4261 ~~(b) If any county, municipality, or special district is~~  
4262 ~~unable to implement such provision by April 1, 2002, without~~  
4263 ~~adding additional personnel to its firefighting staff or~~

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4264 ~~expending significant additional funds, such county,~~  
4265 ~~municipality, or special district shall have an additional 6~~  
4266 ~~months within which to implement such provision. Such county,~~  
4267 ~~municipality, or special district shall notify the division that~~  
4268 ~~the 6-month extension to implement such provision is in effect~~  
4269 ~~in such county, municipality, or special district within 30 days~~  
4270 ~~after its decision to extend the time for the additional 6~~  
4271 ~~months. The decision to extend the time for implementation shall~~  
4272 ~~be made prior to April 1, 2002.~~

4273       ~~(c) If, after the extension granted in paragraph (b), the~~  
4274 ~~county, municipality, or special district, after having worked~~  
4275 ~~with and cooperated fully with the division and the Firefighters~~  
4276 ~~Employment, Standards, and Training Council, is still unable to~~  
4277 ~~implement such provisions without adding additional personnel to~~  
4278 ~~its firefighting staff or expending significant additional~~  
4279 ~~funds, such municipality, county, or special district shall be~~  
4280 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~  
4281 ~~However, each year thereafter the division shall review each~~  
4282 ~~such county, municipality, or special district to determine if~~  
4283 ~~such county, municipality, or special district has the ability~~  
4284 ~~to implement such provision without adding additional personnel~~  
4285 ~~to its firefighting staff or expending significant additional~~  
4286 ~~funds. If the division determines that any county, municipality,~~  
4287 ~~or special district has the ability to implement such provision~~  
4288 ~~without adding additional personnel to its firefighting staff or~~  
4289 ~~expending significant additional funds, the division shall~~  
4290 ~~require such county, municipality, or special district to~~  
4291 ~~implement such provision. Such requirement by the division under~~  
4292 ~~this paragraph constitutes final agency action subject to~~

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4293 ~~chapter 120.~~

4294 (5) The division may adopt any rule necessary to implement,  
4295 interpret, and make specific the provisions of this section,  
4296 provided the division may not adopt by rule any other standard  
4297 or standards of the Occupational Safety and Health  
4298 Administration or the National Fire Protection Association  
4299 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter  
4300 employment safety without specific legislative authority.

4301 (6) (a) The division shall adopt rules for live fire  
4302 training that all firefighter employees ~~firefighters~~ subject to  
4303 this chapter must complete. The division shall also adopt rules  
4304 for a training and certification process for live fire training  
4305 instructors.

4306 (b) Such rules for training must ~~shall~~ include:

4307 1. Sections of the most current edition of the National  
4308 Fire Protection Association, Inc., Publication 1402, Guide to  
4309 Building Fire Service Training Centers, relating to establishing  
4310 policies and procedures for effective use of such permanent  
4311 facilities or structures.

4312 2. Sections of the most current edition of the National  
4313 Fire Protection Association, Inc., Publication 1403, Standard on  
4314 Live Fire Training Evolutions, excluding, however:

4315 a. Any chapter entitled "Referenced Publications."

4316 b. References to the National Fire Protection Association,  
4317 Inc., Publication 1975, Station Uniform.

4318 c. Provisions of the National Fire Protection Association,  
4319 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~  
4320 ~~references to such publication in the National Fire Protection~~  
4321 ~~Association, Inc., Publication 1975.~~

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4322 d. Any reference to an authority having jurisdiction in the  
4323 National Fire Protection Association, Inc., Publication 1403,  
4324 defined as the organization, office, or individual responsible  
4325 for approving equipment, materials, installations, and  
4326 procedures.

4327 3. A 40-hour training program for live fire training  
4328 instructors, including:

4329 a. Live fire instructional techniques.

4330 b. Training safety in acquired or permanent facilities or  
4331 props.

4332 c. Personnel safety.

4333 d. Exterior props, including, but not limited to, liquid  
4334 petroleum gas, other liquid fuels, and similar props.

4335 ~~(c) The rules, excluding those pertaining to live fire~~  
4336 ~~training instructor certification, shall take effect no later~~  
4337 ~~than January 1, 2006.~~

4338 (c) ~~(d)~~ Each live fire training instructor is required to be  
4339 a state certified fire safety instructor. All live fire training  
4340 ~~commenced on and after January 1, 2007,~~ must be conducted by a  
4341 certified live fire training instructor.

4342 (d) ~~(e)~~ This subsection does not apply to wildland or  
4343 prescribed live fire training exercises sanctioned by the  
4344 Florida Forest Service of the Department of Agriculture and  
4345 Consumer Services or the National Wildfire Coordinating Group.

4346 (7) The division shall:

4347 (a) Investigate and prescribe by rule what safety devices,  
4348 safeguards, or other means of protection must be adopted for the  
4349 prevention of accidents and injuries in every firefighter  
4350 employee place of employment or at any fire scene; determine

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4351 what suitable devices, safeguards, or other means of protection  
4352 for the prevention of occupational diseases must be adopted or  
4353 followed in any or all such firefighter places of employment or  
4354 at any emergency fire scene; and adopt reasonable rules for the  
4355 prevention of accidents, the safety, protection, and security of  
4356 firefighter employees engaged in interior firefighting, and the  
4357 prevention of occupational diseases.

4358 (b) Ascertain, fix, and order such reasonable standards and  
4359 rules for the construction, repair, and maintenance of  
4360 firefighter employee places of employment so as to render them  
4361 safe. Such rules and standards shall be adopted in accordance  
4362 with chapter 120.

4363 (c) Adopt rules prescribing recordkeeping responsibilities  
4364 for firefighter employers, which may include maintaining a log  
4365 and summary of occupational injuries, diseases, and illnesses,  
4366 for producing on request a notice of injury and firefighter  
4367 employee accident investigation records, and prescribing a  
4368 retention schedule for such records.

4369 Section 80. Section 633.817, Florida Statutes, is  
4370 transferred, renumbered as section 633.512, Florida Statutes,  
4371 and amended to read:

4372 633.512 ~~633.817~~ Compliance.—Failure of a firefighter  
4373 employer or an insurer to comply with this part ~~ss. 633.801-~~  
4374 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~  
4375 ~~633.821~~, constitutes grounds for the division to seek remedies,  
4376 including injunctive relief, by making appropriate filings with  
4377 the circuit court.

4378 Section 81. Section 633.805, Florida Statutes, is  
4379 transferred and renumbered as section 633.516, Florida Statutes.

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4380 Section 82. Section 633.806, Florida Statutes, is  
4381 transferred, renumbered as section 633.518, Florida Statutes,  
4382 and amended to read:

4383 633.518 ~~633.806~~ Studies, investigations, inspections, or  
4384 inquiries by the division; refusal to admit; penalty.-

4385 (1) The division shall make studies, ~~and~~ investigations,  
4386 inspections, or inquiries with respect to compliance with this  
4387 part or any rules authorized under this part ~~safety provisions~~  
4388 and the causes of firefighter employee injuries, illnesses,  
4389 safety-based complaints, or Line of Duty Deaths (LODD) as  
4390 defined in rule in firefighter employee places of employment and  
4391 shall make such recommendations to the Legislature and  
4392 firefighter employers and insurers as the division considers  
4393 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~  
4394 ~~of preventing firefighter injuries.~~ In making such studies, ~~and~~  
4395 investigations, inspections, or inquiries, the division may  
4396 cooperate with any agency of the United States charged with the  
4397 duty of enforcing any law securing safety against injury in any  
4398 place of firefighter employment covered by this part ~~ss.~~

4399 ~~633.801-633.821~~ or any agency or department of the state engaged  
4400 in enforcing any law to ensure safety for firefighter employees.

4401 (2) The division by rule may adopt procedures for  
4402 conducting investigations, inspections, or inquiries of  
4403 firefighter employers under this part ~~ss. 633.801-633.821.~~

4404 (3) The division and authorized representatives of the  
4405 division may enter and inspect any firefighter employee's place  
4406 of employment at any reasonable time for the purpose of  
4407 investigating compliance with this part and conducting  
4408 inspections for the proper enforcement of this part. A



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4409 firefighter employer who refuses to admit any member of the  
4410 division or authorized representative of the division to any  
4411 place of employment or to allow investigation and inspection  
4412 pursuant to this section commits a misdemeanor of the second  
4413 degree, punishable as provided in s. 775.082 or s. 775.083.

4414 Section 83. Section 633.807, Florida Statutes, is  
4415 transferred, renumbered as section 633.520, Florida Statutes,  
4416 and amended to read:

4417 633.520 ~~633.807~~ Safety; firefighter employer  
4418 responsibilities.—Every firefighter employer shall furnish and  
4419 use safety devices and safeguards, adopt and use methods and  
4420 processes reasonably adequate to render such an employment and  
4421 place of employment safe, and do every other thing reasonably  
4422 necessary to protect the lives, health, and safety of such  
4423 firefighter employees. As used in this section, the terms "safe"  
4424 and "safety," as applied to any employment or place of  
4425 ~~firefighter~~ employment, mean such freedom from danger as is  
4426 reasonably necessary for the protection of the lives, health,  
4427 and safety of firefighter employees, including conditions and  
4428 methods of sanitation and hygiene. Safety devices and safeguards  
4429 required to be furnished by the firefighter employer by this  
4430 section or by the division under authority of this section do  
4431 ~~shall~~ not include personal apparel and protective devices that  
4432 replace personal apparel normally worn by firefighter employees  
4433 during regular working hours.

4434 Section 84. Section 633.809, Florida Statutes, is  
4435 transferred, renumbered as section 633.522, Florida Statutes,  
4436 and amended to read:

4437 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~

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4438 ~~employees have a high frequency of work-related injuries;~~  
 4439 ~~corrective plans; workplace safety committees and coordinators;~~  
 4440 ~~failure to implement a safety and health program; cancellation.-~~

4441 (1) ~~The division shall develop a means to by which the~~  
 4442 ~~division may identify individual firefighter employers with~~  
 4443 ~~whose firefighter employees have a high frequency or severity of~~  
 4444 ~~firefighter employee work-related injuries. The division shall~~  
 4445 ~~carry out safety inspections of the facilities and operations of~~  
 4446 ~~those firefighter employers in order to assist them in reducing~~  
 4447 ~~the frequency and severity of work-related injuries. The~~  
 4448 ~~division shall develop safety and health programs for those~~  
 4449 ~~firefighter employers. Insurers shall distribute such safety and~~  
 4450 ~~health programs to the firefighter employers so identified by~~  
 4451 ~~the division. Those firefighter employers identified by the~~  
 4452 ~~division as having a high frequency or severity of work-related~~  
 4453 ~~injuries shall implement a safety and health program developed~~  
 4454 ~~by the division. The division shall conduct ~~carry out~~ safety~~  
 4455 ~~inspections of those firefighter employers so identified to~~  
 4456 ~~ensure compliance with this part or the division's rules and~~  
 4457 ~~make recommendations based upon current the safety and health~~  
 4458 ~~practices ~~program~~ and to assist such firefighter employers in~~  
 4459 ~~reducing the number of work-related injuries. The division may~~  
 4460 ~~not assess penalties as a result of such inspections, ~~except as~~~~  
 4461 ~~provided by s. ~~633.813~~. Copies of any report made as the result~~  
 4462 ~~of such an inspection shall be provided to the firefighter~~  
 4463 ~~employer and its insurer. Firefighter employers shall ~~may~~ submit~~  
 4464 ~~a plan for the correction of any noncompliance issues their own~~  
 4465 ~~safety and health programs to the division for approval in~~  
 4466 ~~accordance with division rule ~~lieu of using the safety and~~~~

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4467 ~~health program developed by the division. The division shall~~  
4468 ~~promptly review the plan program submitted and approve or~~  
4469 ~~disapprove the plan program within 60 days or such plan program~~  
4470 ~~shall be deemed approved. Upon approval by the division, the~~  
4471 ~~plan program shall be implemented by the firefighter employer.~~  
4472 ~~If the plan program is not submitted, does not provide~~  
4473 ~~corrective actions for all deficiencies, is not complete, or is~~  
4474 ~~not implemented, the fire service provider shall be subject to~~  
4475 ~~s. 633.526 approved or if a program is not submitted, the~~  
4476 ~~firefighter employer shall implement the program developed by~~  
4477 ~~the division. The division shall adopt rules setting forth the~~  
4478 ~~criteria for safety and health programs, as such rules relate to~~  
4479 ~~this section.~~

4480 (2) In order to promote health and safety in firefighter  
4481 employee places of employment in this state:

4482 (a) Each firefighter employer of 20 or more firefighter  
4483 employees shall establish and administer a workplace safety  
4484 committee in accordance with rules adopted under this section.

4485 (b) Each firefighter employer of fewer than 20 firefighter  
4486 employees with a high frequency or high severity of work-related  
4487 injuries, as identified by the division, shall establish and  
4488 administer a workplace safety committee or designate a workplace  
4489 safety coordinator who shall establish and administer workplace  
4490 safety activities in accordance with rules adopted under this  
4491 section.

4492 (3) The division shall adopt rules:

4493 (a) Prescribing the membership of the workplace safety  
4494 committees so as to ensure an equal number of firefighter  
4495 employee representatives who are volunteers or are elected by

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4496 their peers and firefighter employer representatives, and  
4497 specifying the frequency of meetings.

4498 (b) Requiring firefighter employers to make adequate  
4499 records of each meeting and to file and to maintain the records  
4500 subject to inspection by the division.

4501 (c) Prescribing the duties and functions of the workplace  
4502 safety committee and workplace safety coordinator which include,  
4503 but are not limited to:

4504 1. Establishing procedures for workplace safety inspections  
4505 by the committee.

4506 2. Establishing procedures for investigating all workplace  
4507 accidents, safety-related incidents, illnesses, and deaths.

4508 3. Evaluating accident prevention and illness prevention  
4509 programs.

4510 4. Prescribing guidelines for the training of safety  
4511 committee members.

4512 (4) The composition, selection, and function of workplace  
4513 safety committees shall be a mandatory topic of negotiations  
4514 with any certified collective bargaining agent for firefighter  
4515 employers that operate under a collective bargaining agreement.  
4516 Firefighter employers that operate under a collective bargaining  
4517 agreement that contains provisions governing the formation and  
4518 operation of workplace safety committees that meet or exceed the  
4519 minimum requirements contained in this section, or firefighter  
4520 employers who otherwise have existing workplace safety  
4521 committees that meet or exceed the minimum requirements  
4522 established by this section, are in compliance with this  
4523 section.

4524 (5) Firefighter employees shall be compensated their

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4525 regular hourly wage while engaged in workplace safety committee  
4526 or workplace safety coordinator training, meetings, or other  
4527 duties prescribed under this section.

4528 (6) If a firefighter employer fails to implement a  
4529 corrective plan, the insurer or self-insurer's fund that is  
4530 providing coverage for the firefighter employer may cancel the  
4531 contract for insurance with the firefighter employer. In the  
4532 alternative, the insurer or fund may terminate any discount or  
4533 deviation granted to the firefighter employer for the remainder  
4534 of the term of the policy. If the contract is canceled or the  
4535 discount or deviation is terminated, the insurer must make such  
4536 reports as are required by law.

4537 Section 85. Section 633.811, Florida Statutes, is  
4538 transferred, renumbered as section 633.526, Florida Statutes,  
4539 and amended to read:

4540 633.526 ~~633.811~~ Firefighter employer penalties.—If any  
4541 firefighter employer violates or fails or refuses to comply with  
4542 this part ss. 633.801-633.821, or with any rule adopted by the  
4543 division under such sections in accordance with chapter 120 for  
4544 the prevention of injuries, accidents, or occupational diseases  
4545 or with any lawful order of the division in connection with this  
4546 part ss. 633.801-633.821, or fails or refuses to furnish or  
4547 adopt any safety device, safeguard, or other means of protection  
4548 prescribed by division rule under this part ss. 633.801-633.821  
4549 for the prevention of accidents or occupational diseases, the  
4550 division may:

4551 (1) Issue an administrative cease and desist order,  
4552 enforceable in the circuit court in the jurisdiction where the  
4553 violation is occurring or has occurred.

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4554       (2) Assess an administrative fine against a firefighter  
4555 employer of not less than \$100 or more than \$1,000 for each  
4556 violation and each day a violation is committed.

4557       (3) Assess against the firefighter employer a civil penalty  
4558 of not less than \$100 nor more than \$5,000 for each day the  
4559 violation, omission, failure, or refusal continues after the  
4560 firefighter employer has been given written notice of such  
4561 violation, omission, failure, or refusal. The total penalty for  
4562 each violation shall not exceed \$50,000. The division shall  
4563 adopt rules requiring penalties commensurate with the frequency  
4564 or severity of safety violations. Hearings requested under this  
4565 section shall be conducted in Tallahassee ~~A hearing shall be~~  
4566 ~~held in the county in which the violation, omission, failure, or~~  
4567 ~~refusal is alleged to have occurred, unless otherwise agreed to~~  
4568 ~~by the firefighter employer and authorized by the division.~~ All  
4569 penalties assessed and collected under this section shall be  
4570 deposited in the Insurance Regulatory Trust Fund.

4571       Section 86. Section 633.812, Florida Statutes, is  
4572 transferred and renumbered as section 633.528, Florida Statutes,  
4573 and subsections (2) and (3) of that section are amended, to  
4574 read:

4575       633.528 ~~633.812~~ Division cooperation with Federal  
4576 Government; exemption from requirements for private firefighter  
4577 employers.—

4578       ~~(2) Except as provided in this section,~~ A private  
4579 firefighter employer is not subject to the requirements set  
4580 forth in part IV and part V of the division if the private  
4581 firefighter employer meets the requirements of this part and:

4582       (a) The private firefighter employer is subject to the

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4583 federal regulations in 29 C.F.R. ss. 1910 and 1926.

4584 (b) The private firefighter employer has adopted and  
4585 implemented a written safety program that conforms to the  
4586 requirements of 29 C.F.R. ss. 1910 and 1926.

4587 ~~(c) A private firefighter employer with 20 or more full-~~  
4588 ~~time firefighter employees shall include provisions for a safety~~  
4589 ~~committee in the safety program. The safety committee shall~~  
4590 ~~include firefighter employee representation and shall meet at~~  
4591 ~~least once each calendar quarter. The private firefighter~~  
4592 ~~employer shall make adequate records of each meeting and~~  
4593 ~~maintain the records subject to inspections under subsection~~  
4594 ~~(3). The safety committee shall, if appropriate, make~~  
4595 ~~recommendations regarding improvements to the safety program and~~  
4596 ~~corrections of hazards affecting workplace safety.~~

4597 (c) ~~(d)~~ The private firefighter employer provides the  
4598 division with a written statement that certifies compliance with  
4599 this subsection.

4600 (3) The division may enter at any reasonable time any place  
4601 of private firefighter employment for the purpose of verifying  
4602 the accuracy of the written certification. If the division  
4603 determines that the private firefighter employer has not  
4604 complied with the requirements of subsection (2), the private  
4605 firefighter employer shall be subject to the rules of the  
4606 division until the private firefighter employer complies with  
4607 subsection (2), which must be verified by a reinspection by ~~and~~  
4608 ~~recertifies that fact to~~ the division.

4609 Section 87. Section 633.816, Florida Statutes, is  
4610 transferred, renumbered as section 633.532, Florida Statutes,  
4611 and amended to read:

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4612        633.532 ~~633.816~~ Firefighter employee rights and  
4613 responsibilities.-

4614            (1) Each firefighter employee of a firefighter employer  
4615 covered under this part ~~ss. 633.801-633.821~~ shall comply with  
4616 rules adopted by the division and with reasonable workplace  
4617 safety and health standards, rules, policies, procedures, and  
4618 work practices established by the firefighter employer and the  
4619 workplace safety committee. A firefighter employee who knowingly  
4620 fails to comply with this subsection may be disciplined or  
4621 discharged by the firefighter employer.

4622            (2) A firefighter employer may not discharge, threaten to  
4623 discharge, cause to be discharged, intimidate, coerce, otherwise  
4624 discipline, or in any manner discriminate against a firefighter  
4625 employee for any of the following reasons:

4626            (a) The firefighter employee has testified or is about to  
4627 testify, on her or his own behalf or on behalf of others, in any  
4628 proceeding instituted under this part ~~ss. 633.801-633.821~~;

4629            (b) The firefighter employee has exercised any other right  
4630 given ~~afforded~~ under this part ~~ss. 633.801-633.821~~; or

4631            (c) The firefighter employee is engaged in activities  
4632 relating to the workplace safety committee.

4633            (3) ~~No~~ Pay, a position, seniority, or any other benefit may  
4634 not be lost for exercising any right under, or for seeking  
4635 compliance with any requirement of, this part ~~ss. 633.801-~~  
4636 ~~633.821~~.

4637            Section 88. Section 633.818, Florida Statutes, is  
4638 transferred, renumbered as section 633.534, Florida Statutes,  
4639 and amended to read:

4640            633.534 ~~633.818~~ False, fictitious, or fraudulent acts,



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4641 statements, and representations prohibited; penalty; statute of  
 4642 limitations to insurers.—

4643 (1) A firefighter employer who knowingly and willfully  
 4644 falsifies or conceals a material fact, who makes a false,  
 4645 fictitious, or fraudulent statement or representation, or who  
 4646 makes or uses any false document knowing the document to contain  
 4647 any false, fictitious, or fraudulent entry or statement to an  
 4648 insurer of workers' compensation insurance under this part ~~ss.~~  
 4649 ~~633.801-633.821~~ commits a misdemeanor of the second degree,  
 4650 punishable as provided in s. 775.082 or s. 775.083.

4651 (2) A person may not, in any matter within the jurisdiction  
 4652 of the division, knowingly and willfully falsify or conceal a  
 4653 material fact; make any false, fictitious, or fraudulent  
 4654 statement or representation; or make or use any false document,  
 4655 knowing the same to contain any false, fictitious, or fraudulent  
 4656 statement or entry. A person who violates this section commits a  
 4657 misdemeanor of the second degree, punishable as provided in s.  
 4658 775.082 or s. 775.083. The statute of limitations for  
 4659 prosecution of an act committed in violation of this section is  
 4660 5 years after the date the act was committed or, if not  
 4661 discovered within 30 days after the act was committed, 5 years  
 4662 after the date the act was discovered.

4663 Section 89. Section 633.814, Florida Statutes, is  
 4664 transferred, renumbered as section 633.536, Florida Statutes,  
 4665 and amended to read:

4666 633.536 ~~633.814~~ Expenses of administration.—The amounts  
 4667 that are needed to administer this part ~~ss. 633.801-633.821~~  
 4668 shall be disbursed from the Insurance Regulatory Trust Fund.

4669 Section 90. Paragraph (b) of subsection (2) of section

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4670 112.011, Florida Statutes, is amended to read:

4671 112.011 Disqualification from licensing and public  
4672 employment based on criminal conviction.-

4673 (2)

4674 (b) This section does not apply to the employment practices  
4675 of any fire department relating to the hiring of firefighters.  
4676 ~~An applicant for employment with any fire department who has a~~  
4677 ~~prior felony conviction shall be excluded from employment for a~~  
4678 ~~period of 4 years after expiration of sentence or final release~~  
4679 ~~by the Parole Commission unless the applicant, before the~~  
4680 ~~expiration of the 4 year period, has received a full pardon or~~  
4681 ~~has had his or her civil rights restored.~~

4682 Section 91. Paragraph (i) of subsection (2) of section  
4683 112.191, Florida Statutes, is amended, and paragraphs (a), (b),  
4684 and (c) of subsection (2) of that section are reenacted, to  
4685 read:

4686 112.191 Firefighters; death benefits.-

4687 (2) (a) The sum of \$50,000, as adjusted pursuant to  
4688 paragraph (i), shall be paid as provided in this section when a  
4689 firefighter, while engaged in the performance of his or her  
4690 firefighter duties, is accidentally killed or receives  
4691 accidental bodily injury which subsequently results in the loss  
4692 of the firefighter's life, provided that such killing is not the  
4693 result of suicide and that such bodily injury is not  
4694 intentionally self-inflicted. Notwithstanding any other  
4695 provision of law, in no case shall the amount payable under this  
4696 subsection be less than the actual amount stated therein.

4697 (b) The sum of \$50,000, as adjusted pursuant to paragraph  
4698 (i), shall be paid as provided in this section if a firefighter

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4699 is accidentally killed as specified in paragraph (a) and the  
4700 accidental death occurs as a result of the firefighter's  
4701 response to what is reasonably believed to be an emergency  
4702 involving the protection of life or property or the  
4703 firefighter's participation in a training exercise. This sum is  
4704 in addition to any sum provided in paragraph (a).  
4705 Notwithstanding any other provision of law, the amount payable  
4706 under this subsection may not be less than the actual amount  
4707 stated therein.

4708 (c) If a firefighter, while engaged in the performance of  
4709 his or her firefighter duties, is unlawfully and intentionally  
4710 killed, is injured by an unlawful and intentional act of another  
4711 person and dies as a result of such injury, dies as a result of  
4712 a fire which has been determined to have been caused by an act  
4713 of arson, or subsequently dies as a result of injuries sustained  
4714 therefrom, the sum of \$150,000, as adjusted pursuant to  
4715 paragraph (i), shall be paid as provided in this section.  
4716 Notwithstanding any other provision of law, the amount payable  
4717 under this subsection may not be less than the actual amount  
4718 stated therein.

4719 (i) Any payments made pursuant to paragraph (a), paragraph  
4720 (b), or paragraph (c) shall consist of the statutory amount  
4721 adjusted to show ~~reflect~~ price level changes in the Consumer  
4722 Price Index for All Urban Consumers published by the United  
4723 States Department of Labor since July 1, 2002 ~~the effective date~~  
4724 ~~of the act~~. The Division of State Fire Marshal, using the most  
4725 recent month for which Consumer Price Index data is available,  
4726 shall, on June 15 of each year, calculate and publish on the  
4727 division's internet website the amount resulting from the

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4728 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~  
4729 ~~on the Consumer Price Index for All Urban Consumers published by~~  
4730 ~~the United States Department of Labor.~~ The adjusted statutory  
4731 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each  
4732 year ~~using the most recent month for which data are available at~~  
4733 ~~the time of the adjustment.~~

4734 Section 92. Subsection (4) of section 120.541, Florida  
4735 Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws  
4736 of Florida, is amended to read:

4737 120.541 Statement of estimated regulatory costs.—

4738 (4) Subsection (3) does not apply to the adoption of:

4739 (a) Federal standards pursuant to s. 120.54(6).

4740 (b) Triennial updates of and amendments to the Florida  
4741 Building Code which are expressly authorized by s. 553.73.

4742 (c) Triennial updates of and amendments to the Florida Fire  
4743 Prevention Code which are expressly authorized by s. 633.202 ~~s.~~  
4744 ~~633.0215.~~

4745 Section 93. Paragraph (c) of subsection (6) of section  
4746 196.081, Florida Statutes, as amended by section 2 of chapter  
4747 2012-54, Laws of Florida, and section 19 of chapter 2012-193,  
4748 Laws of Florida, is amended to read:

4749 196.081 Exemption for certain permanently and totally  
4750 disabled veterans and for surviving spouses of veterans;  
4751 exemption for surviving spouses of first responders who die in  
4752 the line of duty.—

4753 (6) Any real estate that is owned and used as a homestead  
4754 by the surviving spouse of a first responder who died in the  
4755 line of duty while employed by the state or any political  
4756 subdivision of the state, including authorities and special

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4757 districts, and for whom a letter from the state or appropriate  
4758 political subdivision of the state, or other authority or  
4759 special district, has been issued which legally recognizes and  
4760 certifies that the first responder died in the line of duty  
4761 while employed as a first responder is exempt from taxation if  
4762 the first responder and his or her surviving spouse were  
4763 permanent residents of this state on January 1 of the year in  
4764 which the first responder died.

4765 (c) As used in this subsection only, and not applicable to  
4766 the payment of benefits under s. 112.19 or s. 112.191, the term:

4767 1. "First responder" means a law enforcement officer or  
4768 correctional officer as defined in s. 943.10, a firefighter as  
4769 defined in s. 633.102 ~~s. 633.30~~, or an emergency medical  
4770 technician or paramedic as defined in s. 401.23 who is a full-  
4771 time paid employee, part-time paid employee, or unpaid  
4772 volunteer.

4773 2. "In the line of duty" means:

4774 a. While engaging in law enforcement;

4775 b. While performing an activity relating to fire  
4776 suppression and prevention;

4777 c. While responding to a hazardous material emergency;

4778 d. While performing rescue activity;

4779 e. While providing emergency medical services;

4780 f. While performing disaster relief activity;

4781 g. While otherwise engaging in emergency response activity;

4782 or

4783 h. While engaging in a training exercise related to any of  
4784 the events or activities enumerated in this subparagraph if the  
4785 training has been authorized by the employing entity.

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4787 A heart attack or stroke that causes death or causes an injury  
4788 resulting in death must occur within 24 hours after an event or  
4789 activity enumerated in this subparagraph and must be directly  
4790 and proximately caused by the event or activity in order to be  
4791 considered as having occurred in the line of duty.

4792 Section 94. Section 633.167, Florida Statutes, is amended  
4793 to read:

4794 633.167 Probation.—

4795 ~~(1)~~ If the State Fire Marshal finds that one or more  
4796 grounds exist for the suspension, revocation, or refusal to  
4797 issue, renew, or continue any license, certification, or permit  
4798 issued under this chapter, the State Fire Marshal may, in her or  
4799 his discretion, except when an administrative fine is not  
4800 permissible under this chapter or when the suspension,  
4801 revocation, or refusal is mandatory, in lieu of suspension,  
4802 revocation, or refusal to issue, renew, or continue or, in  
4803 connection with any administrative fine imposed, place the  
4804 offending licensee, certificateholder, or permittee on probation  
4805 for a period not to exceed 2 years, as specified by the State  
4806 Fire Marshal in her or his order.

4807 ~~(2) As a condition to probation or in connection therewith,~~  
4808 ~~the State Fire Marshal may specify in her or his order~~  
4809 ~~reasonable terms and conditions to be fulfilled by the~~  
4810 ~~probationer during the probation period. If during the probation~~  
4811 ~~period the State Fire Marshal has good cause to believe that the~~  
4812 ~~probationer has violated any of the terms and conditions, she or~~  
4813 ~~he shall suspend, revoke, or refuse to issue, renew, or continue~~  
4814 ~~the license, certificate, or permit of the probationer, as upon~~

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4815 ~~the original ground or grounds referred to in subsection (1).~~

4816 Section 95. Section 633.517, Florida Statutes, is amended  
4817 to read:

4818 633.517 Authority of State Fire Marshal to adopt rules,  
4819 ~~administer oaths, and take testimony.-~~

4820 ~~(1) The State Fire Marshal may is authorized,~~ with the  
4821 advice of the board, ~~to~~ adopt rules pursuant to ss. 120.536(1)  
4822 and 120.54 to implement ~~the provisions of~~ this act.

4823 ~~(2) The State Fire Marshal or her or his duly appointed~~  
4824 ~~hearing officer may administer oaths and take testimony about~~  
4825 ~~all matters within the jurisdiction of this act. Chapter 120~~  
4826 ~~governs hearings conducted by or on behalf of the State Fire~~  
4827 ~~Marshal.~~

4828 Section 96. Section 633.024, Florida Statutes, is repealed.

4829 Section 97. Section 633.0245, Florida Statutes, is  
4830 repealed.

4831 Section 98. Section 633.03, Florida Statutes, is repealed.

4832 Section 99. Section 633.0421, Florida Statutes, is  
4833 repealed.

4834 Section 100. Section 633.13, Florida Statutes, is repealed.

4835 Section 101. Section 633.18, Florida Statutes, is repealed.

4836 Section 102. Section 633.30, Florida Statutes, is repealed.

4837 Section 103. Section 633.32, Florida Statutes, is repealed.

4838 Section 104. Section 633.33, Florida Statutes, is repealed.

4839 Section 105. Section 633.37, Florida Statutes, is repealed.

4840 Section 106. Section 633.445, Florida Statutes, is  
4841 repealed.

4842 Section 107. Section 633.46, Florida Statutes, is repealed.

4843 Section 108. Section 633.514, Florida Statutes, is

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4844 repealed.

4845 Section 109. Section 633.524, Florida Statutes, is  
4846 repealed.

4847 Section 110. Section 633.804, Florida Statutes, is  
4848 repealed.

4849 Section 111. Section 633.808, Florida Statutes, is  
4850 repealed.

4851 Section 112. Section 633.810, Florida Statutes, is  
4852 repealed.

4853 Section 113. Section 633.813, Florida Statutes, is  
4854 repealed.

4855 Section 114. Section 633.815, Florida Statutes, is  
4856 repealed.

4857 Section 115. Section 633.819, Florida Statutes, is  
4858 repealed.

4859 Section 116. Section 633.820, Florida Statutes, is  
4860 repealed.

4861 Section 117. Subsection (1) of section 112.1815, Florida  
4862 Statutes, is amended to read:

4863 112.1815 Firefighters, paramedics, emergency medical  
4864 technicians, and law enforcement officers; special provisions  
4865 for employment-related accidents and injuries.-

4866 (1) The term "first responder" as used in this section  
4867 means a law enforcement officer as defined in s. 943.10, a  
4868 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
4869 medical technician or paramedic as defined in s. 401.23 employed  
4870 by state or local government. A volunteer law enforcement  
4871 officer, firefighter, or emergency medical technician or  
4872 paramedic engaged by the state or a local government is also



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4873 considered a first responder of the state or local government  
4874 for purposes of this section.

4875 Section 118. Paragraph (b) of subsection (1) of section  
4876 112.191, Florida Statutes, is amended to read:

4877 112.191 Firefighters; death benefits.—

4878 (1) Whenever used in this act:

4879 (b) The term "firefighter" means any full-time duly  
4880 employed uniformed firefighter employed by an employer, whose  
4881 primary duty is the prevention and extinguishing of fires, the  
4882 protection of life and property therefrom, the enforcement of  
4883 municipal, county, and state fire prevention codes, as well as  
4884 the enforcement of any law pertaining to the prevention and  
4885 control of fires, who is certified pursuant to s. 633.408  
4886 ~~633.35~~, and who is a member of a duly constituted fire  
4887 department of such employer or who is a volunteer firefighter.

4888 Section 119. Subsection (1) of section 112.81, Florida  
4889 Statutes, is amended to read:

4890 112.81 Definitions.—As used in this part:

4891 (1) "Firefighter" means a ~~any~~ person who is certified in  
4892 compliance with s. 633.408 ~~633.35~~ and who is employed solely  
4893 within the fire department or public safety department of an  
4894 employing agency as a full-time firefighter whose primary  
4895 responsibility is the prevention and extinguishment of fires;  
4896 the protection of life and property; and the enforcement of  
4897 municipal, county, and state fire prevention codes and laws  
4898 pertaining to the prevention and control of fires.

4899 Section 120. Paragraph (d) of subsection (4) of section  
4900 119.071, Florida Statutes, is amended to read:

4901 119.071 General exemptions from inspection or copying of

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4902 public records.—

4903 (4) AGENCY PERSONNEL INFORMATION.—

4904 (d)1. For purposes of this paragraph, the term "telephone  
4905 numbers" includes home telephone numbers, personal cellular  
4906 telephone numbers, personal pager telephone numbers, and  
4907 telephone numbers associated with personal communications  
4908 devices.

4909 2.a. The home addresses, telephone numbers, social security  
4910 numbers, dates of birth, and photographs of active or former  
4911 sworn or civilian law enforcement personnel, including  
4912 correctional and correctional probation officers, personnel of  
4913 the Department of Children and Family Services whose duties  
4914 include the investigation of abuse, neglect, exploitation,  
4915 fraud, theft, or other criminal activities, personnel of the  
4916 Department of Health whose duties are to support the  
4917 investigation of child abuse or neglect, and personnel of the  
4918 Department of Revenue or local governments whose  
4919 responsibilities include revenue collection and enforcement or  
4920 child support enforcement; the home addresses, telephone  
4921 numbers, social security numbers, photographs, dates of birth,  
4922 and places of employment of the spouses and children of such  
4923 personnel; and the names and locations of schools and day care  
4924 facilities attended by the children of such personnel are exempt  
4925 from s. 119.07(1).

4926 b. The home addresses, telephone numbers, dates of birth,  
4927 and photographs of firefighters certified in compliance with s.  
4928 633.408 ~~633.35~~; the home addresses, telephone numbers,  
4929 photographs, dates of birth, and places of employment of the  
4930 spouses and children of such firefighters; and the names and

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4931 locations of schools and day care facilities attended by the  
4932 children of such firefighters are exempt from s. 119.07(1).

4933 c. The home addresses, dates of birth, and telephone  
4934 numbers of current or former justices of the Supreme Court,  
4935 district court of appeal judges, circuit court judges, and  
4936 county court judges; the home addresses, telephone numbers,  
4937 dates of birth, and places of employment of the spouses and  
4938 children of current or former justices and judges; and the names  
4939 and locations of schools and day care facilities attended by the  
4940 children of current or former justices and judges are exempt  
4941 from s. 119.07(1).

4942 d. The home addresses, telephone numbers, social security  
4943 numbers, dates of birth, and photographs of current or former  
4944 state attorneys, assistant state attorneys, statewide  
4945 prosecutors, or assistant statewide prosecutors; the home  
4946 addresses, telephone numbers, social security numbers,  
4947 photographs, dates of birth, and places of employment of the  
4948 spouses and children of current or former state attorneys,  
4949 assistant state attorneys, statewide prosecutors, or assistant  
4950 statewide prosecutors; and the names and locations of schools  
4951 and day care facilities attended by the children of current or  
4952 former state attorneys, assistant state attorneys, statewide  
4953 prosecutors, or assistant statewide prosecutors are exempt from  
4954 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

4955 e. The home addresses, dates of birth, and telephone  
4956 numbers of general magistrates, special magistrates, judges of  
4957 compensation claims, administrative law judges of the Division  
4958 of Administrative Hearings, and child support enforcement  
4959 hearing officers; the home addresses, telephone numbers, dates

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4960 of birth, and places of employment of the spouses and children  
4961 of general magistrates, special magistrates, judges of  
4962 compensation claims, administrative law judges of the Division  
4963 of Administrative Hearings, and child support enforcement  
4964 hearing officers; and the names and locations of schools and day  
4965 care facilities attended by the children of general magistrates,  
4966 special magistrates, judges of compensation claims,  
4967 administrative law judges of the Division of Administrative  
4968 Hearings, and child support enforcement hearing officers are  
4969 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
4970 Constitution if the general magistrate, special magistrate,  
4971 judge of compensation claims, administrative law judge of the  
4972 Division of Administrative Hearings, or child support hearing  
4973 officer provides a written statement that the general  
4974 magistrate, special magistrate, judge of compensation claims,  
4975 administrative law judge of the Division of Administrative  
4976 Hearings, or child support hearing officer has made reasonable  
4977 efforts to protect such information from being accessible  
4978 through other means available to the public.

4979 f. The home addresses, telephone numbers, dates of birth,  
4980 and photographs of current or former human resource, labor  
4981 relations, or employee relations directors, assistant directors,  
4982 managers, or assistant managers of any local government agency  
4983 or water management district whose duties include hiring and  
4984 firing employees, labor contract negotiation, administration, or  
4985 other personnel-related duties; the names, home addresses,  
4986 telephone numbers, dates of birth, and places of employment of  
4987 the spouses and children of such personnel; and the names and  
4988 locations of schools and day care facilities attended by the

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4989 children of such personnel are exempt from s. 119.07(1) and s.  
4990 24(a), Art. I of the State Constitution.

4991 g. The home addresses, telephone numbers, dates of birth,  
4992 and photographs of current or former code enforcement officers;  
4993 the names, home addresses, telephone numbers, dates of birth,  
4994 and places of employment of the spouses and children of such  
4995 personnel; and the names and locations of schools and day care  
4996 facilities attended by the children of such personnel are exempt  
4997 from s. 119.07(1) and s. 24(a), Art. I of the State  
4998 Constitution.

4999 h. The home addresses, telephone numbers, places of  
5000 employment, dates of birth, and photographs of current or former  
5001 guardians ad litem, as defined in s. 39.820; the names, home  
5002 addresses, telephone numbers, dates of birth, and places of  
5003 employment of the spouses and children of such persons; and the  
5004 names and locations of schools and day care facilities attended  
5005 by the children of such persons are exempt from s. 119.07(1) and  
5006 s. 24(a), Art. I of the State Constitution, if the guardian ad  
5007 litem provides a written statement that the guardian ad litem  
5008 has made reasonable efforts to protect such information from  
5009 being accessible through other means available to the public.

5010 i. The home addresses, telephone numbers, dates of birth,  
5011 and photographs of current or former juvenile probation  
5012 officers, juvenile probation supervisors, detention  
5013 superintendents, assistant detention superintendents, juvenile  
5014 justice detention officers I and II, juvenile justice detention  
5015 officer supervisors, juvenile justice residential officers,  
5016 juvenile justice residential officer supervisors I and II,  
5017 juvenile justice counselors, juvenile justice counselor

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5018 supervisors, human services counselor administrators, senior  
5019 human services counselor administrators, rehabilitation  
5020 therapists, and social services counselors of the Department of  
5021 Juvenile Justice; the names, home addresses, telephone numbers,  
5022 dates of birth, and places of employment of spouses and children  
5023 of such personnel; and the names and locations of schools and  
5024 day care facilities attended by the children of such personnel  
5025 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
5026 Constitution.

5027       j. The home addresses, telephone numbers, dates of birth,  
5028 and photographs of current or former public defenders, assistant  
5029 public defenders, criminal conflict and civil regional counsel,  
5030 and assistant criminal conflict and civil regional counsel; the  
5031 home addresses, telephone numbers, dates of birth, and places of  
5032 employment of the spouses and children of such defenders or  
5033 counsel; and the names and locations of schools and day care  
5034 facilities attended by the children of such defenders or counsel  
5035 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
5036 Constitution.

5037       k. The home addresses, telephone numbers, and photographs  
5038 of current or former investigators or inspectors of the  
5039 Department of Business and Professional Regulation; the names,  
5040 home addresses, telephone numbers, and places of employment of  
5041 the spouses and children of such current or former investigators  
5042 and inspectors; and the names and locations of schools and day  
5043 care facilities attended by the children of such current or  
5044 former investigators and inspectors are exempt from s. 119.07(1)  
5045 and s. 24(a), Art. I of the State Constitution if the  
5046 investigator or inspector has made reasonable efforts to protect

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5047 such information from being accessible through other means  
5048 available to the public. This sub-subparagraph is subject to the  
5049 Open Government Sunset Review Act in accordance with s. 119.15  
5050 and shall stand repealed on October 2, 2017, unless reviewed and  
5051 saved from repeal through reenactment by the Legislature.

5052 1. The home addresses and telephone numbers of county tax  
5053 collectors; the names, home addresses, telephone numbers, and  
5054 places of employment of the spouses and children of such tax  
5055 collectors; and the names and locations of schools and day care  
5056 facilities attended by the children of such tax collectors are  
5057 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
5058 Constitution if the county tax collector has made reasonable  
5059 efforts to protect such information from being accessible  
5060 through other means available to the public. This sub-  
5061 subparagraph is subject to the Open Government Sunset Review Act  
5062 in accordance with s. 119.15 and shall stand repealed on October  
5063 2, 2017, unless reviewed and saved from repeal through  
5064 reenactment by the Legislature.

5065 3. An agency that is the custodian of the information  
5066 specified in subparagraph 2. and that is not the employer of the  
5067 officer, employee, justice, judge, or other person specified in  
5068 subparagraph 2. shall maintain the exempt status of that  
5069 information only if the officer, employee, justice, judge, other  
5070 person, or employing agency of the designated employee submits a  
5071 written request for maintenance of the exemption to the  
5072 custodial agency.

5073 4. The exemptions in this paragraph apply to information  
5074 held by an agency before, on, or after the effective date of the  
5075 exemption.

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5076           5. This paragraph is subject to the Open Government Sunset  
5077 Review Act in accordance with s. 119.15, and shall stand  
5078 repealed on October 2, 2017, unless reviewed and saved from  
5079 repeal through reenactment by the Legislature.

5080           Section 121. Subsection (17) of section 120.80, Florida  
5081 Statutes, is amended to read:

5082           120.80 Exceptions and special requirements; agencies.—

5083           (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply  
5084 to the adoption of amendments and the triennial update to the  
5085 Florida Fire Prevention Code expressly authorized by s. 633.202  
5086 ~~633.0215~~.

5087           Section 122. Subsection (3) and paragraph (a) of subsection  
5088 (6) of section 121.0515, Florida Statutes, are amended to read:

5089           121.0515 Special Risk Class.—

5090           (3) CRITERIA.—A member, to be designated as a special risk  
5091 member, must meet the following criteria:

5092           (a) Effective October 1, 1978, the member must be employed  
5093 as a law enforcement officer and be certified, or required to be  
5094 certified, in compliance with s. 943.1395; however, sheriffs and  
5095 elected police chiefs are excluded from meeting the  
5096 certification requirements of this paragraph. In addition, the  
5097 member's duties and responsibilities must include the pursuit,  
5098 apprehension, and arrest of law violators or suspected law  
5099 violators; or as of July 1, 1982, the member must be an active  
5100 member of a bomb disposal unit whose primary responsibility is  
5101 the location, handling, and disposal of explosive devices; or  
5102 the member must be the supervisor or command officer of a member  
5103 or members who have such responsibilities. Administrative  
5104 support personnel, including, but not limited to, those whose



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5105 primary duties and responsibilities are in accounting,  
5106 purchasing, legal, and personnel, are not included;

5107 (b) Effective October 1, 1978, the member must be employed  
5108 as a firefighter and be certified, or required to be certified,  
5109 in compliance with s. 633.408 ~~633.35~~ and be employed solely  
5110 within the fire department of a local government employer or an  
5111 agency of state government with firefighting responsibilities.  
5112 In addition, the member's duties and responsibilities must  
5113 include on-the-scene fighting of fires; as of October 1, 2001,  
5114 fire prevention or firefighter training; as of October 1, 2001,  
5115 direct supervision of firefighting units, fire prevention, or  
5116 firefighter training; or as of July 1, 2001, aerial firefighting  
5117 surveillance performed by fixed-wing aircraft pilots employed by  
5118 the Florida Forest Service of the Department of Agriculture and  
5119 Consumer Services; or the member must be the supervisor or  
5120 command officer of a member or members who have such  
5121 responsibilities. Administrative support personnel, including,  
5122 but not limited to, those whose primary duties and  
5123 responsibilities are in accounting, purchasing, legal, and  
5124 personnel, are not included. All periods of creditable service  
5125 in fire prevention or firefighter training, or as the supervisor  
5126 or command officer of a member or members who have such  
5127 responsibilities, and for which the employer paid the special  
5128 risk contribution rate, are included;

5129 (c) Effective October 1, 1978, the member must be employed  
5130 as a correctional officer and be certified, or required to be  
5131 certified, in compliance with s. 943.1395. In addition, the  
5132 member's primary duties and responsibilities must be the  
5133 custody, and physical restraint when necessary, of prisoners or

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5134 inmates within a prison, jail, or other criminal detention  
5135 facility, or while on work detail outside the facility, or while  
5136 being transported; or as of July 1, 1984, the member must be the  
5137 supervisor or command officer of a member or members who have  
5138 such responsibilities. Administrative support personnel,  
5139 including, but not limited to, those whose primary duties and  
5140 responsibilities are in accounting, purchasing, legal, and  
5141 personnel, are not included; however, wardens and assistant  
5142 wardens, as defined by rule, are included;

5143 (d) Effective October 1, 1999, the member must be employed  
5144 by a licensed Advance Life Support (ALS) or Basic Life Support  
5145 (BLS) employer as an emergency medical technician or a paramedic  
5146 and be certified in compliance with s. 401.27. In addition, the  
5147 member's primary duties and responsibilities must include on-  
5148 the-scene emergency medical care or as of October 1, 2001,  
5149 direct supervision of emergency medical technicians or  
5150 paramedics, or the member must be the supervisor or command  
5151 officer of one or more members who have such responsibility.  
5152 Administrative support personnel, including, but not limited to,  
5153 those whose primary responsibilities are in accounting,  
5154 purchasing, legal, and personnel, are not included;

5155 (e) Effective January 1, 2001, the member must be employed  
5156 as a community-based correctional probation officer and be  
5157 certified, or required to be certified, in compliance with s.  
5158 943.1395. In addition, the member's primary duties and  
5159 responsibilities must be the supervised custody, surveillance,  
5160 control, investigation, and counseling of assigned inmates,  
5161 probationers, parolees, or community controllees within the  
5162 community; or the member must be the supervisor of a member or

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5163 members who have such responsibilities. Administrative support  
5164 personnel, including, but not limited to, those whose primary  
5165 duties and responsibilities are in accounting, purchasing, legal  
5166 services, and personnel management, are not included; however,  
5167 probation and parole circuit and deputy circuit administrators  
5168 are included;

5169 (f) Effective January 1, 2001, the member must be employed  
5170 in one of the following classes and must spend at least 75  
5171 percent of his or her time performing duties which involve  
5172 contact with patients or inmates in a correctional or forensic  
5173 facility or institution:

- 5174 1. Dietitian (class codes 5203 and 5204);
- 5175 2. Public health nutrition consultant (class code 5224);
- 5176 3. Psychological specialist (class codes 5230 and 5231);
- 5177 4. Psychologist (class code 5234);
- 5178 5. Senior psychologist (class codes 5237 and 5238);
- 5179 6. Regional mental health consultant (class code 5240);
- 5180 7. Psychological Services Director—DCF (class code 5242);
- 5181 8. Pharmacist (class codes 5245 and 5246);
- 5182 9. Senior pharmacist (class codes 5248 and 5249);
- 5183 10. Dentist (class code 5266);
- 5184 11. Senior dentist (class code 5269);
- 5185 12. Registered nurse (class codes 5290 and 5291);
- 5186 13. Senior registered nurse (class codes 5292 and 5293);
- 5187 14. Registered nurse specialist (class codes 5294 and  
5188 5295);
- 5189 15. Clinical associate (class codes 5298 and 5299);
- 5190 16. Advanced registered nurse practitioner (class codes  
5191 5297 and 5300);

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5192           17. Advanced registered nurse practitioner specialist  
5193 (class codes 5304 and 5305);

5194           18. Registered nurse supervisor (class codes 5306 and  
5195 5307);

5196           19. Senior registered nurse supervisor (class codes 5308  
5197 and 5309);

5198           20. Registered nursing consultant (class codes 5312 and  
5199 5313);

5200           21. Quality management program supervisor (class code  
5201 5314);

5202           22. Executive nursing director (class codes 5320 and 5321);

5203           23. Speech and hearing therapist (class code 5406); or

5204           24. Pharmacy manager (class code 5251);

5205           (g) Effective July 1, 2001, the member must be employed as  
5206 a youth custody officer and be certified, or required to be  
5207 certified, in compliance with s. 943.1395. In addition, the  
5208 member's primary duties and responsibilities must be the  
5209 supervised custody, surveillance, control, investigation,  
5210 apprehension, arrest, and counseling of assigned juveniles  
5211 within the community;

5212           (h) Effective October 1, 2005, through June 30, 2008, the  
5213 member must be employed by a law enforcement agency or medical  
5214 examiner's office in a forensic discipline recognized by the  
5215 International Association for Identification and must qualify  
5216 for active membership in the International Association for  
5217 Identification. The member's primary duties and responsibilities  
5218 must include the collection, examination, preservation,  
5219 documentation, preparation, or analysis of physical evidence or  
5220 testimony, or both, or the member must be the direct supervisor,

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5221 quality management supervisor, or command officer of one or more  
5222 individuals with such responsibility. Administrative support  
5223 personnel, including, but not limited to, those whose primary  
5224 responsibilities are clerical or in accounting, purchasing,  
5225 legal, and personnel, are not included;

5226 (i) Effective July 1, 2008, the member must be employed by  
5227 the Department of Law Enforcement in the crime laboratory or by  
5228 the Division of State Fire Marshal in the forensic laboratory in  
5229 one of the following classes:

- 5230 1. Forensic technologist (class code 8459);
- 5231 2. Crime laboratory technician (class code 8461);
- 5232 3. Crime laboratory analyst (class code 8463);
- 5233 4. Senior crime laboratory analyst (class code 8464);
- 5234 5. Crime laboratory analyst supervisor (class code 8466);
- 5235 6. Forensic chief (class code 9602); or
- 5236 7. Forensic services quality manager (class code 9603);

5237 (j) Effective July 1, 2008, the member must be employed by  
5238 a local government law enforcement agency or medical examiner's  
5239 office and must spend at least 65 percent of his or her time  
5240 performing duties that involve the collection, examination,  
5241 preservation, documentation, preparation, or analysis of human  
5242 tissues or fluids or physical evidence having potential  
5243 biological, chemical, or radiological hazard or contamination,  
5244 or use chemicals, processes, or materials that may have  
5245 carcinogenic or health-damaging properties in the analysis of  
5246 such evidence, or the member must be the direct supervisor of  
5247 one or more individuals having such responsibility. If a special  
5248 risk member changes to another position within the same agency,  
5249 he or she must submit a complete application as provided in

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5250 paragraph (4) (a); or

5251 (k) The member must have already qualified for and be  
5252 actively participating in special risk membership under  
5253 paragraph (a), paragraph (b), or paragraph (c), must have  
5254 suffered a qualifying injury as defined in this paragraph, must  
5255 not be receiving disability retirement benefits as provided in  
5256 s. 121.091(4), and must satisfy the requirements of this  
5257 paragraph.

5258 1. The ability to qualify for the class of membership  
5259 defined in paragraph (2) (i) occurs when two licensed medical  
5260 physicians, one of whom is a primary treating physician of the  
5261 member, certify the existence of the physical injury and medical  
5262 condition that constitute a qualifying injury as defined in this  
5263 paragraph and that the member has reached maximum medical  
5264 improvement after August 1, 2008. The certifications from the  
5265 licensed medical physicians must include, at a minimum, that the  
5266 injury to the special risk member has resulted in a physical  
5267 loss, or loss of use, of at least two of the following: left  
5268 arm, right arm, left leg, or right leg; and:

5269 a. That this physical loss or loss of use is total and  
5270 permanent, except if ~~in the event that~~ the loss of use is due to  
5271 a physical injury to the member's brain, in which event the loss  
5272 of use is permanent with at least 75 percent loss of motor  
5273 function with respect to each arm or leg affected.

5274 b. That this physical loss or loss of use renders the  
5275 member physically unable to perform the essential job functions  
5276 of his or her special risk position.

5277 c. That, notwithstanding this physical loss or loss of use,  
5278 the individual can ~~is able to~~ perform the essential job

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5279 functions required by the member's new position, as provided in  
5280 subparagraph 3.

5281 d. That use of artificial limbs is ~~either~~ not possible or  
5282 does not alter the member's ability to perform the essential job  
5283 functions of the member's position.

5284 e. That the physical loss or loss of use is a direct result  
5285 of a physical injury and not a result of any mental,  
5286 psychological, or emotional injury.

5287 2. For the purposes of this paragraph, "qualifying injury"  
5288 means an injury sustained in the line of duty, as certified by  
5289 the member's employing agency, by a special risk member that  
5290 does not result in total and permanent disability as defined in  
5291 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
5292 is a physical injury to the member's physical body resulting in  
5293 a physical loss, or loss of use, of at least two of the  
5294 following: left arm, right arm, left leg, or right leg.  
5295 Notwithstanding any other provision of this section, an injury  
5296 that would otherwise qualify as a qualifying injury is not  
5297 considered a qualifying injury if and when the member ceases  
5298 employment with the employer for whom he or she was providing  
5299 special risk services on the date the injury occurred.

5300 3. The new position, as described in sub-subparagraph 1.c.,  
5301 that is required for qualification as a special risk member  
5302 under this paragraph is not required to be a position with  
5303 essential job functions that entitle an individual to special  
5304 risk membership. Whether a new position as described in sub-  
5305 subparagraph 1.c. exists and is available to the special risk  
5306 member is a decision to be made solely by the employer in  
5307 accordance with its hiring practices and applicable law.

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5308 4. This paragraph does not grant or create additional  
5309 rights for any individual to continued employment or to be hired  
5310 or rehired by his or her employer that are not already provided  
5311 within the Florida Statutes, the State Constitution, the  
5312 Americans with Disabilities Act, if applicable, or any other  
5313 applicable state or federal law.

5314 (6) CREDIT FOR PAST SERVICE.—A special risk member may  
5315 purchase retirement credit in the Special Risk Class based upon  
5316 past service, and may upgrade retirement credit for such past  
5317 service, to the extent of 2 percent of the member's average  
5318 monthly compensation as specified in s. 121.091(1)(a) for such  
5319 service as follows:

5320 (a) The member may purchase special risk credit for past  
5321 service with a municipality or special district which has  
5322 elected to join the Florida Retirement System, or with a  
5323 participating agency to which a member's governmental unit was  
5324 transferred, merged, or consolidated as provided in s.  
5325 121.081(1)(f), if the member was employed with the municipality  
5326 or special district when ~~at the time~~ it commenced participating  
5327 in the Florida Retirement System or with the governmental unit  
5328 at the time of its transfer, merger, or consolidation with the  
5329 participating agency. The service must satisfy the criteria set  
5330 forth in subsection (3) for Special Risk Class membership as a  
5331 law enforcement officer, firefighter, or correctional officer;  
5332 however, a certificate or waiver of certificate of compliance  
5333 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such  
5334 service.

5335 Section 123. Paragraph (d) of subsection (1) of section  
5336 125.01, Florida Statutes, is amended to read:



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5337 125.01 Powers and duties.—

5338 (1) The legislative and governing body of a county shall  
5339 have the power to carry on county government. To the extent not  
5340 inconsistent with general or special law, this power includes,  
5341 but is not restricted to, the power to:

5342 (d) Provide fire protection, including the enforcement of  
5343 the Florida Fire Prevention Code, as provided in ss. 633.206  
5344 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local  
5345 technical amendments to the Florida Fire Prevention Code as  
5346 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

5347 Section 124. Subsection (2) of section 125.01045, Florida  
5348 Statutes, is amended to read:

5349 125.01045 Prohibition of fees for first responder  
5350 services.—

5351 (2) As used in this section, the term "first responder"  
5352 means a law enforcement officer as defined in s. 943.10, a  
5353 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
5354 medical technician or paramedic as defined in s. 401.23 who is  
5355 employed by the state or a local government. A volunteer law  
5356 enforcement officer, firefighter, or emergency medical  
5357 technician or paramedic engaged by the state or a local  
5358 government is also considered a first responder of the state or  
5359 local government for purposes of this section.

5360 Section 125. Subsection (1) of section 125.56, Florida  
5361 Statutes, is amended to read:

5362 125.56 Enforcement and amendment of the Florida Building  
5363 Code and the Florida Fire Prevention Code; inspection fees;  
5364 inspectors; etc.—

5365 (1) The board of county commissioners of each of the

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5366 several counties of the state may ~~is authorized to~~ enforce the  
5367 Florida Building Code and the Florida Fire Prevention Code, as  
5368 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,  
5369 and, at its discretion, to adopt local technical amendments to  
5370 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)  
5371 and local technical amendments to the Florida Fire Prevention  
5372 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe  
5373 construction, erection, alteration, repair, securing, and  
5374 demolition of any building within its territory outside the  
5375 corporate limits of any municipality. Upon a determination to  
5376 consider amending the Florida Building Code or the Florida Fire  
5377 Prevention Code by a majority of the members of the board of  
5378 county commissioners of such county, the board shall call a  
5379 public hearing and comply with the public notice requirements of  
5380 s. 125.66(2). The board shall hear all interested parties at the  
5381 public hearing and may then amend the building code or the fire  
5382 code consistent with the terms and purposes of this act. Upon  
5383 adoption, an amendment to the code shall be in full force and  
5384 effect throughout the unincorporated area of such county until  
5385 otherwise notified by the Florida Building Commission pursuant  
5386 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202  
5387 ~~633.0215~~. Nothing herein contained shall be construed to prevent  
5388 the board of county commissioners from repealing such amendment  
5389 to the building code or the fire code at any regular meeting of  
5390 such board.

5391 Section 126. Subsection (2) of section 166.0446, Florida  
5392 Statutes, is amended to read:

5393 166.0446 Prohibition of fees for first responder services.—  
5394 (2) As used in this section, the term "first responder"

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5395 means a law enforcement officer as defined in s. 943.10, a  
5396 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
5397 medical technician or paramedic as defined in s. 401.23 who is  
5398 employed by the state or a local government. A volunteer law  
5399 enforcement officer, firefighter, or emergency medical  
5400 technician or paramedic engaged by the state or a local  
5401 government is also considered a first responder of the state or  
5402 local government for purposes of this section.

5403 Section 127. Paragraph (a) of subsection (8) of section  
5404 175.032, Florida Statutes, is amended to read:

5405 175.032 Definitions.—For any municipality, special fire  
5406 control district, chapter plan, local law municipality, local  
5407 law special fire control district, or local law plan under this  
5408 chapter, the following words and phrases have the following  
5409 meanings:

5410 (8) (a) "Firefighter" means a ~~any~~ person employed solely by  
5411 a constituted fire department of any municipality or special  
5412 fire control district who is certified as a firefighter as a  
5413 condition of employment in accordance with s. 633.408 ~~633.35~~ and  
5414 whose duty it is to extinguish fires, to protect life, or to  
5415 protect property. The term includes all certified, supervisory,  
5416 and command personnel whose duties include, in whole or in part,  
5417 the supervision, training, guidance, and management  
5418 responsibilities of full-time firefighters, part-time  
5419 firefighters, or auxiliary firefighters but does not include  
5420 part-time firefighters or auxiliary firefighters. However, for  
5421 purposes of this chapter only, the term also includes public  
5422 safety officers who are responsible for performing both police  
5423 and fire services, who are certified as police officers or

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5424 firefighters, and who are certified by their employers to the  
5425 Chief Financial Officer as participating in this chapter before  
5426 October 1, 1979. Effective October 1, 1979, public safety  
5427 officers who have not been certified as participating in this  
5428 chapter are considered police officers for retirement purposes  
5429 and are eligible to participate in chapter 185. Any plan may  
5430 provide that the fire chief has an option to participate, or  
5431 not, in that plan.

5432 Section 128. Subsection (3) of section 175.121, Florida  
5433 Statutes, is amended to read:

5434 175.121 Department of Revenue and Division of Retirement to  
5435 keep accounts of deposits; disbursements.—For any municipality  
5436 or special fire control district having a chapter or local law  
5437 plan established pursuant to this chapter:

5438 (3) (a) All moneys not distributed to municipalities and  
5439 special fire control districts under this section as a result of  
5440 the limitation on disbursement contained in s. 175.122, or as a  
5441 result of any municipality or special fire control district not  
5442 having qualified in any given year, or portion thereof, shall be  
5443 transferred to the Firefighters' Supplemental Compensation Trust  
5444 Fund administered by the Department of Revenue, as provided in  
5445 s. 633.422 ~~633.382~~.

5446 (b)1. Moneys transferred under paragraph (a) but not needed  
5447 to support the supplemental compensation program in a given year  
5448 shall be redistributed pro rata to those participating  
5449 municipalities and special fire control districts that transfer  
5450 any portion of their funds to support the supplemental  
5451 compensation program in that year. Such additional moneys shall  
5452 be used to cover or offset costs of the retirement plan.

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5453           2. To assist the Department of Revenue, the division shall  
5454 identify those municipalities and special fire control districts  
5455 that are eligible for redistribution as provided in s.  
5456 633.422(3)(c)2. ~~633.382(4)(c)2.~~, by listing the municipalities  
5457 and special fire control districts from which funds were  
5458 transferred under paragraph (a) and specifying the amount  
5459 transferred by each.

5460           Section 129. Paragraph (e) of subsection (1) of section  
5461 218.23, Florida Statutes, is amended to read:

5462           218.23 Revenue sharing with units of local government.—

5463           (1) To be eligible to participate in revenue sharing beyond  
5464 the minimum entitlement in any fiscal year, a unit of local  
5465 government is required to have:

5466           (e) Certified that persons in its employ as firefighters,  
5467 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for  
5468 employment as established by the Division of State Fire Marshal  
5469 pursuant to ~~the provisions of~~ ss. 633.412 ~~633.34~~ and 633.408  
5470 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 has ~~633.382~~ have  
5471 been met.

5472  
5473 Additionally, to receive its share of revenue sharing funds, a  
5474 unit of local government shall certify to the Department of  
5475 Revenue that the requirements of s. 200.065, if applicable, were  
5476 met. The certification shall be made annually within 30 days of  
5477 adoption of an ordinance or resolution establishing a final  
5478 property tax levy or, if no property tax is levied, not later  
5479 than November 1. The portion of revenue sharing funds which,  
5480 pursuant to this part, would otherwise be distributed to a unit  
5481 of local government which has not certified compliance or has

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5482 otherwise failed to meet the requirements of s. 200.065 shall be  
5483 deposited in the General Revenue Fund for the 12 months  
5484 following a determination of noncompliance by the department.

5485 Section 130. Paragraph (a) of subsection (3) of section  
5486 252.515, Florida Statutes, is amended to read:

5487 252.515 Postdisaster Relief Assistance Act; immunity from  
5488 civil liability.—

5489 (3) As used in this section, the term:

5490 (a) "Emergency first responder" means:

- 5491 1. A physician licensed under chapter 458.
- 5492 2. An osteopathic physician licensed under chapter 459.
- 5493 3. A chiropractic physician licensed under chapter 460.
- 5494 4. A podiatric physician licensed under chapter 461.
- 5495 5. A dentist licensed under chapter 466.
- 5496 6. An advanced registered nurse practitioner certified  
5497 under s. 464.012.
- 5498 7. A physician assistant licensed under s. 458.347 or s.  
5499 459.022.
- 5500 8. A worker employed by a public or private hospital in the  
5501 state.
- 5502 9. A paramedic as defined in s. 401.23(17).
- 5503 10. An emergency medical technician as defined in s.  
5504 401.23(11).
- 5505 11. A firefighter as defined in s. 633.102 ~~633.30~~.
- 5506 12. A law enforcement officer as defined in s. 943.10.
- 5507 13. A member of the Florida National Guard.
- 5508 14. Any other personnel designated as emergency personnel  
5509 by the Governor pursuant to a declared emergency.

5510 Section 131. Section 255.45, Florida Statutes, is amended

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5511 to read:

5512           255.45 Correction of firesafety violations in certain  
5513 state-owned property.—The Department of Management Services is  
5514 responsible for ensuring that firesafety violations that are  
5515 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~  
5516 are corrected as soon as practicable for all state-owned  
5517 property which is leased from the Department of Management  
5518 Services.

5519           Section 132. Subsection (4) of section 258.0145, Florida  
5520 Statutes, is amended to read:

5521           258.0145 Military state park fee discounts.—The Division of  
5522 Recreation and Parks shall provide the following discounts on  
5523 park fees to persons who present written documentation  
5524 satisfactory to the division which evidences their eligibility  
5525 for the discounts:

5526           (4) The surviving spouse and parents of a law enforcement  
5527 officer, as defined in s. 943.10(1), or a firefighter, as  
5528 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of  
5529 duty shall receive lifetime family annual entrance passes at no  
5530 charge.

5531           Section 133. Subsection (1) of section 281.02, Florida  
5532 Statutes, is amended to read:

5533           281.02 Powers and duties of the Department of Management  
5534 Services with respect to firesafety and security.—The Department  
5535 of Management Services has the following powers and duties with  
5536 respect to firesafety and security:

5537           (1) To assist the State Fire Marshal in maintaining the  
5538 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

5539           Section 134. Subsection (1) of section 384.287, Florida

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5540 Statutes, is amended to read:

5541 384.287 Screening for sexually transmissible disease.—

5542 (1) An officer as defined in s. 943.10(14); support  
5543 personnel as defined in s. 943.10(11) who are employed by the  
5544 Department of Law Enforcement, including, but not limited to,  
5545 any crime scene analyst, forensic technologist, or crime lab  
5546 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or  
5547 ambulance driver, paramedic, or emergency medical technician as  
5548 defined in s. 401.23, acting within the scope of employment, who  
5549 comes into contact with a person in such a way that significant  
5550 exposure, as defined in s. 381.004, has occurred may request  
5551 that the person be screened for a sexually transmissible disease  
5552 that can be transmitted through a significant exposure.

5553 Section 135. Paragraph (a) of subsection (1) of section  
5554 395.0163, Florida Statutes, is amended to read:

5555 395.0163 Construction inspections; plan submission and  
5556 approval; fees.—

5557 (1)(a) The design, construction, erection, alteration,  
5558 modification, repair, and demolition of all public and private  
5559 health care facilities are governed by the Florida Building Code  
5560 and the Florida Fire Prevention Code under ss. 553.73 and  
5561 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79  
5562 and 553.80, the agency shall review facility plans and survey  
5563 the construction of any facility licensed under this chapter.  
5564 The agency shall make, or cause to be made, such construction  
5565 inspections and investigations as it deems necessary. The agency  
5566 may prescribe by rule that any licensee or applicant desiring to  
5567 make specified types of alterations or additions to its  
5568 facilities or to construct new facilities shall, before



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5569 commencing such alteration, addition, or new construction,  
5570 submit plans and specifications therefor to the agency for  
5571 preliminary inspection and approval or recommendation with  
5572 respect to compliance with applicable provisions of the Florida  
5573 Building Code or agency rules and standards. The agency shall  
5574 approve or disapprove the plans and specifications within 60  
5575 days after receipt of the fee for review of plans as required in  
5576 subsection (2). The agency may be granted one 15-day extension  
5577 for the review period if the director of the agency approves the  
5578 extension. If the agency fails to act within the specified time,  
5579 it shall be deemed to have approved the plans and  
5580 specifications. When the agency disapproves plans and  
5581 specifications, it shall set forth in writing the reasons for  
5582 its disapproval. Conferences and consultations may be provided  
5583 as necessary.

5584 Section 136. Section 400.232, Florida Statutes, is amended  
5585 to read:

5586 400.232 Review and approval of plans; fees and costs.—The  
5587 design, construction, erection, alteration, modification,  
5588 repair, and demolition of all public and private health care  
5589 facilities are governed by the Florida Building Code and the  
5590 Florida Fire Prevention Code under ss. 553.73 and 633.206  
5591 ~~633.022~~. In addition to the requirements of ss. 553.79 and  
5592 553.80, the agency shall review the facility plans and survey  
5593 the construction of facilities licensed under this chapter.

5594 (1) The agency shall approve or disapprove the plans and  
5595 specifications within 60 days after receipt of the final plans  
5596 and specifications. The agency may be granted one 15-day  
5597 extension for the review period, if the director of the agency

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5598 so approves. If the agency fails to act within the specified  
5599 time, it shall be deemed to have approved the plans and  
5600 specifications. When the agency disapproves plans and  
5601 specifications, it shall set forth in writing the reasons for  
5602 disapproval. Conferences and consultations may be provided as  
5603 necessary.

5604 (2) The agency may ~~is authorized to~~ charge an initial fee  
5605 of \$2,000 for review of plans and construction on all projects,  
5606 no part of which is refundable. The agency may also collect a  
5607 fee, not to exceed 1 percent of the estimated construction cost  
5608 or the actual cost of review, whichever is less, for the portion  
5609 of the review which encompasses initial review through the  
5610 initial revised construction document review. The agency is  
5611 further authorized to collect its actual costs on all subsequent  
5612 portions of the review and construction inspections. Initial fee  
5613 payment shall accompany the initial submission of plans and  
5614 specifications. Any subsequent payment that is due is payable  
5615 upon receipt of the invoice from the agency. Notwithstanding any  
5616 other ~~provisions of~~ law to the contrary, all money received by  
5617 the agency pursuant to ~~the provisions of~~ this section shall be  
5618 ~~deemed to be~~ trust funds, to be held and applied solely for the  
5619 operations required under this section.

5620 Section 137. Section 400.915, Florida Statutes, is amended  
5621 to read:

5622 400.915 Construction and renovation; requirements.—The  
5623 requirements for the construction or renovation of a PPEC center  
5624 shall comply with:

5625 (1) The provisions of chapter 553, which pertain to  
5626 building construction standards, including plumbing, electrical

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5627 code, glass, manufactured buildings, accessibility for the  
5628 physically disabled;

5629 (2) Section 633.206 ~~The provisions of s. 633.022~~ and  
5630 applicable rules pertaining to physical standards for  
5631 nonresidential child care facilities; and

5632 (3) The standards or rules adopted pursuant to this part  
5633 and part II of chapter 408.

5634 Section 138. Paragraph (a) of subsection (1) of section  
5635 429.41, Florida Statutes, is amended to read:

5636 429.41 Rules establishing standards.—

5637 (1) It is the intent of the Legislature that rules  
5638 published and enforced pursuant to this section shall include  
5639 criteria by which a reasonable and consistent quality of  
5640 resident care and quality of life may be ensured and the results  
5641 of such resident care may be demonstrated. Such rules shall also  
5642 ensure a safe and sanitary environment that is residential and  
5643 noninstitutional in design or nature. It is further intended  
5644 that reasonable efforts be made to accommodate the needs and  
5645 preferences of residents to enhance the quality of life in a  
5646 facility. The agency, in consultation with the department, may  
5647 adopt rules to administer the requirements of part II of chapter  
5648 408. In order to provide safe and sanitary facilities and the  
5649 highest quality of resident care accommodating the needs and  
5650 preferences of residents, the department, in consultation with  
5651 the agency, the Department of Children and Family Services, and  
5652 the Department of Health, shall adopt rules, policies, and  
5653 procedures to administer this part, which must include  
5654 reasonable and fair minimum standards in relation to:

5655 (a) The requirements for and maintenance of facilities, not

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5656 in conflict with ~~the provisions of~~ chapter 553, relating to  
5657 plumbing, heating, cooling, lighting, ventilation, living space,  
5658 and other housing conditions, which will ensure the health,  
5659 safety, and comfort of residents and protection from fire  
5660 hazard, including adequate provisions for fire alarm and other  
5661 fire protection suitable to the size of the structure. Uniform  
5662 firesafety standards shall be established and enforced by the  
5663 State Fire Marshal in cooperation with the agency, the  
5664 department, and the Department of Health.

5665 1. Evacuation capability determination.—

5666 a. The ~~provisions of the~~ National Fire Protection  
5667 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used  
5668 for determining the ability of the residents, with or without  
5669 staff assistance, to relocate from or within a licensed facility  
5670 to a point of safety as provided in the fire codes adopted  
5671 herein. An evacuation capability evaluation for initial  
5672 licensure shall be conducted within 6 months after the date of  
5673 licensure. For existing licensed facilities that are not  
5674 equipped with an automatic fire sprinkler system, the  
5675 administrator shall evaluate the evacuation capability of  
5676 residents at least annually. The evacuation capability  
5677 evaluation for each facility not equipped with an automatic fire  
5678 sprinkler system shall be validated, without liability, by the  
5679 State Fire Marshal, by the local fire marshal, or by the local  
5680 authority having jurisdiction over firesafety, before the  
5681 license renewal date. If the State Fire Marshal, local fire  
5682 marshal, or local authority having jurisdiction over firesafety  
5683 has reason to believe that the evacuation capability of a  
5684 facility as reported by the administrator may have changed, it

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5685 may, with assistance from the facility administrator, reevaluate  
5686 the evacuation capability through timed exiting drills.  
5687 Translation of timed fire exiting drills to evacuation  
5688 capability may be determined:

5689 (I) Three minutes or less: prompt.

5690 (II) More than 3 minutes, but not more than 13 minutes:  
5691 slow.

5692 (III) More than 13 minutes: impractical.

5693 b. The Office of the State Fire Marshal shall provide or  
5694 cause the provision of training and education on the proper  
5695 application of Chapter 5, NFPA 101A, 1995 edition, to its  
5696 employees, to staff of the Agency for Health Care Administration  
5697 who are responsible for regulating facilities under this part,  
5698 and to local governmental inspectors. The Office of the State  
5699 Fire Marshal shall provide or cause the provision of this  
5700 training within its existing budget, but may charge a fee for  
5701 this training to offset its costs. The initial training must be  
5702 delivered within 6 months after July 1, 1995, and as needed  
5703 thereafter.

5704 c. The Office of the State Fire Marshal, in cooperation  
5705 with provider associations, shall provide or cause the provision  
5706 of a training program designed to inform facility operators on  
5707 how to properly review bid documents relating to the  
5708 installation of automatic fire sprinklers. The Office of the  
5709 State Fire Marshal shall provide or cause the provision of this  
5710 training within its existing budget, but may charge a fee for  
5711 this training to offset its costs. The initial training must be  
5712 delivered within 6 months after July 1, 1995, and as needed  
5713 thereafter.

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5714 d. The administrator of a licensed facility shall sign an  
5715 affidavit verifying the number of residents occupying the  
5716 facility at the time of the evacuation capability evaluation.

5717 2. Firesafety requirements.-

5718 a. Except for the special applications provided herein,  
5719 effective January 1, 1996, the ~~provisions of the~~ National Fire  
5720 Protection Association, Life Safety Code, NFPA 101, 1994  
5721 edition, Chapter 22 for new facilities and Chapter 23 for  
5722 existing facilities shall be the uniform fire code applied by  
5723 the State Fire Marshal for assisted living facilities, pursuant  
5724 to s. 633.206 ~~633.022~~.

5725 b. Any new facility, regardless of size, that applies for a  
5726 license on or after January 1, 1996, must be equipped with an  
5727 automatic fire sprinkler system. The exceptions as provided in  
5728 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply  
5729 to any new facility housing eight or fewer residents. On July 1,  
5730 1995, local governmental entities responsible for the issuance  
5731 of permits for construction shall inform, without liability, any  
5732 facility whose permit for construction is obtained before ~~prior~~  
5733 ~~to~~ January 1, 1996, of this automatic fire sprinkler  
5734 requirement. As used in this part, the term "a new facility"  
5735 does not mean an existing facility that has undergone change of  
5736 ownership.

5737 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or  
5738 of the National Fire Protection Association, NFPA 101A, Chapter  
5739 5, 1995 edition, to the contrary, any existing facility housing  
5740 eight or fewer residents is not required to install an automatic  
5741 fire sprinkler system, nor to comply with any other requirement  
5742 in Chapter 23, NFPA 101, 1994 edition, that exceeds the

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5743 firesafety requirements of NFPA 101, 1988 edition, that applies  
5744 to this size facility, unless the facility has been classified  
5745 as impractical to evacuate. Any existing facility housing eight  
5746 or fewer residents that is classified as impractical to evacuate  
5747 must install an automatic fire sprinkler system within the  
5748 timeframes granted in this section.

5749 d. Any existing facility that is required to install an  
5750 automatic fire sprinkler system under this paragraph need not  
5751 meet other firesafety requirements of Chapter 23, NFPA 101, 1994  
5752 edition, which exceed the provisions of NFPA 101, 1988 edition.  
5753 The mandate contained in this paragraph which requires certain  
5754 facilities to install an automatic fire sprinkler system  
5755 supersedes any other requirement.

5756 e. This paragraph does not supersede the exceptions granted  
5757 in NFPA 101, 1988 edition or 1994 edition.

5758 f. This paragraph does not exempt facilities from other  
5759 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local  
5760 building code requirements in effect before July 1, 1995.

5761 g. A local government may charge fees only in an amount not  
5762 to exceed the actual expenses incurred by local government  
5763 relating to the installation and maintenance of an automatic  
5764 fire sprinkler system in an existing and properly licensed  
5765 assisted living facility structure as of January 1, 1996.

5766 h. If a licensed facility undergoes major reconstruction or  
5767 addition to an existing building on or after January 1, 1996,  
5768 the entire building must be equipped with an automatic fire  
5769 sprinkler system. Major reconstruction of a building means  
5770 repair or restoration that costs in excess of 50 percent of the  
5771 value of the building as reported on the tax rolls, excluding

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5772 land, before reconstruction. Multiple reconstruction projects  
5773 within a 5-year period the total costs of which exceed 50  
5774 percent of the initial value of the building when ~~at the time~~  
5775 the first reconstruction project was permitted are to be  
5776 considered as major reconstruction. Application for a permit for  
5777 an automatic fire sprinkler system is required upon application  
5778 for a permit for a reconstruction project that creates costs  
5779 that go over the 50-percent threshold.

5780 i. Any facility licensed before January 1, 1996, that is  
5781 required to install an automatic fire sprinkler system shall  
5782 ensure that the installation is completed within the following  
5783 timeframes based upon evacuation capability of the facility as  
5784 determined under subparagraph 1.:

5785 (I) Impractical evacuation capability, 24 months.

5786 (II) Slow evacuation capability, 48 months.

5787 (III) Prompt evacuation capability, 60 months.

5788

5789 The beginning date from which the deadline for the automatic  
5790 fire sprinkler installation requirement must be calculated is  
5791 upon receipt of written notice from the local fire official that  
5792 an automatic fire sprinkler system must be installed. The local  
5793 fire official shall send a copy of the document indicating the  
5794 requirement of a fire sprinkler system to the Agency for Health  
5795 Care Administration.

5796 j. It is recognized that the installation of an automatic  
5797 fire sprinkler system may create financial hardship for some  
5798 facilities. The appropriate local fire official shall, without  
5799 liability, grant two 1-year extensions to the timeframes for  
5800 installation established herein, if an automatic fire sprinkler



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5801 installation cost estimate and proof of denial from two  
5802 financial institutions for a construction loan to install the  
5803 automatic fire sprinkler system are submitted. However, for any  
5804 facility with a class I or class II, or a history of uncorrected  
5805 class III, firesafety deficiencies, an extension must not be  
5806 granted. The local fire official shall send a copy of the  
5807 document granting the time extension to the Agency for Health  
5808 Care Administration.

5809 k. A facility owner whose facility is required to be  
5810 equipped with an automatic fire sprinkler system under Chapter  
5811 23, NFPA 101, 1994 edition, as adopted herein, must disclose to  
5812 any potential buyer of the facility that an installation of an  
5813 automatic fire sprinkler requirement exists. The sale of the  
5814 facility does not alter the timeframe for the installation of  
5815 the automatic fire sprinkler system.

5816 l. Existing facilities required to install an automatic  
5817 fire sprinkler system as a result of construction-type  
5818 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted  
5819 herein, or evacuation capability requirements shall be notified  
5820 by the local fire official in writing of the automatic fire  
5821 sprinkler requirement, as well as the appropriate date for final  
5822 compliance as provided in this subparagraph. The local fire  
5823 official shall send a copy of the document to the Agency for  
5824 Health Care Administration.

5825 m. Except in cases of life-threatening fire hazards, if an  
5826 existing facility experiences a change in the evacuation  
5827 capability, or if the local authority having jurisdiction  
5828 identifies a construction-type restriction, such that an  
5829 automatic fire sprinkler system is required, it shall be given

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5830 ~~afforded~~ time for installation as provided in this subparagraph.

5831  
5832 Facilities that are fully sprinkled and in compliance with other  
5833 firesafety standards are not required to conduct more than one  
5834 of the required fire drills between the hours of 11 p.m. and 7  
5835 a.m., per year. In lieu of the remaining drills, staff  
5836 responsible for residents during such hours may be required to  
5837 participate in a mock drill that includes a review of evacuation  
5838 procedures. Such standards must be included or referenced in the  
5839 rules adopted by the State Fire Marshal. Pursuant to s.

5840 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final  
5841 administrative authority for firesafety standards established  
5842 and enforced pursuant to this section. All licensed facilities  
5843 must have an annual fire inspection conducted by the local fire  
5844 marshal or authority having jurisdiction.

5845 3. Resident elopement requirements.—Facilities are required  
5846 to conduct a minimum of two resident elopement prevention and  
5847 response drills per year. All administrators and direct care  
5848 staff must participate in the drills which shall include a  
5849 review of procedures to address resident elopement. Facilities  
5850 must document the implementation of the drills and ensure that  
5851 the drills are conducted in a manner consistent with the  
5852 facility's resident elopement policies and procedures.

5853 Section 139. Subsection (1) of section 429.44, Florida  
5854 Statutes, is amended to read:

5855 429.44 Construction and renovation; requirements.—

5856 (1) The requirements for the construction and renovation of  
5857 a facility shall comply with ~~the provisions of~~ chapter 553 which  
5858 pertains ~~pertain~~ to building construction standards, including

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5859 plumbing, electrical code, glass, manufactured buildings,  
5860 accessibility for persons with disabilities, and the state  
5861 minimum building code and with ~~the provisions of s. 633.206~~  
5862 ~~633.022~~, which pertains ~~pertain~~ to uniform firesafety standards.

5863 Section 140. Subsection (2) of section 429.73, Florida  
5864 Statutes, is amended to read:

5865 429.73 Rules and standards relating to adult family-care  
5866 homes.—

5867 (2) The department shall by rule provide minimum standards  
5868 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,  
5869 the State Fire Marshal, in consultation with the department and  
5870 the agency, shall adopt uniform firesafety standards for adult  
5871 family-care homes.

5872 Section 141. Subsection (4) of section 447.203, Florida  
5873 Statutes, is amended to read:

5874 447.203 Definitions.—As used in this part:

5875 (4) "Managerial employees" are those employees who:

5876 (a) Perform jobs that are not of a routine, clerical, or  
5877 ministerial nature and require the exercise of independent  
5878 judgment in the performance of such jobs and to whom one or more  
5879 of the following applies:

5880 1. They formulate or assist in formulating policies which  
5881 are applicable to bargaining unit employees.

5882 2. They may reasonably be required on behalf of the  
5883 employer to assist in the preparation for the conduct of  
5884 collective bargaining negotiations.

5885 3. They have a role in the administration of agreements  
5886 resulting from collective bargaining negotiations.

5887 4. They have a significant role in personnel

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5888 administration.

5889 5. They have a significant role in employee relations.

5890 6. They are included in the definition of administrative  
5891 personnel contained in s. 1012.01(3).

5892 7. They have a significant role in the preparation or  
5893 administration of budgets for any public agency or institution  
5894 or subdivision thereof.

5895 (b) Serve as police chiefs, fire chiefs, or directors of  
5896 public safety of any police, fire, or public safety department.  
5897 Other police officers, as defined in s. 943.10(1), and  
5898 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be  
5899 determined by the commission to be managerial employees of such  
5900 departments. In making such determinations, the commission shall  
5901 consider, in addition to the criteria established in paragraph  
5902 (a), the paramilitary organizational structure of the department  
5903 involved.

5904

5905 However, in determining whether an individual is a managerial  
5906 employee pursuant to either paragraph (a) or paragraph (b),  
5907 above, the commission may consider historic relationships of the  
5908 employee to the public employer and to coemployees.

5909 Section 142. Subsection (1) of section 468.602, Florida  
5910 Statutes, is amended to read:

5911 468.602 Exemptions.—This part does not apply to:

5912 (1) Persons who possess a valid certificate, issued  
5913 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety  
5914 inspections, when conducting firesafety inspections.

5915 Section 143. Paragraph (c) of subsection (2) of section  
5916 468.609, Florida Statutes, is amended to read:

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5917           468.609 Administration of this part; standards for  
5918 certification; additional categories of certification.—

5919           (2) A person may take the examination for certification as  
5920 a building code inspector or plans examiner pursuant to this  
5921 part if the person:

5922           (c) Meets eligibility requirements according to one of the  
5923 following criteria:

5924           1. Demonstrates 5 years' combined experience in the field  
5925 of construction or a related field, building code inspection, or  
5926 plans review corresponding to the certification category sought;

5927           2. Demonstrates a combination of postsecondary education in  
5928 the field of construction or a related field and experience  
5929 which totals 4 years, with at least 1 year of such total being  
5930 experience in construction, building code inspection, or plans  
5931 review;

5932           3. Demonstrates a combination of technical education in the  
5933 field of construction or a related field and experience which  
5934 totals 4 years, with at least 1 year of such total being  
5935 experience in construction, building code inspection, or plans  
5936 review;

5937           4. Currently holds a standard certificate as issued by the  
5938 board, or a fire safety inspector license issued pursuant to  
5939 chapter 633, has a minimum of 5 years' verifiable full-time  
5940 experience in inspection or plan review, and satisfactorily  
5941 completes a building code inspector or plans examiner training  
5942 program of not less than 200 hours in the certification category  
5943 sought. The board shall establish by rule criteria for the  
5944 development and implementation of the training programs; or

5945           5. Demonstrates a combination of the completion of an

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5946 approved training program in the field of building code  
5947 inspection or plan review and a minimum of 2 years' experience  
5948 in the field of building code inspection, plan review, fire code  
5949 inspections and fire plans review of new buildings as a  
5950 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or  
5951 construction. The approved training portion of this requirement  
5952 shall include proof of satisfactory completion of a training  
5953 program of not less than 300 hours which is approved by the  
5954 board in the chosen category of building code inspection or plan  
5955 review in the certification category sought with not less than  
5956 20 hours of instruction in state laws, rules, and ethics  
5957 relating to professional standards of practice, duties, and  
5958 responsibilities of a certificateholder. The board shall  
5959 coordinate with the Building Officials Association of Florida,  
5960 Inc., to establish by rule the development and implementation of  
5961 the training program.

5962 Section 144. Subsection (22) of section 489.103, Florida  
5963 Statutes, is amended to read:

5964 489.103 Exemptions.—This part does not apply to:

5965 (22) A person licensed pursuant to s. 633.304(1)(d)  
5966 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such  
5967 license.

5968 Section 145. Paragraph (n) of subsection (3) of section  
5969 489.105, Florida Statutes, is amended to read:

5970 489.105 Definitions.—As used in this part:

5971 (3) "Contractor" means the person who is qualified for, and  
5972 is only responsible for, the project contracted for and means,  
5973 except as exempted in this part, the person who, for  
5974 compensation, undertakes to, submits a bid to, or does himself

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5975 or herself or by others construct, repair, alter, remodel, add  
5976 to, demolish, subtract from, or improve any building or  
5977 structure, including related improvements to real estate, for  
5978 others or for resale to others; and whose job scope is  
5979 substantially similar to the job scope described in one of the  
5980 paragraphs of this subsection. For the purposes of regulation  
5981 under this part, the term "demolish" applies only to demolition  
5982 of steel tanks more than 50 feet in height; towers more than 50  
5983 feet in height; other structures more than 50 feet in height;  
5984 and all buildings or residences. Contractors are subdivided into  
5985 two divisions, Division I, consisting of those contractors  
5986 defined in paragraphs (a)-(c), and Division II, consisting of  
5987 those contractors defined in paragraphs (d)-(q):

5988 (n) "Underground utility and excavation contractor" means a  
5989 contractor whose services are limited to the construction,  
5990 installation, and repair, on public or private property, whether  
5991 accomplished through open excavations or through other means,  
5992 including, but not limited to, directional drilling, auger  
5993 boring, jacking and boring, trenchless technologies, wet and dry  
5994 taps, grouting, and sliplining, of main sanitary sewer  
5995 collection systems, main water distribution systems, storm sewer  
5996 collection systems, and the continuation of utility lines from  
5997 the main systems to a point of termination up to and including  
5998 the meter location for the individual occupancy, sewer  
5999 collection systems at property line on residential or single-  
6000 occupancy commercial properties, or on multioccupancy properties  
6001 at manhole or wye lateral extended to an invert elevation as  
6002 engineered to accommodate future building sewers, water  
6003 distribution systems, or storm sewer collection systems at storm

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6004 sewer structures. However, an underground utility and excavation  
6005 contractor may install empty underground conduits in rights-of-  
6006 way, easements, platted rights-of-way in new site development,  
6007 and sleeves for parking lot crossings no smaller than 2 inches  
6008 in diameter if each conduit system installed is designed by a  
6009 licensed professional engineer or an authorized employee of a  
6010 municipality, county, or public utility and the installation of  
6011 such conduit does not include installation of any conductor  
6012 wiring or connection to an energized electrical system. An  
6013 underground utility and excavation contractor may not install  
6014 piping that is an integral part of a fire protection system as  
6015 defined in s. 633.102 ~~633.021~~ beginning at the point where the  
6016 piping is used exclusively for such system.

6017 Section 146. Subsection (9) of section 496.404, Florida  
6018 Statutes, is amended to read:

6019 496.404 Definitions.—As used in ss. 496.401-496.424:

6020 (9) "Emergency service employee" means any employee who is  
6021 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance  
6022 driver, emergency medical technician, or paramedic, as defined  
6023 in s. 401.23.

6024 Section 147. Paragraph (a) of subsection (7) of section  
6025 509.032, Florida Statutes, is amended to read:

6026 509.032 Duties.—

6027 (7) PREEMPTION AUTHORITY.—

6028 (a) The regulation of public lodging establishments and  
6029 public food service establishments, including, but not limited  
6030 to, sanitation standards, inspections, training and testing of  
6031 personnel, and matters related to the nutritional content and  
6032 marketing of foods offered in such establishments, is preempted



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6033 to the state. This paragraph does not preempt the authority of a  
6034 local government or local enforcement district to conduct  
6035 inspections of public lodging and public food service  
6036 establishments for compliance with the Florida Building Code and  
6037 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
6038 633.206 ~~633.022~~.

6039 Section 148. Section 513.05, Florida Statutes, is amended  
6040 to read:

6041 513.05 Rules.—The department may adopt rules pertaining to  
6042 the location, construction, modification, equipment, and  
6043 operation of mobile home parks, lodging parks, recreational  
6044 vehicle parks, and recreational camps, except as provided in s.  
6045 633.206 ~~633.022~~, as necessary to administer this chapter. Such  
6046 rules may include definitions of terms; requirements for plan  
6047 reviews of proposed and existing parks and camps; plan reviews  
6048 of parks that consolidate space or change space size; water  
6049 supply; sewage collection and disposal; plumbing and backflow  
6050 prevention; garbage and refuse storage, collection, and  
6051 disposal; insect and rodent control; space requirements; heating  
6052 facilities; food service; lighting; sanitary facilities;  
6053 bedding; an occupancy equivalency to spaces for permits for  
6054 recreational camps; sanitary facilities in recreational vehicle  
6055 parks; and the owners' responsibilities at recreational vehicle  
6056 parks and recreational camps.

6057 Section 149. Paragraph (d) of subsection (1) and paragraph  
6058 (f) of subsection (11) of section 553.73, Florida Statutes, are  
6059 amended to read:

6060 553.73 Florida Building Code.—

6061 (1)

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6062 (d) Conflicting requirements between the Florida Building  
6063 Code and the Florida Fire Prevention Code and Life Safety Code  
6064 of the state established pursuant to ss. 633.206 ~~633.022~~ and  
6065 633.208 ~~633.025~~ shall be resolved by agreement between the  
6066 commission and the State Fire Marshal in favor of the  
6067 requirement that offers the greatest degree of lifesafety or  
6068 alternatives that would provide an equivalent degree of  
6069 lifesafety and an equivalent method of construction. If the  
6070 commission and State Fire Marshal are unable to agree on a  
6071 resolution, the question shall be referred to a mediator,  
6072 mutually agreeable to both parties, to resolve the conflict in  
6073 favor of the provision that offers the greatest lifesafety, or  
6074 alternatives that would provide an equivalent degree of  
6075 lifesafety and an equivalent method of construction.

6076 (11)

6077 (f) All decisions of the local building official and local  
6078 fire official and all decisions of the administrative board  
6079 shall be in writing and shall be binding upon a person ~~all~~  
6080 ~~persons~~ but do ~~shall~~ not limit the authority of the State Fire  
6081 Marshal or the Florida Building Commission pursuant to paragraph  
6082 (1) (d) and ss. 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of  
6083 general application shall be indexed by building and fire code  
6084 sections and shall be available for inspection during normal  
6085 business hours.

6086 Section 150. Paragraph (e) of subsection (1) of section  
6087 553.77, Florida Statutes, is amended to read:

6088 553.77 Specific powers of the commission.—

6089 (1) The commission shall:

6090 (e) Participate with the Florida Fire Code Advisory Council

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6091 created under s. 633.204 ~~633.72~~, to provide assistance and  
6092 recommendations relating to firesafety code interpretations. The  
6093 administrative staff of the commission shall attend meetings of  
6094 the Florida Fire Code Advisory Council and coordinate efforts to  
6095 provide consistency between the Florida Building Code and the  
6096 Florida Fire Prevention Code and the Life Safety Code.

6097 Section 151. Subsections (2) and (12) of section 553.79,  
6098 Florida Statutes, are amended to read:

6099 553.79 Permits; applications; issuance; inspections.—

6100 (2) Except as provided in subsection (6), an enforcing  
6101 agency may not issue any permit for construction, erection,  
6102 alteration, modification, repair, or demolition of any building  
6103 or structure until the local building code administrator or  
6104 inspector has reviewed the plans and specifications required by  
6105 the Florida Building Code, or local amendment thereto, for such  
6106 proposal and found the plans to be in compliance with the  
6107 Florida Building Code. If the local building code administrator  
6108 or inspector finds that the plans are not in compliance with the  
6109 Florida Building Code, the local building code administrator or  
6110 inspector shall identify the specific plan features that do not  
6111 comply with the applicable codes, identify the specific code  
6112 chapters and sections upon which the finding is based, and  
6113 provide this information to the local enforcing agency. The  
6114 local enforcing agency shall provide this information to the  
6115 permit applicant. In addition, an enforcing agency may not issue  
6116 any permit for construction, erection, alteration, modification,  
6117 repair, or demolition of any building until the appropriate  
6118 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~  
6119 has reviewed the plans and specifications required by the

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6120 Florida Building Code, or local amendment thereto, for such  
6121 proposal and found that the plans comply with the Florida Fire  
6122 Prevention Code and the Life Safety Code. Any building or  
6123 structure which is not subject to a firesafety code shall not be  
6124 required to have its plans reviewed by the firesafety inspector.  
6125 Any building or structure that is exempt from the local building  
6126 permit process may not be required to have its plans reviewed by  
6127 the local building code administrator. Industrial construction  
6128 on sites where design, construction, and firesafety are  
6129 supervised by appropriate design and inspection professionals  
6130 and which contain adequate in-house fire departments and rescue  
6131 squads is exempt, subject to local government option, from  
6132 review of plans and inspections, providing owners certify that  
6133 applicable codes and standards have been met and supply  
6134 appropriate approved drawings to local building and firesafety  
6135 inspectors. The enforcing agency shall issue a permit to  
6136 construct, erect, alter, modify, repair, or demolish any  
6137 building or structure when the plans and specifications for such  
6138 proposal comply with ~~the provisions of~~ the Florida Building Code  
6139 and the Florida Fire Prevention Code and the Life Safety Code as  
6140 determined by the local authority in accordance with this  
6141 chapter and chapter 633.

6142 (12) One-family and two-family detached residential  
6143 dwelling units are not subject to plan review by the local fire  
6144 official as described in this section or inspection by the local  
6145 fire official as described in s. 633.216 ~~633.081~~, unless  
6146 expressly made subject to the said plan review or inspection by  
6147 local ordinance.

6148 Section 152. Paragraph (d) of subsection (1) of section

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6149 590.02, Florida Statutes, is amended to read:

6150 590.02 Florida Forest Service; powers, authority, and  
6151 duties; liability; building structures; Florida Center for  
6152 Wildfire and Forest Resources Management Training.—

6153 (1) The Florida Forest Service has the following powers,  
6154 authority, and duties:

6155 (d) To appoint center managers, forest area supervisors,  
6156 forestry program administrators, a forest protection bureau  
6157 chief, a forest protection assistant bureau chief, a field  
6158 operations bureau chief, deputy chiefs of field operations,  
6159 district managers, forest operations administrators, senior  
6160 forest rangers, investigators, forest rangers, firefighter  
6161 rotorcraft pilots, and other employees who may, at the Florida  
6162 Forest Service's discretion, be certified as forestry  
6163 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other  
6164 ~~provisions of~~ law notwithstanding, center managers, district  
6165 managers, forest protection assistant bureau chief, and deputy  
6166 chiefs of field operations shall have Selected Exempt Service  
6167 status in the state personnel designation;

6168 Section 153. Section 627.4107, Florida Statutes, is amended  
6169 to read:

6170 627.4107 Government employees exposed to toxic drug  
6171 chemicals; cancellation of life or health policy or certificate  
6172 prohibited.—No life or health insurer may cancel or nonrenew a  
6173 life or health insurance policy or certificate of insurance  
6174 providing coverage to a state or local law enforcement officer  
6175 as defined in s. 943.10, firefighter as defined in s. 633.102  
6176 ~~633.30~~, emergency medical technician as defined in s. 401.23, or  
6177 paramedic as defined in s. 401.23, a volunteer firefighter as

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6178 defined in 633.102 engaged by state or local government, a law  
6179 enforcement officer employed by the Federal Government, or any  
6180 other local, state, or Federal Government employee solely based  
6181 on the fact that the individual has been exposed to toxic  
6182 chemicals or suffered injury or disease as a result of the  
6183 individual's lawful duties arising out of the commission of a  
6184 violation of chapter 893 by another person. This section does  
6185 not apply to a ~~any~~ person who commits an offense under chapter  
6186 893. This section does not prohibit an insurer from canceling or  
6187 nonrenewing an insurance policy or certificate, as permitted  
6188 under the applicable state insurance code, based on an act or  
6189 practice of the policyholder or certificateholder that  
6190 constitutes fraud or intentional misrepresentation of material  
6191 fact by the policyholder or certificateholder.

6192 Section 154. Subsection (10) of section 893.13, Florida  
6193 Statutes, is amended to read:

6194 893.13 Prohibited acts; penalties.—

6195 (10) If a person violates any provision of this chapter and  
6196 the violation results in a serious injury to a state or local  
6197 law enforcement officer as defined in s. 943.10, firefighter as  
6198 defined in s. 633.102 ~~633.30~~, emergency medical technician as  
6199 defined in s. 401.23, paramedic as defined in s. 401.23,  
6200 employee of a public utility or an electric utility as defined  
6201 in s. 366.02, animal control officer as defined in s. 828.27,  
6202 volunteer firefighter engaged by state or local government, law  
6203 enforcement officer employed by the Federal Government, or any  
6204 other local, state, or Federal Government employee injured  
6205 during the course and scope of his or her employment, the person  
6206 commits a felony of the third degree, punishable as provided in

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6207 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained  
6208 results in death or great bodily harm, the person commits a  
6209 felony of the second degree, punishable as provided in s.  
6210 775.082, s. 775.083, or s. 775.084.

6211 Section 155. Paragraph (g) of subsection (2) of section  
6212 934.03, Florida Statutes, is amended to read:

6213 934.03 Interception and disclosure of wire, oral, or  
6214 electronic communications prohibited.-

6215 (2)

6216 (g) It is lawful under ss. 934.03-934.09 for an employee  
6217 of:

6218 1. An ambulance service licensed pursuant to s. 401.25, a  
6219 fire station employing firefighters as defined by s. 633.102  
6220 ~~633.30~~, a public utility, a law enforcement agency as defined by  
6221 s. 934.02(10), or any other entity with published emergency  
6222 telephone numbers;

6223 2. An agency operating an emergency telephone number "911"  
6224 system established pursuant to s. 365.171; or

6225 3. The central abuse hotline operated pursuant to s. 39.201  
6226

6227 to intercept and record incoming wire communications; however,  
6228 such employee may intercept and record incoming wire  
6229 communications on designated "911" telephone numbers and  
6230 published nonemergency telephone numbers staffed by trained  
6231 dispatchers at public safety answering points only. It is also  
6232 lawful for such employee to intercept and record outgoing wire  
6233 communications to the numbers from which such incoming wire  
6234 communications were placed when necessary to obtain information  
6235 required to provide the emergency services being requested. For

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6236 the purpose of this paragraph, the term "public utility" has the  
6237 same meaning as provided in s. 366.02 and includes a person,  
6238 partnership, association, or corporation now or hereafter owning  
6239 or operating equipment or facilities in the state for conveying  
6240 or transmitting messages or communications by telephone or  
6241 telegraph to the public for compensation.

6242 Section 156. Paragraph (b) of subsection (4) of section  
6243 943.61, Florida Statutes, is amended to read:

6244 943.61 Powers and duties of the Capitol Police.—

6245 (4) The Capitol Police shall have the following  
6246 responsibilities, powers, and duties:

6247 (b) To provide and maintain the security of all property  
6248 located in the Capitol Complex in a manner consistent with the  
6249 security plans developed and approved under paragraph (a) and,  
6250 in consultation with the State Fire Marshal, to provide for  
6251 evacuations, information, and training required for firesafety  
6252 on such property in a manner consistent with s. 633.218 ~~633.085~~.

6253 Section 157. Paragraph (b) of subsection (18) of section  
6254 1002.33, Florida Statutes, is amended to read:

6255 1002.33 Charter schools.—

6256 (18) FACILITIES.—

6257 (b) A charter school shall use ~~utilize~~ facilities that  
6258 comply with the Florida Fire Prevention Code, pursuant to s.  
6259 633.208 ~~633.025~~, as adopted by the authority in whose  
6260 jurisdiction the facility is located as provided in paragraph  
6261 (a).

6262 Section 158. Subsection (9) of section 1002.34, Florida  
6263 Statutes, is amended to read:

6264 1002.34 Charter technical career centers.—



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6265 (9) FACILITIES.—A center may be located in any suitable  
6266 location, including part of an existing public school or Florida  
6267 College System institution building, space provided on a public  
6268 worksite, or a public building. A center's facilities must  
6269 comply with the State Uniform Building Code for Public  
6270 Educational Facilities Construction adopted pursuant to s.  
6271 1013.37, or with applicable state minimum building codes  
6272 pursuant to chapter 553, and state minimum fire protection codes  
6273 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in  
6274 whose jurisdiction the facility is located. If K-12 public  
6275 school funds are used for construction, the facility must remain  
6276 on the local school district's Florida Inventory of School  
6277 Houses (FISH) school building inventory of the district school  
6278 board and must revert to the district school board if the  
6279 consortium dissolves and the program is discontinued. If Florida  
6280 College System institution public school funds are used for  
6281 construction, the facility must remain on the local Florida  
6282 College System institution's facilities inventory and must  
6283 revert to the local Florida College System institution board of  
6284 trustees if the consortium dissolves and the program is  
6285 discontinued. The additional student capacity created by the  
6286 addition of the center to the local school district's FISH may  
6287 not be calculated in the permanent student capacity for the  
6288 purpose of determining need or eligibility for state capital  
6289 outlay funds while the facility is used as a center. If the  
6290 construction of the center is funded jointly by K-12 public  
6291 school funds and Florida College System institution funds, the  
6292 sponsoring entities must agree, before granting the charter, on  
6293 the appropriate owner and terms of transfer of the facility if

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6294 the charter is dissolved.

6295 Section 159. Subsection (1), paragraph (c) of subsection  
6296 (2), and paragraphs (a) and (c) of subsection (6) of section  
6297 1013.12, Florida Statutes, are amended to read:

6298 1013.12 Casualty, safety, sanitation, and firesafety  
6299 standards and inspection of property.—

6300 (1) FIRESAFETY.—The State Board of Education shall adopt  
6301 and administer rules prescribing standards for the safety and  
6302 health of occupants of educational and ancillary plants as a  
6303 part of State Requirements for Educational Facilities or the  
6304 Florida Building Code for educational facilities construction as  
6305 provided in s. 1013.37, except that the State Fire Marshal in  
6306 consultation with the Department of Education shall adopt  
6307 uniform firesafety standards for educational and ancillary  
6308 plants and educational facilities, as provided in s.

6309 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system  
6310 to be used as an alternate firesafety inspection standard for  
6311 existing educational and ancillary plants and educational  
6312 facilities. The uniform firesafety standards and the alternate  
6313 firesafety evaluation system shall be administered and enforced  
6314 by fire officials certified by the State Fire Marshal under s.  
6315 633.216 ~~633.081~~. These standards must be used by all public  
6316 agencies when inspecting public educational and ancillary  
6317 plants, and the firesafety standards must be used by county,  
6318 municipal, or independent special fire control district  
6319 inspectors when performing firesafety inspections of public  
6320 educational and ancillary plants and educational facilities. In  
6321 accordance with such standards, each board shall prescribe  
6322 policies and procedures establishing a comprehensive program of

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6323 safety and sanitation for the protection of occupants of public  
6324 educational and ancillary plants. Such policies must contain  
6325 procedures for periodic inspections as prescribed in this  
6326 section or chapter 633 and for withdrawal of any educational and  
6327 ancillary plant, or portion thereof, from use until unsafe or  
6328 unsanitary conditions are corrected or removed.

6329 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
6330 BOARDS.—

6331 (c) Under the direction of the fire official appointed by  
6332 the board under s. 1013.371(2), firesafety inspections of each  
6333 educational and ancillary plant located on property owned or  
6334 leased by the board, or other educational facilities operated by  
6335 the board, must be made no sooner than 1 year after issuance of  
6336 a certificate of occupancy and annually thereafter. Such  
6337 inspections shall be made by persons certified by the Division  
6338 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct  
6339 firesafety inspections in public educational and ancillary  
6340 plants. The board shall submit a copy of the firesafety  
6341 inspection report to the county, municipality, or independent  
6342 special fire control district providing fire protection services  
6343 to the school facility within 10 business days after the date of  
6344 the inspection. Alternate schedules for delivery of reports may  
6345 be agreed upon between the school district and the county,  
6346 municipality, or independent special fire control district  
6347 providing fire protection services to the site in cases in which  
6348 delivery is impossible due to hurricanes or other natural  
6349 disasters. Regardless, if immediate life-threatening  
6350 deficiencies are noted in the report, the report shall be  
6351 delivered immediately. In addition, the board and any other

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6352 authority conducting the fire safety inspection shall certify to  
6353 the State Fire Marshal that the annual inspection has been  
6354 completed. The certification shall be made electronically or by  
6355 such other means as directed by the State Fire Marshal.

6356 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
6357 FACILITIES.—

6358 (a) Firesafety inspections of public college facilities,  
6359 including charter schools located on board-owned or board-leased  
6360 facilities or otherwise operated by public college boards, shall  
6361 be made in accordance with the Florida Fire Prevention Code, as  
6362 adopted by the State Fire Marshal. Notwithstanding s. 633.202  
6363 ~~633.0215~~, provisions of the code relating to inspections of such  
6364 facilities are not subject to any local amendments as provided  
6365 by s. 1013.371. Each public college facility shall be inspected  
6366 annually by persons certified under s. 633.216 ~~633.081~~.

6367 (c) Firesafety inspections of state universities shall  
6368 comply with the Florida Fire Prevention Code, as adopted by the  
6369 State Fire Marshal under s. 633.202 ~~633.0215~~.

6370 Section 160. Paragraphs (a), (b), and (d) of subsection (2)  
6371 and paragraph (a) of subsection (4) of section 1013.38, Florida  
6372 Statutes, are amended to read:

6373 1013.38 Boards to ensure that facilities comply with  
6374 building codes and life safety codes.—

6375 (2) In addition to the submission of site plans, boards may  
6376 provide compliance as follows:

6377 (a) Boards or consortia may individually or cooperatively  
6378 provide review services under the insurance risk management  
6379 oversight through the use of board employees or consortia  
6380 employees registered pursuant to chapter 471, chapter 481, or

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6381 part XII of chapter 468 and firesafety inspectors certified  
6382 under s. 633.216 ~~633.081~~.

6383 (b) Boards may elect to review construction documents using  
6384 their own employees registered pursuant to chapter 471, chapter  
6385 481, or part XII of chapter 468 and firesafety inspectors  
6386 certified under s. 633.216 ~~633.081~~.

6387 (d) Boards or consortia may contract for plan review  
6388 services directly with engineers and architects registered  
6389 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
6390 certified under s. 633.216 ~~633.081~~.

6391 (4) (a) Before the commencement of any new construction,  
6392 renovation, or remodeling, the board shall:

6393 1. Approve or cause to be approved the construction  
6394 documents and evaluate such documents for compliance with the  
6395 Florida Building Code and the Florida Fire Prevention Code.

6396 2. Ensure compliance with all applicable firesafety codes  
6397 and standards by contracting with a firesafety inspector  
6398 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

6399 Section 161. This act shall take effect July 1, 2013.