

By the Committees on Community Affairs; and 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; requiring the State Fire
34 Marshal to investigate certain fires and explosions
35 under certain circumstances; transferring,
36 renumbering, and amending s. 633.111, F.S.; requiring
37 the State Fire Marshal to keep records of all fires
38 and explosions; transferring, renumbering, and
39 amending s. 633.02, F.S.; revising provisions relating
40 to the authority of agents of the State Fire Marshal;
41 transferring and renumbering s. 633.14, F.S., relating
42 to the powers of agents of the State Fire Marshal to
43 make arrests, conduct searches and seizures, serve
44 summonses, and carry firearms; transferring,
45 renumbering, and amending s. 633.121, F.S., relating
46 to persons authorized to enforce laws and rules of the
47 State Fire Marshal; revising terminology;
48 transferring, renumbering, and amending s. 633.151,
49 F.S.; clarifying provisions relating to impersonating
50 the State Fire Marshal, a firefighter, a firesafety
51 inspector, or a volunteer firefighter, for which a
52 criminal penalty is provided; transferring,
53 renumbering, and amending s. 633.171, F.S.; providing
54 penalties for rendering a fire protection system
55 required by statute or by rule inoperative; providing
56 penalties for using the certificate of another person,
57 holding a license or certificate and allowing another
58 person to use the license or certificate, and using or

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

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

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117 and Information to create part II of ch. 633, F.S.,
118 entitled "Fire Safety and Prevention"; transferring,
119 renumbering, and amending s. 633.0215, F.S., relating
120 to the Florida Fire Prevention Code; conforming cross-
121 references; deleting an obsolete provision;
122 transferring, renumbering, and amending s. 633.72,
123 F.S., relating to the Florida Fire Code Advisory
124 Council; revising membership of the council; providing
125 for semiannual meetings of the council; authorizing
126 the council to review proposed changes to the Florida
127 Fire Prevention Code and specified uniform firesafety
128 standards; conforming cross-references; transferring,
129 renumbering, and amending s. 633.022, F.S., relating
130 to uniform firesafety standards; revising
131 applicability of uniform firesafety standards;
132 removing obsolete provisions; transferring,
133 renumbering, and amending s. 633.025, F.S., relating
134 to minimum firesafety standards; deleting references
135 to the Life Safety Code; conforming provisions to
136 changes made by the act; conforming a cross-reference;
137 transferring, renumbering, and amending s. 633.026,
138 F.S., relating to informal interpretations of the
139 Florida Fire Prevention Code and legislative intent
140 with respect thereto; conforming provisions to changes
141 made by the act; conforming cross-references; revising
142 terminology to provide for declaratory statements
143 rather than formal interpretations in nonbinding
144 interpretations of Florida Fire Prevention Code
145 provisions; transferring, renumbering, and amending s.

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146 633.052, F.S., relating to ordinances relating to fire
147 safety and penalties for violation; conforming
148 terminology; providing that a special district may
149 enact any ordinance relating to fire safety codes that
150 is identical to ch. 633, F.S., or any state law,
151 except as to penalty; transferring, renumbering, and
152 amending s. 633.081, F.S., relating to inspection of
153 buildings and equipment; clarifying persons authorized
154 to inspect buildings and structures; conforming cross-
155 references; revising requirements of persons
156 conducting fire safety inspections; revising the
157 period of validity of, and continuing education
158 requirements for, fire safety inspector certificates;
159 requiring repeat training for certified firesafety
160 inspectors whose certification has lapsed for a
161 specified period; revising grounds for denial, refusal
162 to renew, suspension, or revocation of a fire safety
163 inspector certificate; requiring the department to
164 provide by rule for the certification of Fire Code
165 Administrators; transferring, renumbering, and
166 amending s. 633.085, F.S., relating to inspection of
167 state buildings and premises; defining the terms
168 "high-hazard occupancy" and "state-owned building";
169 providing for identification of state-owned buildings
170 or state-leased buildings or space; authorizing,
171 rather than requiring, the State Fire Marshal or
172 agents thereof to conduct performance tests on any
173 electronic fire warning and smoke detection system,
174 and any pressurized air-handling unit, in any state-

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

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204 transferring, renumbering, and amending s. 633.161,
205 F.S., relating to violations and enforcement of ch.
206 633, F.S., orders resulting from violations, and
207 penalties for violation; conforming cross-references;
208 providing a directive to the Division of Law Revision
209 and Information to create part III of ch. 633, F.S.,
210 entitled "Fire Protection and Suppression";
211 transferring, renumbering, and amending s. 633.511,
212 F.S., relating to the Florida Fire Safety Board;
213 conforming provisions to changes made by the act;
214 conforming cross-references; requiring the board to
215 act in an advisory capacity; authorizing the board to
216 review complaints and make recommendations; providing
217 for election of officers, quorum, and compensation of
218 the board; requiring the board to adopt a seal;
219 transferring, renumbering, and amending s. 633.061,
220 F.S., relating to licensure to install or maintain
221 fire suppression equipment; removing the fee schedule
222 from such provisions; revising provisions relating to
223 fire equipment dealers who wish to withdraw a
224 previously filed halon equipment exemption affidavit;
225 providing conditions that an applicant for a license
226 of any class who has facilities located outside the
227 state must meet in order to obtain a required
228 equipment inspection; providing for the adoption of
229 rules with respect to the establishment and
230 calculation of inspection costs; revising and
231 clarifying provisions that exclude from licensure for
232 a specified period applicants having a previous

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

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262 clarifying provisions and making technical changes;
263 conforming cross-references; transferring,
264 renumbering, and amending s. 633.551, F.S., relating
265 to county and municipal powers and the effect of ch.
266 75-240, Laws of Florida; making technical changes;
267 transferring and renumbering s. 633.527, F.S.,
268 relating to records concerning an applicant and the
269 extent of confidentiality; transferring and
270 renumbering s. 633.531, F.S., relating to statewide
271 effectiveness and nontransferability of certificates;
272 transferring, renumbering, and amending s. 633.534,
273 F.S., relating to the issuance of certificates to
274 individuals and business organizations; making a
275 technical change; transferring, renumbering, and
276 amending s. 633.537, F.S., relating to renewal and
277 expiration of certificates; deleting an obsolete
278 provision; deleting a provision which prescribes the
279 biennial renewal fee for an inactive status
280 certificate; making technical changes; transferring,
281 renumbering, and amending s. 633.539, F.S., relating
282 to requirements for installation, inspection, and
283 maintenance of fire protection systems; conforming a
284 cross-reference; transferring, renumbering, and
285 amending s. 633.541, F.S., relating to the prohibition
286 against contracting as a fire protection contractor
287 without a certificate and penalty for violation
288 thereof; conforming cross-references; making a
289 technical change; transferring, renumbering, and
290 amending s. 633.547, F.S., relating to disciplinary

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

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

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

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

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

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436 the Florida State Fire College; transferring,
437 renumbering, and amending s. 633.49, F.S., relating to
438 the use of buildings, equipment, and other facilities
439 of the fire college; conforming a cross-reference;
440 transferring, renumbering, and amending s. 633.50,
441 F.S., relating to additional duties of the Division of
442 State Fire Marshal related to the Florida State Fire
443 College; conforming cross-references; transferring and
444 renumbering s. 633.46, F.S., relating to fees to be
445 charged for training; providing a directive to the
446 Division of Law Revision and Information to create
447 part V of ch. 633, F.S., entitled "Florida
448 Firefighters Occupational Safety and Health Act";
449 transferring, renumbering, and amending s. 633.801,
450 F.S., relating to a short title; conforming a cross-
451 reference; transferring, renumbering, and amending s.
452 633.802, F.S., relating to definitions; revising
453 definitions of "firefighter employee," "firefighter
454 employer," and "firefighter place of employment";
455 transferring, renumbering, and amending s. 633.803,
456 F.S., relating to legislative intent to enhance
457 firefighter occupational safety and health in the
458 state; clarifying provisions; conforming cross-
459 references; transferring, renumbering, and amending s.
460 633.821, F.S., relating to assistance by the division
461 in facilitating firefighter employee workplace safety;
462 revising references to publications; removing obsolete
463 provisions; revising requirements and responsibilities
464 of the division; transferring, renumbering, and

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465 amending s. 633.817, F.S., relating to remedies
466 available to the division for noncompliance with part
467 V of ch. 633, F.S.; conforming cross-references;
468 transferring and renumbering s. 633.805, F.S.,
469 relating to a required study by the division of
470 firefighter employee occupational diseases;
471 transferring, renumbering, and amending s. 633.806,
472 F.S., relating to certain duties of the division;
473 revising provisions that require the division to make
474 studies, investigations, inspections, and inquiries
475 with respect to compliance with part V of ch. 633,
476 F.S., or rules authorized thereunder, and the causes
477 of firefighter employee injuries, illnesses, safety-
478 based complaints, or line-of-duty deaths in
479 firefighter employee places of employment; authorizing
480 the division to adopt by rule procedures for
481 conducting inspections and inquiries of firefighter
482 employers under part V of ch. 633, F.S.; authorizing
483 the division to enter premises to investigate
484 compliance; providing a criminal penalty; conforming
485 references; transferring, renumbering, and amending s.
486 633.807, F.S., relating to safety responsibilities of
487 firefighter employers; revising definitions of the
488 terms "safe" and "safety"; transferring, renumbering,
489 and amending s. 633.809, F.S.; relating to firefighter
490 employers with a high frequency of firefighter
491 employee work-related injuries; revising provisions
492 relating to required safety inspections; clarifying
493 that the division may not assess penalties as a result

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

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523 cross-reference; prohibiting a person from committing
524 certain fraudulent acts in any matter within the
525 jurisdiction of the division; providing criminal
526 penalties; providing a statute of limitation;
527 transferring, renumbering, and amending s. 633.814,
528 F.S., relating to disbursement of expenses to
529 administer part V of ch. 633, F.S.; conforming a
530 cross-reference; amending s. 112.011, F.S.; removing
531 provisions that exclude from employment for a
532 specified period an applicant for employment with a
533 fire department who has a prior felony conviction;
534 amending s. 112.191, F.S.; revising provisions
535 relating to adjustments in payments of accidental
536 death benefits for firefighters; amending s. 120.541,
537 F.S.; revising a cross-reference to conform with
538 changes made in the act; amending s. 196.081, F.S.;
539 revising a cross-reference to conform with changes
540 made in the act; repealing s. 633.024, F.S., relating
541 to legislative findings and intent with respect to
542 ensuring effective fire protection of vulnerable
543 nursing home residents, the expedited retrofit of
544 existing nursing homes through a limited state loan
545 guarantee, and funding thereof; repealing s. 633.0245,
546 F.S., relating to the State Fire Marshal Nursing Home
547 Fire Protection Loan Guarantee Program; repealing s.
548 633.03, F.S., relating to investigations of fire and
549 reports; repealing s. 633.0421, F.S., relating to
550 preemption of the reduced cigarette ignition
551 propensity standard by the state; repealing s. 633.13,

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552 F.S., relating to the authority of State Fire Marshal
553 agents; repealing s. 633.167, F.S., relating to the
554 authority of the State Fire Marshal to place certain
555 persons on probation; repealing s. 633.18, F.S.,
556 relating to hearings and investigations by the State
557 Fire Marshal; repealing s. 633.30, F.S., relating to
558 definitions with respect to standards for
559 firefighting; repealing s. 633.32, F.S., relating to
560 organization, meetings, quorum, compensation, and seal
561 of the Firefighters Employment, Standards, and
562 Training Council; repealing s. 633.33, F.S., relating
563 to special powers of the Firefighters Employment,
564 Standards, and Training Council in connection with the
565 employment and training of firefighters; repealing s.
566 633.37, F.S., relating to payment of tuition at
567 approved training programs by the employing agency;
568 repealing s. 633.445, F.S., relating to the State Fire
569 Marshal Scholarship Grant Program; repealing s.
570 633.46, F.S., relating to authority of the Division of
571 State Fire Marshal to fix and collect admission fees
572 and other fees it deems necessary to be charged for
573 training; repealing s. 633.514, F.S., relating to
574 Florida Fire Safety Board duties, meetings, officers,
575 quorum, and compensation; repealing s. 633.517, F.S.;
576 relating to the authority of the State Fire Marshal to
577 adopt rules, administer oaths, and take testimony;
578 repealing s. 633.524, F.S., relating to certificate
579 and permit fees assessed under ch. 633, F.S., and the
580 use and deposit thereof; repealing s. 633.804, F.S.,

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581 relating to the adoption of rules governing
582 firefighter employer and firefighter employee safety
583 inspections and consultations; repealing s. 633.808,
584 F.S., relating to division authority; repealing s.
585 633.810, F.S., relating to workplace safety committees
586 and safety coordinators; repealing s. 633.813, F.S.,
587 relating to cancellation of an insurance policy for
588 failure to implement a safety and health program;
589 repealing s. 633.815, F.S., relating to penalties for
590 refusing entry to a firefighter place of employment
591 for the purposes of investigations or inspections by
592 the division; repealing s. 633.819, F.S., relating to
593 matters within the jurisdiction of the division and
594 fraudulent acts, penalties, and statute of
595 limitations; repealing s. 633.820, F.S., relating to
596 the applicability of specified sections of ch. 633,
597 F.S., to volunteer firefighters and volunteer fire
598 departments; amending ss. 112.1815, 112.191, 112.81,
599 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56,
600 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45,
601 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915,
602 429.41, 429.44, 429.73, 447.203, 468.602, 468.609,
603 489.103, 489.105, 496.404, 509.032, 513.05, 553.73,
604 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03,
605 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.;
606 conforming cross-references; updating terminology;
607 providing an effective date.

608

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

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610

611 Section 1. The Division of Law Revision and Information is
612 directed to create part I of chapter 633, Florida Statutes,
613 consisting of sections 633.102, 633.104, 633.106, 633.108,
614 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,
615 633.128, 633.132, 633.134, 633.136, and 633.138, Florida
616 Statutes, to be entitled "General Provisions."

617 Section 2. Section 633.021, Florida Statutes, is
618 transferred, renumbered as section 633.102, Florida Statutes,
619 and amended to read:

620 633.102 ~~633.021~~ Definitions.—As used in this chapter, the
621 term:

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

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

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

627 (2)~~(4)~~ "Contracting" means engaging in business as a
628 contractor.

629 (3)~~(5)~~(a) "Contractor I" means a contractor whose business
630 includes the execution of contracts requiring the ability to lay
631 out, fabricate, install, inspect, alter, repair, and service all
632 types of fire protection systems, excluding preengineered
633 systems.

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

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639 combination standpipes and sprinkler risers, all piping that is
640 an integral part of the system beginning at the point of service
641 as defined in this section, sprinkler tank heaters, air lines,
642 thermal systems used in connection with sprinklers, and tanks
643 and pumps connected thereto, excluding preengineered systems.

644 (c) "Contractor III" means a contractor whose business is
645 limited to the execution of contracts requiring the ability to
646 fabricate, install, inspect, alter, repair, and service carbon
647 dioxide ~~CO₂~~ systems, foam extinguishing systems, dry chemical
648 systems, and Halon and other chemical systems, excluding
649 preengineered systems.

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

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

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

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

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

694 (6) "Explosives" means any chemical compound or mixture
695 that has the property of yielding readily to combustion or
696 oxidation upon the application of heat, flame, or shock and is

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

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

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

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

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

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

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

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726 (b) Is manually operated.

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

729 (d) Is rechargeable or nonrechargeable.

730 (e) Is installed, serviced, repaired, recharged, inspected,
731 and hydrotested according to applicable procedures of the
732 manufacturer, standards of the National Fire Protection
733 Association, and the Code of Federal Regulations.

734 (f) Is listed by a nationally recognized testing
735 laboratory.

736 (9) "Firefighter" means an individual who holds a current
737 and valid Firefighter Certificate of Compliance or Special
738 Certificate of Compliance issued by the division under s.
739 633.408.

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

743 (11)~~(9)~~ A "Fire hydrant" means ~~is~~ a connection to a water
744 main, elevated water tank, or other source of water for the
745 purpose of supplying water to a fire hose or other fire
746 protection apparatus for fire suppression operations. The term
747 does not include a fire protection system.

748 (12)~~(10)~~ A "Fire protection system" means ~~is~~ a system
749 individually designed to protect the interior or exterior of a
750 specific building or buildings, structure, or other special
751 hazard from fire. Such systems include, but are not limited to,
752 water sprinkler systems, water spray systems, foam-water
753 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO₂~~
754 systems, foam extinguishing systems, dry chemical systems, and

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

762 (13)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual
763 who holds a current and valid Fire Safety Inspector Certificate
764 of Compliance issued ~~certified~~ by the division State Fire
765 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned
766 the duties of conducting firesafety inspections of buildings and
767 facilities on a recurring or regular basis on behalf of the
768 state or any county, municipality, or special district with fire
769 safety responsibilities.

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

778 (15)~~(12)~~ "Handling" means touching, holding, taking up,
779 moving, controlling, or otherwise affecting with the hand or by
780 any other agency.

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

783 ~~1. That contains combustible or explosive matter or~~

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784 ~~flammable conditions dangerous to the safety of life or~~
785 ~~property.~~

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

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

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

789

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

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

801 ~~(16)(14)~~ "Highway" means every way or place of whatever
802 nature within the state open to the use of the public, as a
803 matter of right, for purposes of vehicular traffic and includes
804 public streets, alleys, roadways, or driveways upon grounds of
805 colleges, universities, and institutions and other ways open to
806 travel by the public, notwithstanding that the same have been
807 temporarily closed for the purpose of construction,
808 reconstruction, maintenance, or repair. The term does not
809 include a roadway or driveway upon grounds owned by a private
810 person.

811 (17) "Hot zone" means the area immediately around an
812 incident where serious threat of harm exists, which includes the

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813 collapse zone for a structure fire.

814 (18)~~(15)~~ "Keeping" means possessing, holding, retaining,
815 maintaining, or having habitually in stock for sale.

816 (19)~~(16)~~ "Layout" ~~as used in this chapter~~ means the layout
817 of risers, cross mains, branch lines, sprinkler heads, sizing of
818 pipe, hanger locations, and hydraulic calculations in accordance
819 with the design concepts established through ~~the provisions of~~
820 the Responsibility Rules adopted by the Board of Professional
821 Engineers.

822 (20)~~(17)~~ "Manufacture" means the compounding, combining,
823 producing, or making of anything or the working of anything by
824 hand, by machinery, or by any other agency into forms suitable
825 for use.

826 (21)~~(18)~~ A "Minimum firesafety standard" means ~~is~~ a
827 requirement or group of requirements adopted pursuant to s.
828 633.208 ~~633.025~~ by a county, municipality, or special district
829 with firesafety responsibilities, or by the State Fire Marshal
830 pursuant to s. 394.879, for the protection of life and property
831 from loss by fire which shall be met, as a minimum, by every
832 occupancy, facility, building, structure, premises, device, or
833 activity to which it applies.

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

838 (23)~~(19)~~ "Motor vehicle" means any device propelled by
839 power other than muscular power in, upon, or by which any
840 individual person or property is or may be transported or drawn
841 upon a highway, except a device moved or used exclusively upon

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842 stationary rails or tracks.

843 (24)~~(20)~~ "Point-of-service" means the point at which the
844 underground piping for a fire protection system as defined in
845 this section using water as the extinguishing agent becomes used
846 exclusively for the fire protection system.

847 (25)~~(21)~~ (a) A "Preengineered system" means ~~is~~ a fire
848 suppression system which:

- 849 1. Uses any of a variety of extinguishing agents.
- 850 2. Is designed to protect specific hazards.
- 851 3. Must be installed according to pretested limitations and
852 configurations specified by the manufacturer and applicable
853 National Fire Protection Association (NFPA) standards. Only
854 those chapters within the National Fire Protection Association
855 standards which ~~that~~ pertain to servicing, recharging,
856 repairing, installing, hydrotesting, or inspecting any type of
857 preengineered fire extinguishing system may be used.
- 858 4. Must be installed using components specified by the
859 manufacturer or components that are listed as equal parts by a
860 nationally recognized testing laboratory such as Underwriters
861 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
- 862 5. Must be listed by a nationally recognized testing
863 laboratory.

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

870 (26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,

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871 aircraft, or vessel operating intrastate in which there is
872 identity of ownership between freight and carrier.

873 (27)~~(23)~~ "Sale" means the act of selling; the act whereby
874 the ownership of property is transferred from one person to
875 another for a sum of money or, loosely, for any consideration.
876 The term includes the delivery of merchandise with or without
877 consideration.

878 (28)~~(24)~~ "Special state firesafety inspector" means an
879 individual officially assigned to the duties of conducting
880 firesafety inspections required by law on behalf of or by an
881 agency of the state having authority for inspections other than
882 the division of State Fire Marshal.

883 (29)~~(25)~~ A "Sprinkler system" means ~~is~~ a type of fire
884 protection system, ~~either~~ manual or automatic, using water as an
885 extinguishing agent and installed in accordance with applicable
886 National Fire Protection Association standards.

887 (30)~~(26)~~ "Storing" means accumulating, laying away, or
888 depositing for preservation or as a reserve fund in a store,
889 warehouse, or other source from which supplies may be drawn or
890 within which they may be deposited. The term is limited in
891 meaning and application to storage having a direct relationship
892 to transportation.

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

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

902 ~~(33)(27)~~ "Transportation" means the conveying or carrying
903 of property from one place to another by motor vehicle (except a
904 motor vehicle subject to the provisions of s. 316.302),
905 aircraft, or vessel, subject to such limitations as are set
906 forth in s. 552.12, in which only the motor vehicles, aircraft,
907 or vessels of the Armed Forces and other federal agencies are
908 specifically exempted.

909 ~~(34)(28)~~ A "Uniform firesafety standard" means ~~is~~ a
910 requirement or group of requirements for the protection of life
911 and property from loss by fire which shall be met by every
912 building and structure specified in s. 633.206 ~~633.022(1)~~, and
913 is not ~~neither~~ weakened or ~~not~~ exceeded by law, rule, or
914 ordinance of any other state agency or political subdivision or
915 county, municipality, or special district with firesafety
916 responsibilities.

917 ~~(35)(29)~~ "Use" means application, employment; that
918 enjoyment of property which consists of its employment,
919 occupation, exercise, or practice.

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

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

927 633.104 ~~633.01~~ State Fire Marshal; authority; powers and
928 duties; rules.-

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

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

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

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

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

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

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

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

986 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;

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987 administrative fine and probation in lieu of suspension,
988 revocation, or refusal to issue a license, permit, or
989 certificate.-

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

995 (2)~~(1)~~ If the State Fire Marshal finds that one or more
996 grounds exist for the suspension, revocation, or refusal to
997 issue, renew, or continue any license, certificate, or permit
998 issued under this chapter, the State Fire Marshal may, in its
999 discretion, in lieu of the suspension, revocation, or refusal to
1000 issue, renew, or continue, and, except on a second offense or
1001 when the suspension, revocation, or refusal to issue, renew, or
1002 continue is mandatory, impose upon the licensee,
1003 certificateholder, or permittee one or more of the following:

1004 (a) An administrative fine not to exceed \$1,000 for each
1005 violation, and not to exceed a total of \$10,000 in any one
1006 proceeding.

1007 (b) Probation for a period not to exceed 2 years, as
1008 specified by the State Fire Marshal in her or his order.

1009 (3)~~(2)~~ The State Fire Marshal may allow the licensee,
1010 certificateholder, or permittee a reasonable period, not to
1011 exceed 30 days, within which to pay to the State Fire Marshal
1012 the amount of the fine. If the licensee, certificateholder, or
1013 permittee fails to pay the administrative fine in its entirety
1014 to the State Fire Marshal within such period, the license,
1015 permit, or certificate shall stand suspended until payment of

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1016 the administrative fine.

1017 (4) As a condition to probation or in connection therewith,
1018 the State Fire Marshal may specify in her or his order
1019 reasonable terms and conditions to be fulfilled by the
1020 probationer during the probation period. If during the probation
1021 period the State Fire Marshal has good cause to believe that the
1022 probationer has violated any of the terms and conditions, she or
1023 he shall suspend, revoke, or refuse to issue, renew, or continue
1024 the license, certificate, or permit of the probationer, as upon
1025 the original ground or grounds referred to in subsection (2).

1026 Section 5. Section 633.15, Florida Statutes, is transferred
1027 and renumbered as section 633.108, Florida Statutes.

1028 Section 6. Section 633.101, Florida Statutes, is
1029 transferred, renumbered as section 633.112, Florida Statutes,
1030 and amended to read:

1031 633.112 ~~633.101~~ State Fire Marshal; hearings;
1032 investigations; recordkeeping and reports; subpoenas of
1033 witnesses; orders of circuit court investigatory powers of State
1034 Fire Marshal; costs of service and witness fees.-

1035 (1) The State Fire Marshal may in his or her discretion
1036 take or cause to be taken the testimony on oath of a person ~~all~~
1037 ~~persons~~ whom he or she believes to be cognizant of any facts in
1038 relation to matters under investigation.

1039 (2) If the State Fire Marshal is ~~shall be~~ of the opinion
1040 that there is sufficient evidence to charge a ~~any~~ person with an
1041 offense, he or she must ~~shall~~ cause the arrest of such person
1042 and must ~~shall~~ furnish to the prosecuting officer of any court
1043 having jurisdiction of the ~~said~~ offense all information obtained
1044 by him or her, including a copy of all pertinent and material

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

1049 (3) The State Fire Marshal may summon and compel the
1050 attendance of witnesses before him or her to testify in relation
1051 to any matter ~~manner~~ which is, by ~~the provisions of this~~
1052 chapter, a subject of inquiry and investigation, and he or she
1053 may require the production of any book, paper, or document
1054 deemed pertinent thereto by him or her, and may seize furniture
1055 and other personal property to be held for evidence.

1056 (4) A person ~~All persons~~ so summoned and so testifying
1057 shall be entitled to the same witness fees and mileage as
1058 provided for witnesses testifying in the circuit courts of this
1059 state, and officers serving subpoenas or orders of the State
1060 Fire Marshal shall be paid in like manner for like services in
1061 such courts, from the funds herein provided.

1062 (5) Any agent designated by the State Fire Marshal for such
1063 purposes, may hold hearings, sign and issue subpoenas,
1064 administer oaths, examine witnesses, receive evidence, and
1065 require by subpoena the attendance and testimony of witnesses
1066 and the production of such accounts, records, memoranda, or
1067 other evidence, as may be material for the determination of any
1068 complaint or conducting any inquiry or investigation under this
1069 chapter. In the case of disobedience to a subpoena, the State
1070 Fire Marshal or her or his agent may invoke the aid of any court
1071 of competent jurisdiction in requiring the attendance and
1072 testimony of witnesses and the production of accounts, records,
1073 memoranda, or other evidence and any such court may in case of

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

1081 (6) Upon request, the State Fire Marshal shall investigate
1082 the cause, origin, and circumstances of fires and explosions
1083 occurring in this state wherein property has been damaged or
1084 destroyed and there is probable cause to believe that the fire
1085 or explosion was the result of carelessness or design.

1086 (a) Any time a fire or explosion has occurred which results
1087 in property damage or destruction in any municipality, county,
1088 or special district having an organized fire department, any
1089 local fire official whose intent is to request the State Fire
1090 Marshal to perform an investigation shall make or shall cause to
1091 be made an initial investigation of the circumstances
1092 surrounding the cause and origin of the fire or explosion. Law
1093 enforcement officers may conduct such initial investigation.

1094 (b) If the fire or explosion occurs in a municipality,
1095 county, or special district that does not have an organized fire
1096 department or designated arson investigations unit within its
1097 law enforcement providers, the municipality, county, or special
1098 district may request the State Fire Marshal to conduct the
1099 initial investigation.

1100 (c) The division shall adopt rules to assist local fire
1101 officials and law enforcement officers in determining the
1102 established responsibilities with respect to the initial or

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1103 preliminary assessment of fire and explosion scenes, and the
1104 determination of whether probable cause exists to refer such
1105 scenes to the State Fire Marshal for an investigation.

1106 Section 7. Section 633.111, Florida Statutes, is
1107 transferred, renumbered as subsections (7) and (8) of section
1108 633.112, Florida Statutes, and amended to read:

1109 633.112 State Fire Marshal; hearings; investigations;
1110 recordkeeping and reports; subpoenas of witnesses; orders of
1111 circuit court ~~investigatory powers of State Fire Marshal; costs~~
1112 of service and witness fees.-

1113 (7) The State Fire Marshal shall keep ~~in her or his office~~
1114 a record of all fires and explosions occurring in this state
1115 upon which she or he had caused an investigation to be made and
1116 all facts concerning the same. These records, obtained or
1117 prepared by the State Fire Marshal pursuant to her or his
1118 investigation, include documents, papers, letters, maps,
1119 diagrams, tapes, photographs, films, sound recordings, and
1120 evidence. These records are confidential and exempt from the
1121 provisions of s. 119.07(1) until the investigation is completed
1122 or ceases to be active. For purposes of this section, an
1123 investigation is considered "active" while such investigation is
1124 being conducted by the department with a reasonable, good faith
1125 belief that it may lead to the filing of administrative, civil,
1126 or criminal proceedings. An investigation does not cease to be
1127 active if the department is proceeding with reasonable dispatch,
1128 and there is a good faith belief that action may be initiated by
1129 the department or other administrative or law enforcement
1130 agency. Further, these documents, papers, letters, maps,
1131 diagrams, tapes, photographs, films, sound recordings, and

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1132 evidence relative to the subject of an investigation shall not
1133 be subject to subpoena until the investigation is completed or
1134 ceases to be active, unless the State Fire Marshal consents.
1135 These records shall be made daily from the reports furnished the
1136 State Fire Marshal by her or his agents or others.

1137 (8) Whenever the State Fire Marshal releases an
1138 investigative report, any person requesting a copy of the report
1139 shall pay in advance, and the State Fire Marshal shall collect
1140 in advance, notwithstanding the provisions of s. 624.501(19) (a)
1141 and (b), a fee of \$10 for the copy of the report, which fee
1142 shall be deposited into the Insurance Regulatory Trust Fund. The
1143 State Fire Marshal may release the report without charge to any
1144 state attorney or to any law enforcement agency or fire
1145 department assisting in the investigation.

1146 Section 8. Section 633.02, Florida Statutes, is
1147 transferred, renumbered as section 633.114, Florida Statutes,
1148 and amended to read:

1149 633.114 ~~633.02~~ State Fire Marshal agents Agents; authority;
1150 ~~powers and duties; compensation.-~~

1151 (1) The State Fire Marshal shall appoint such agents as may
1152 be necessary to carry out effectively ~~the provisions of this~~
1153 chapter, who shall be reimbursed for travel expenses as provided
1154 in s. 112.061, in addition to their salary, when traveling or
1155 making investigations in the performance of their duties. Such
1156 agents shall be at all times under the direction and control of
1157 the State Fire Marshal, who shall fix their compensation, and
1158 all orders shall be issued in the State Fire Marshal's name and
1159 by her or his authority.

1160 (2) The authority given the State Fire Marshal under this

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1161 chapter may be exercised by her or his agents, individually or
1162 in conjunction with any other state or local official charged
1163 with similar responsibilities.

1164 Section 9. Section 633.14, Florida Statutes, is transferred
1165 and renumbered as section 633.116, Florida Statutes.

1166 Section 10. Section 633.121, Florida Statutes, is
1167 transferred, renumbered as section 633.118, Florida Statutes,
1168 and amended to read:

1169 633.118 ~~633.121~~ Persons authorized to enforce laws and
1170 rules of State Fire Marshal.—The chiefs of county, municipal,
1171 and special-district fire service providers ~~departments~~; other
1172 fire service provider ~~department~~ personnel designated by their
1173 respective chiefs; and personnel designated by local governments
1174 having no organized fire service providers ~~departments~~ are
1175 authorized to enforce this chapter law and all rules prescribed
1176 by the State Fire Marshal within their respective jurisdictions.
1177 Such personnel acting under the authority of this section shall
1178 be ~~deemed to be~~ agents of their respective jurisdictions, not
1179 agents of the State Fire Marshal.

1180 Section 11. Section 633.151, Florida Statutes, is
1181 transferred, renumbered as section 633.122, Florida Statutes,
1182 and amended to read:

1183 633.122 ~~633.151~~ Impersonating State Fire Marshal,
1184 firefighter ~~firefighters~~, volunteer firefighter, or firesafety
1185 inspector; criminal penalties.—A person who falsely assumes or
1186 pretends to be the State Fire Marshal, an agent of the division
1187 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a
1188 volunteer firefighter, or a firesafety inspector by identifying
1189 herself or himself as the State Fire Marshal, an agent of the

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1190 division, a firefighter, a volunteer firefighter, or a
1191 firesafety inspector by wearing a uniform or presenting or
1192 displaying a badge as credentials that would cause a reasonable
1193 person to believe that she or he is a State Fire Marshal, an
1194 agent of the division, a firefighter, a volunteer firefighter,
1195 or firesafety inspector commits ~~and who acts as such to require~~
1196 ~~a person to aid or assist him or her in any matter relating to~~
1197 ~~the duties of the State Fire Marshal, an agent of the division,~~
1198 ~~a firefighter, or a firesafety inspector is guilty of a felony~~
1199 of the third degree, punishable as provided in ss. 775.082 and
1200 775.083 or, if the impersonation occurs during the commission of
1201 a separate felony by that person, commits ~~is guilty of a felony~~
1202 of the first degree, punishable as provided in ss. 775.082 and
1203 775.083.

1204 Section 12. Section 633.171, Florida Statutes, is
1205 transferred and renumbered as section 633.124, Florida Statutes,
1206 and subsections (1) and (2) and paragraph (b) of subsection (3)
1207 of that section are amended, to read:

1208 633.124 ~~633.171~~ Penalty for violation of law, rule, or
1209 order to cease and desist or for failure to comply with
1210 corrective order.—

1211 (1) A ~~Any~~ person who violates any provision of this chapter
1212 ~~law~~, any order or rule of the State Fire Marshal, or any order
1213 to cease and desist or to correct conditions issued under this
1214 chapter commits a misdemeanor of the second degree, punishable
1215 as provided in s. 775.082 or s. 775.083.

1216 (2) It is a misdemeanor of the first degree, punishable as
1217 provided in s. 775.082 or s. 775.083, to intentionally or
1218 willfully:

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1219 (a) Render a fire protection system, fire extinguisher, or
1220 preengineered system required by statute or by rule inoperative
1221 except ~~while during such time as~~ the fire protection system,
1222 fire extinguisher, or preengineered system is being serviced,
1223 hydrotested, tested, repaired, or recharged, except pursuant to
1224 court order.

1225 (b) Obliterate the serial number on a fire extinguisher for
1226 purposes of falsifying service records.

1227 (c) Improperly service, recharge, repair, hydrotest, test,
1228 or inspect a fire extinguisher or preengineered system.

1229 (d) Use the license, certificate, or permit ~~number~~ of
1230 another person.

1231 (e) Hold a license, certificate, or permit and allow
1232 another person to use the license, certificate, or ~~said~~ permit
1233 ~~number~~.

1234 (f) Use, or allow ~~permit~~ the use of, any license,
1235 certificate, or permit by any individual or organization other
1236 than the one to whom the license, certificate, or permit is
1237 issued.

1238 (3)

1239 (b) A person who initiates a pyrotechnic display within any
1240 structure commits a felony of the third degree, punishable as
1241 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1242 1. The structure has a fire protection system installed in
1243 compliance with s. 633.334 ~~633.065~~.

1244 2. The owner of the structure has authorized in writing the
1245 pyrotechnic display.

1246 3. If the local jurisdiction requires a permit for the use
1247 of a pyrotechnic display in an occupied structure, such permit

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1248 has been obtained and all conditions of the permit complied with
1249 or, if the local jurisdiction does not require a permit for the
1250 use of a pyrotechnic display in an occupied structure, the
1251 person initiating the display has complied with National Fire
1252 Protection Association, Inc., Standard 1126, 2001 Edition,
1253 Standard for the Use of Pyrotechnics before a Proximate
1254 Audience.

1255 Section 13. Section 633.175, Florida Statutes, is
1256 transferred and renumbered as section 633.126, Florida Statutes,
1257 and subsections (1), (2), (3), (6), and (9) of that section are
1258 amended, to read:

1259 633.126 ~~633.175~~ Investigation of fraudulent insurance
1260 claims and crimes; immunity of insurance companies supplying
1261 information.—

1262 (1) (a) As used in this section, the term "consultant" means
1263 any individual or entity, or employee of the individual or
1264 entity, retained by an insurer to assist in the investigation of
1265 a fire, explosion, or suspected fraudulent insurance act.

1266 (b) The State Fire Marshal or an agent appointed pursuant
1267 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in
1268 s. 111.065, any law enforcement officer of a federal agency, or
1269 any fire service provider ~~department~~ official who is engaged in
1270 the investigation of a fire or explosion loss may request any
1271 insurance company or its agent, adjuster, employee, or attorney,
1272 investigating a claim under an insurance policy or contract with
1273 respect to a fire or explosion to release any information
1274 whatsoever in the possession of the insurance company or its
1275 agent, adjuster, employee, or attorney relative to a loss from
1276 that fire or explosion. The insurance company shall release the

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1277 available information to and cooperate with any official
1278 authorized to request such information pursuant to this section.
1279 The information shall include, but shall not be limited to:

1280 1.~~(a)~~ Any insurance policy relevant to a loss under
1281 investigation and any application for such a policy.

1282 2.~~(b)~~ Any policy premium payment records.

1283 3.~~(c)~~ The records, reports, and all material pertaining to
1284 any previous claims made by the insured with the reporting
1285 company.

1286 4.~~(d)~~ Material relating to the investigation of the loss,
1287 including statements of a ~~any~~ person, proof of loss, and other
1288 relevant evidence.

1289 5.~~(e)~~ Memoranda, notes, and correspondence relating to the
1290 investigation of the loss in the possession of the insurance
1291 company or its agents, adjusters, employees, or attorneys.

1292 (2) If an insurance company has reason to suspect that a
1293 fire or explosion loss to its insured's real or personal
1294 property was caused by intentional incendiary means, the company
1295 shall notify the State Fire Marshal and shall furnish her or him
1296 with all material acquired by the company during ~~the course of~~
1297 its investigation. The State Fire Marshal may adopt rules to
1298 implement this subsection.

1299 (3) In the absence of fraud, bad faith, or malice, a ~~no~~
1300 representative of or consultant to an insurance company or of
1301 the National Insurance Crime Bureau employed to adjust or
1302 investigate losses caused by fire or explosion is not ~~shall be~~
1303 liable for damages in a civil action for furnishing information
1304 concerning fires or explosion suspected to be other than
1305 accidental to investigators employed by other insurance

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1306 companies or the National Insurance Crime Bureau.

1307 (6) The actions of an insurance company or of its agents,
1308 employees, adjusters, consultants, or attorneys, in complying
1309 with the statutory obligation of this section may not ~~shall in~~
1310 ~~no way~~ be construed by a court as a waiver or abandonment of any
1311 privilege or confidentiality of attorney work product, attorney-
1312 client communication, or such other privilege or immunity as is
1313 provided by law.

1314 (9) A ~~Any~~ person who willfully violates ~~the provisions of~~
1315 this section commits ~~is guilty of~~ a misdemeanor of the first
1316 degree, punishable as provided in s. 775.082 or s. 775.083.

1317 Section 14. Section 633.45, Florida Statutes, is
1318 transferred, renumbered as section 633.128, Florida Statutes,
1319 and amended to read:

1320 633.128 ~~633.45~~ Division of State Fire Marshal; powers,
1321 duties.—

1322 (1) The division shall:

1323 (a) Establish, by rule, uniform minimum standards for the
1324 ~~employment and training of firefighters and volunteer~~
1325 firefighters.

1326 (b) Establish, by rule, minimum curriculum requirements and
1327 criteria used to approve education or training providers,
1328 including for schools operated by or for any fire service
1329 provider, employing agency for the specific purpose of training
1330 individuals seeking to become a firefighter recruits or
1331 volunteer firefighter firefighters.

1332 (c) Specify, by rule, standards for the approval, denial of
1333 approval, probation, suspension, and revocation of approval of
1334 education or training providers and facilities for training

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1335 firefighters and volunteer firefighters ~~Approve institutions,~~
1336 ~~instructors, and facilities for school operation by or for any~~
1337 ~~employing agency for the specific purpose of training~~
1338 ~~firefighters and firefighter recruits.~~

1339 (d) Specify, by rule, standards for the certification,
1340 denial of certification, probation, and revocation of
1341 certification for instructors, ~~approval, denial of approval,~~
1342 ~~probation, and revocation of approval of institutions,~~
1343 ~~instructors, and facilities for training firefighters and~~
1344 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~
1345 instructor to ~~must~~ complete 40 hours of continuing education
1346 every 4 ~~3~~ years in order to maintain her or his certification
1347 ~~the approval of the department.~~

1348 (e) Issue certificates of competency to persons who, by
1349 reason of experience and completion of basic inservice training,
1350 advanced education, or specialized training, are especially
1351 qualified for particular aspects or classes of firefighting
1352 ~~firefighter~~ duties.

1353 (f) Establish, by rule, minimum training qualifications for
1354 persons serving as firesafety coordinators for their respective
1355 departments of state government and certify ~~all~~ persons who
1356 satisfy such qualifications.

1357 (g) Establish a uniform lesson plan to be followed by
1358 firesafety instructors in the training of state employees in
1359 firesafety and emergency evacuation procedures.

1360 (h) Have complete jurisdiction over, and complete
1361 management and control of, the Florida State Fire College and be
1362 invested with full power and authority to make all rules ~~and~~
1363 ~~regulations~~ necessary for the governance of the said

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1364 institution.

1365 (i) Appoint a superintendent of the Florida State Fire
1366 College and such other instructors, experimental helpers, and
1367 laborers as may be necessary and remove the same as in the
1368 division's ~~its~~ judgment and discretion may be best, fix their
1369 compensation, and provide for their payment.

1370 (j) Have full management, possession, and control of the
1371 lands, buildings, structures, and property belonging to the
1372 Florida State Fire College.

1373 (k) Provide for the courses of study and curriculum of the
1374 Florida State Fire College.

1375 (l) Make rules ~~and regulations~~ for the admission of
1376 trainees to the Florida State Fire College.

1377 (m) Visit and inspect the Florida State Fire College ~~and~~
1378 ~~every department thereof~~ and provide for the proper keeping of
1379 accounts and records thereof.

1380 (n) Make and prepare all necessary budgets of expenditures
1381 for the enlargement, proper furnishing, maintenance, support,
1382 and conduct of the Florida State Fire College.

1383 (o) Select and purchase all property, furniture, fixtures,
1384 and paraphernalia necessary for the Florida State Fire College.

1385 (p) Build, construct, change, enlarge, repair, and maintain
1386 any and all buildings or structures of the Florida State Fire
1387 College that may at any time be necessary for the said
1388 institution and purchase and acquire all lands and property
1389 necessary for same, of every nature and description whatsoever.

1390 (q) Care for and maintain the Florida State Fire College
1391 and do and perform every other matter or thing requisite to the
1392 proper management, maintenance, support, and control of the said

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1393 institution, necessary or requisite to carry out fully the
1394 purpose of this chapter ~~act~~ and for raising it to, and
1395 maintaining it at, the proper efficiency and standard as
1396 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

1397 (r) Issue a license, certificate, or permit of a specific
1398 class to an individual who successfully completes the training,
1399 education, and examination required under this chapter or by
1400 rule for such class of license, certificate, or permit.

1401 (2) The division, subject to the limitations and
1402 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1403 (a) Adopt rules ~~and regulations~~ for the administration of
1404 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1405 (b) Adopt a seal and alter the same at its pleasure.

1406 (c) Sue and be sued.

1407 (d) Acquire any real or personal property by purchase,
1408 gift, or donation, and have water rights.

1409 (e) Exercise the right of eminent domain to acquire any
1410 property and lands necessary to the establishment, operation,
1411 and expansion of the Florida State Fire College.

1412 (f) Make contracts and execute necessary or convenient
1413 instruments.

1414 (g) Undertake by contract or contracts, or by its own agent
1415 and employees, and otherwise than by contract, any project or
1416 projects, and operate and maintain such projects.

1417 (h) Accept grants of money, materials, or property of any
1418 kind from a federal agency, private agency, county,
1419 municipality, city, town, corporation, partnership, or
1420 individual upon such terms and conditions as the grantor may
1421 impose.

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1422 (i) Perform all acts and do all things necessary or
1423 convenient to carry out the powers granted herein and the
1424 purposes of this chapter ~~ss. 633.30-633.49~~.

1425 (3) The title to all property referred to in part IV ~~ss.~~
1426 ~~633.43-633.49~~, however acquired, shall be vested in the
1427 department and shall only be transferred and conveyed by it.

1428 Section 15. Section 633.132, Florida Statutes, is created
1429 to read:

1430 633.132 Fees.-

1431 (1) The division shall collect in advance the following
1432 fees that it deems necessary to be charged:

1433 (a) Pursuant to part III of this chapter:

1434 1. Contractor certificate initial application: \$300 for
1435 each class of certificate.

1436 2. Contractor biennial renewal fee: \$150 for each class of
1437 certificate.

1438 3. Contractor permit initial application fee: \$100 for each
1439 class of permit.

1440 4. Contractor permit biennial renewal fee: \$50 for each
1441 class of permit.

1442 5. Contractor examination or reexamination fee: \$100 for
1443 each class of certificate.

1444 6. Fire equipment dealer license:

1445 a. Class A: \$250.

1446 b. Class B: \$150.

1447 c. Class C: \$150.

1448 d. Class D: \$200.

1449 7. Fire equipment dealer or contractor application and
1450 renewal fee for an inactive license: \$75.

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1451 8. Fire equipment dealer license or permit exam or
1452 reexamination: \$50.

1453 9. Reinspection fee for a dealer equipment inspection
1454 conducted by the State Fire Marshal under s. 633.304(1): \$50 for
1455 each reinspection.

1456 10. Permit for a portable fire extinguisher
1457 installer/repairer/inspector: \$90.

1458 11. Permit for a preengineered fire extinguishing system
1459 installer/repairer/inspector: \$120.

1460 12. Conversion of a fire equipment dealer's license to a
1461 different category: \$10 for each permit and license.

1462 (b) Pursuant to part IV of this chapter:

1463 1. Certificate of compliance: \$30.

1464 2. Certificate of competency: \$30.

1465 3. Renewal fee for a certificate of compliance, competency,
1466 or instruction: \$15.

1467 (c) Duplicate or change of address for any license, permit,
1468 or certificate: \$10.

1469 (2) All moneys collected by the State Fire Marshal pursuant
1470 to this chapter shall be deposited into the Insurance Regulatory
1471 Trust Fund.

1472 Section 16. Section 633.39, Florida Statutes, is
1473 transferred and renumbered as section 633.134, Florida Statutes.

1474 Section 17. Section 633.115, Florida Statutes, is
1475 transferred, renumbered as section 633.136, Florida Statutes,
1476 and amended to read:

1477 633.136 ~~633.115~~ Fire and Emergency Incident Information
1478 Reporting Program; duties; fire reports.-

1479 (1) (a) The Fire and Emergency Incident Information

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1480 Reporting Program is created within the division ~~of State Fire~~
1481 ~~Marshal~~. The program shall:

1482 1. Establish and maintain an electronic communication
1483 system capable of transmitting fire and emergency incident
1484 information to and between fire protection agencies.

1485 2. Initiate a Fire and Emergency Incident Information
1486 Reporting System that shall be responsible for:

1487 a. Receiving fire and emergency incident information from
1488 fire protection agencies.

1489 b. Preparing and disseminating annual reports to the
1490 Governor, the President of the Senate, the Speaker of the House
1491 of Representatives, fire protection agencies, and, upon request,
1492 the public. Each report shall include, but not be limited to,
1493 the information listed in the National Fire Incident Reporting
1494 System.

1495 c. Upon request, providing other states and federal
1496 agencies with fire and emergency incident data of this state.

1497 3. Adopt rules to effectively and efficiently implement,
1498 administer, manage, maintain, and use the Fire and Emergency
1499 Incident Information Reporting Program. The rules shall be
1500 considered minimum requirements and shall not preclude a fire
1501 protection agency from implementing its own requirements which
1502 may ~~shall~~ not conflict with the rules of the division ~~of State~~
1503 ~~Fire Marshal~~.

1504 4. By rule, establish procedures and a format for each fire
1505 protection agency to voluntarily monitor its records and submit
1506 reports to the program.

1507 5. Establish an electronic information database that ~~which~~
1508 is accessible and searchable by fire protection agencies.

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1509 (b) The division ~~of State Fire Marshal~~ shall consult with
1510 the Florida Forest Service of the Department of Agriculture and
1511 Consumer Services and the State Surgeon General of the
1512 Department of Health to coordinate data, ensure accuracy of the
1513 data, and limit duplication of efforts in data collection,
1514 analysis, and reporting.

1515 (2) The Fire and Emergency Incident Information System
1516 Technical Advisory Panel is created within the division ~~of State~~
1517 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
1518 the State Fire Marshal with respect to the requirements of this
1519 section. The membership of the panel shall consist of the
1520 following 15 members:

1521 (a) The current 13 members of the Firefighters Employment,
1522 Standards, and Training Council as established in s. 633.402
1523 ~~633.31~~.

1524 (b) One member from the Florida Forest Service of the
1525 Department of Agriculture and Consumer Services, appointed by
1526 the director of the Florida Forest Service.

1527 (c) One member from the Department of Health, appointed by
1528 the State Surgeon General.

1529 (3) For the purpose of this section, the term "fire
1530 protection agency" shall be defined by rule by the division ~~of~~
1531 ~~State Fire Marshal~~.

1532 Section 18. Section 633.138, Florida Statutes, is created
1533 to read:

1534 633.138 Notice of change of address of record; notice of
1535 felony actions.-

1536 (1) Any individual issued a license, permit, or certificate
1537 under this chapter shall notify the division in writing of any

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1538 changes to her or his current mailing address, e-mail address,
1539 and place of practice as specified in rule adopted by the
1540 division.

1541 (2) Notwithstanding any other provision of law, delivery by
1542 regular mail or e-mail to a licensee, permittee, or
1543 certificateholder, using the last known mailing address or e-
1544 mail address on record with the division, constitutes adequate
1545 and sufficient notice to the licensee, permittee, or
1546 certificateholder of any official communication by the division.

1547 (3) Any individual issued a license, permit, or certificate
1548 under this chapter shall notify the division in writing within
1549 30 days after pleading guilty or nolo contendere to, or being
1550 convicted or found guilty of, any felony or a crime punishable
1551 by imprisonment of 1 year or more under the law of the United
1552 States or of any state thereof, or under the law of any other
1553 country, without regard to whether a judgment of conviction has
1554 been entered by the court having jurisdiction of the case.

1555 Section 19. Section 633.042, Florida Statutes, is
1556 transferred and renumbered as section 633.142, Florida Statutes,
1557 and subsection (11) of that section is amended, to read:

1558 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity
1559 Standard and Firefighter Protection Act; ~~preemption.~~

1560 (11) PREEMPTION.—

1561 (a) This section shall be repealed if a federal reduced
1562 cigarette ignition propensity standard that preempts this
1563 section is adopted and becomes effective.

1564 (b) Notwithstanding any other provision of law, local
1565 governmental units of this state may not enact or enforce any
1566 ordinance or other local law or rule conflicting with, or

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1567 preempted by, any provision of this act or any policy of this
1568 state expressed by this act, whether that policy be expressed by
1569 inclusion of a provision in this act or by exclusion of that
1570 subject from this act.

1571 Section 20. The Division of Law Revision and Information is
1572 requested to create part II of chapter 633, Florida Statutes,
1573 consisting of sections 633.202, 633.204, 633.206, 633.208,
1574 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,
1575 and 633.228, Florida Statutes, to be entitled "Fire Safety and
1576 Prevention."

1577 Section 21. Section 633.0215, Florida Statutes, is
1578 transferred and renumbered as section 633.202, Florida Statutes,
1579 and subsections (2), (4), (7), (9), (10), and (12) through (15)
1580 of that section are amended, to read:

1581 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

1582 (2) The State Fire Marshal shall adopt the current edition
1583 of the National Fire Protection Association's Standard 1, Fire
1584 Prevention Code but may ~~shall~~ not adopt a building, mechanical,
1585 or plumbing code. The State Fire Marshal shall adopt the current
1586 edition of the Life Safety Code, NFPA Pamphlet 101, current
1587 editions, by reference. The State Fire Marshal may modify the
1588 selected codes and standards as needed to accommodate the
1589 specific needs of the state. Standards or criteria in the
1590 selected codes shall be similarly incorporated by reference. The
1591 State Fire Marshal shall incorporate within sections of the
1592 Florida Fire Prevention Code provisions that address uniform
1593 firesafety standards as established in s. 633.206 ~~633.022~~. The
1594 State Fire Marshal shall incorporate within sections of the
1595 Florida Fire Prevention Code provisions addressing regional and

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1596 local concerns and variations.

1597 (4) The State Fire Marshal shall update, by rule adopted
1598 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
1599 Prevention Code every 3 years. Once initially adopted and
1600 subsequently updated, the Florida Fire Prevention Code ~~and the~~
1601 ~~Life Safety Code~~ shall be adopted for use statewide without
1602 adoptions by local governments. When updating the Florida Fire
1603 Prevention Code ~~and the most recent edition of the Life Safety~~
1604 ~~Code~~, the State Fire Marshal shall consider changes made by the
1605 national model fire codes incorporated into the Florida Fire
1606 Prevention Code, the State Fire Marshal's own interpretations,
1607 declaratory statements, appellate decisions, and approved
1608 statewide and local technical amendments.

1609 (7) Any local amendment adopted by a local government must
1610 strengthen the Fire Prevention Code requirements of the minimum
1611 firesafety code.

1612 (9) The State Fire Marshal shall make rules that implement
1613 this section and ss. 633.104 and 633.208 ~~633.01~~ and ~~633.025~~ for
1614 the purpose of accomplishing the objectives set forth in those
1615 sections.

1616 (10) Notwithstanding other provisions of this chapter, if a
1617 county or a municipality within that county adopts an ordinance
1618 providing for a local amendment to the Florida Fire Prevention
1619 Code and that amendment provides a higher level of protection to
1620 the public than the level specified in the Florida Fire
1621 Prevention Code, the local amendment becomes effective without
1622 approval of the State Fire Marshal and is not rescinded pursuant
1623 to ~~the provisions of~~ this section, provided that the ordinance
1624 meets one or more of the following criteria:

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1625 (a) The local authority has adopted, by ordinance, a fire
1626 service facilities and operation plan that outlines goals and
1627 objectives for related equipment, personnel, and capital
1628 improvement needs of the local authority related to the specific
1629 amendment for the next 5 years;

1630 (b) The local authority has adopted, by ordinance, a
1631 provision requiring proportionate reduction in, or rebate or
1632 waivers of, impact or other fees or assessments levied on
1633 buildings that are built or modified in compliance with the more
1634 stringent firesafety standards required by the local amendment;
1635 or

1636 (c) The local authority has adopted, by ordinance, a growth
1637 management plan that requires buildings and structures to be
1638 equipped with more stringent firesafety requirements required by
1639 the local amendment when these firesafety requirements are used
1640 as the basis for planning infrastructure development, uses, or
1641 housing densities.

1642
1643 Except as provided in s. 633.206 ~~633.022~~, the local appeals
1644 process shall be the venue if there is a dispute between parties
1645 affected by the provisions of the more stringent local
1646 firesafety amendment adopted as part of the Florida Fire
1647 Prevention Code pursuant to the authority in this subsection.
1648 Local amendments adopted pursuant to this subsection shall be
1649 deemed local or regional variations and published as such in the
1650 Florida Fire Prevention Code. The act of publishing locally
1651 adopted firesafety amendments to the Florida Fire Prevention
1652 Code may ~~shall~~ not be construed to mean that the State Fire
1653 Marshal approves or denies the authenticity or appropriateness

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1654 of the locally adopted firesafety provision, and the burden of
1655 protecting the local firesafety amendment remains solely with
1656 the adopting local governmental authority.

1657 ~~(12) Notwithstanding other provisions of this section, the~~
1658 ~~State Fire Marshal shall study the use of managed, facilities-~~
1659 ~~based, voice-over-Internet-protocol telephone service for~~
1660 ~~monitoring fire alarm signals. If the study determines that~~
1661 ~~voice-over-Internet-protocol telephone service technology~~
1662 ~~provides a level of protection equivalent to that required by~~
1663 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
1664 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
1665 ~~December 1, 2008, to allow the use of this technology as an~~
1666 ~~additional method of monitoring fire alarm systems.~~

1667 (12)~~(13)~~(a) The State Fire Marshal shall issue an expedited
1668 declaratory statement relating to interpretations of ~~provisions~~
1669 ~~of~~ the Florida Fire Prevention Code according to the following
1670 guidelines:

1671 1. The declaratory statement shall be rendered in
1672 accordance with s. 120.565, except that a final decision must be
1673 issued by the State Fire Marshal within 45 days after the
1674 division's receipt of a petition seeking an expedited
1675 declaratory statement. The State Fire Marshal shall give notice
1676 of the petition and the expedited declaratory statement or the
1677 denial of the petition in the next available issue of the
1678 Florida Administrative Register ~~Weekly~~ after the petition is
1679 filed and after the statement or denial is rendered.

1680 2. The petitioner must be the owner of the disputed project
1681 or the owner's representative.

1682 3. The petition for an expedited declaratory statement must

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1683 be:

1684 a. Related to an active project that is under construction
1685 or must have been submitted for a permit.

1686 b. The subject of a written notice citing a specific
1687 provision of the Florida Fire Prevention Code which is in
1688 dispute.

1689 c. Limited to a single question that is capable of being
1690 answered with a "yes" or "no" response.

1691 (b) A petition for a declaratory statement which does not
1692 meet all of the requirements of this subsection must be denied
1693 without prejudice. This subsection does not affect the right of
1694 the petitioner as a substantially affected person to seek a
1695 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1696 ~~(13)-(14)~~ (13) A condominium, cooperative, or multifamily
1697 residential building that is less than four stories in height
1698 and has an exterior corridor providing a means of egress is
1699 exempt from installing a manual fire alarm system as required in
1700 s. 9.6 of the most recent edition of the Life Safety Code
1701 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
1702 ~~clarify existing law.~~

1703 ~~(14)-(15)~~ (14) The Legislature finds that the electronic filing
1704 of construction plans will increase governmental efficiency,
1705 reduce costs, and increase timeliness of processing permits. If
1706 the fire code administrator or fire official provides for
1707 electronic filing, any construction plans, drawings,
1708 specifications, reports, final documents, or documents prepared
1709 or issued by a licensee may be dated and electronically signed
1710 and sealed by the licensee in accordance with part I of chapter
1711 668, and may be transmitted electronically to the fire code

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1712 administrator or fire official for approval.

1713 Section 22. Section 633.72, Florida Statutes, is
1714 transferred, renumbered as section 633.204, Florida Statutes,
1715 and amended to read:

1716 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1717 (1) There is created within the department the Florida Fire
1718 Code Advisory Council with 11 members appointed by the State
1719 Fire Marshal. The council shall advise and recommend to the
1720 State Fire Marshal changes to and interpretation of the uniform
1721 firesafety standards adopted under s. 633.206 ~~633.022~~, the
1722 Florida Fire Prevention Code, and those portions of the Florida
1723 Fire Prevention Code that have the effect of conflicting with
1724 building construction standards that are adopted pursuant to ss.
1725 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of the
1726 council shall represent the following groups and professions:

1727 (a) One member shall be the State Fire Marshal, or his or
1728 her designated appointee who shall be an administrative employee
1729 of the marshal.†

1730 (b) One member shall be an administrative officer from a
1731 fire department representing a municipality, ~~or~~ a county, or a
1732 special district selected from a list of persons submitted by
1733 the Florida Fire Chiefs Association.†

1734 (c) One member shall be an architect licensed in the state
1735 selected from a list of persons submitted by the Florida
1736 Association/American Institute of Architects.†

1737 (d) One member shall be an engineer with fire protection
1738 design experience registered to practice in the state selected
1739 from a list of persons submitted by the Florida Engineering
1740 Society.†

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1741 (e) One member shall be an administrative officer from a
1742 building department of a county or municipality selected from a
1743 list of persons submitted by the Building Officials Association
1744 of Florida.~~†~~

1745 (f) One member shall be a contractor licensed in the state
1746 selected from a list submitted by the Florida Home Builders
1747 Association.~~†~~

1748 (g) One member shall be a Florida ~~certified~~ firefighter
1749 selected from a list submitted by the Florida Professional
1750 Firefighters' Association.~~†~~

1751 (h) One member shall be a Florida certified firesafety
1752 ~~municipal fire~~ inspector selected from a list submitted by the
1753 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.~~†~~

1754 (i) One member shall be selected from a list submitted by
1755 the Department of Education.~~†~~

1756 (j) One member shall be selected from a list submitted by
1757 the Chancellor of the State University System.~~†~~ ~~and~~

1758 (k) One member shall be representative of the general
1759 public.

1760 (2) The State Fire Marshal and the Florida Building
1761 Commission shall coordinate efforts to provide consistency
1762 between the Florida Building Code and the Florida Fire
1763 Prevention Code ~~and the Life Safety Code.~~

1764 (3) The council shall meet at least semiannually to advise
1765 the State Fire Marshal's Office on matters subject to this
1766 section.

1767 (4) The council may review proposed changes to the Florida
1768 Fire Prevention Code and the uniform firesafety standards
1769 pursuant to s. 633.202(4).

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1770 (5)~~(3)~~ The council and Florida Building Commission shall
1771 cooperate through joint representation and coordination of codes
1772 and standards to resolve conflicts in their development,
1773 updating, and interpretation.

1774 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member
1775 shall serve more than two consecutive terms. A ~~No~~ member of the
1776 council may not ~~shall~~ be paid a salary as such member, but each
1777 shall receive travel and expense reimbursement as provided in s.
1778 112.061.

1779 Section 23. Section 633.022, Florida Statutes, is
1780 transferred and renumbered as section 633.206, Florida Statutes,
1781 and subsection (1) and paragraph (a) of subsection (4) of that
1782 section are amended, to read:

1783 633.206 ~~633.022~~ Uniform firesafety standards.—The
1784 Legislature hereby determines that to protect the public health,
1785 safety, and welfare it is necessary to provide for firesafety
1786 standards governing the construction and utilization of certain
1787 buildings and structures. The Legislature further determines
1788 that certain buildings or structures, due to their specialized
1789 use or to the special characteristics of the person utilizing or
1790 occupying these buildings or structures, should be subject to
1791 firesafety standards reflecting these special needs as may be
1792 appropriate.

1793 (1) The department shall establish uniform firesafety
1794 standards that apply to:

1795 (a) All new, existing, and proposed state-owned and state-
1796 leased buildings.

1797 (b) All new, existing, and proposed hospitals, nursing
1798 homes, assisted living facilities, adult family-care homes,

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1799 correctional facilities, public schools, transient public
1800 lodging establishments, public food service establishments,
1801 elevators, migrant labor camps, mobile home parks, lodging
1802 parks, recreational vehicle parks, recreational camps,
1803 residential and nonresidential child care facilities, facilities
1804 for the developmentally disabled, motion picture and television
1805 special effects productions, tunnels, and self-service gasoline
1806 stations, of which standards the State Fire Marshal is the final
1807 administrative interpreting authority.

1808

1809 In the event there is a dispute between the owners of the
1810 buildings specified in paragraph (b) and a local authority
1811 requiring a more stringent uniform firesafety standard for
1812 sprinkler systems, the State Fire Marshal shall be the final
1813 administrative interpreting authority and the State Fire
1814 Marshal's interpretation regarding the uniform firesafety
1815 standards shall be considered final agency action.

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

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1828 ~~contingent upon the approval of the application for the loan~~
1829 ~~guarantee program authorized under s. 633.0245. In such case,~~
1830 ~~the agency may extend the deadline for final approval to begin~~
1831 ~~construction beyond June 30, 2009, but the deadline may not be~~
1832 ~~extended beyond December 31, 2009.~~

1833 Section 24. Section 633.025, Florida Statutes, is
1834 transferred, renumbered as section 633.208, Florida Statutes,
1835 and amended to read:

1836 633.208 ~~633.025~~ Minimum firesafety standards.—

1837 (1) The Florida Fire Prevention Code ~~and the Life Safety~~
1838 ~~Code~~ adopted by the State Fire Marshal, which shall operate in
1839 conjunction with the Florida Building Code, shall be deemed
1840 adopted by each municipality, county, and special district with
1841 firesafety responsibilities. The minimum firesafety codes do
1842 ~~shall~~ not apply to buildings and structures subject to the
1843 uniform firesafety standards under s. 633.206 ~~633.022~~ and
1844 buildings and structures subject to the minimum firesafety
1845 standards adopted pursuant to s. 394.879.

1846 (2) Pursuant to subsection (1), each municipality, county,
1847 and special district with firesafety responsibilities shall
1848 enforce the Florida Fire Prevention Code ~~and the Life Safety~~
1849 ~~Code~~ as the minimum firesafety code required by this section.

1850 ~~(3) The most current edition of the National Fire~~
1851 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~
1852 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
1853 ~~municipality, county, and special district with firesafety~~
1854 ~~responsibilities as part of the minimum firesafety code.~~

1855 (3) ~~(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
1856 municipality, county, or special district with firesafety

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1857 responsibilities may adopt more stringent firesafety standards,
1858 subject to the requirements of this subsection. Such county,
1859 municipality, or special district may establish alternative
1860 requirements to those requirements which are required under the
1861 minimum firesafety standards on a case-by-case basis, in order
1862 to meet special situations arising from historic, geographic, or
1863 unusual conditions, if the alternative requirements result in a
1864 level of protection to life, safety, or property equal to or
1865 greater than the applicable minimum firesafety standards. For
1866 the purpose of this subsection, the term "historic" means that
1867 the building or structure is listed on the National Register of
1868 Historic Places of the United States Department of the Interior.

1869 (a) The local governing body shall determine, following a
1870 public hearing which has been advertised in a newspaper of
1871 general circulation at least 10 days before the hearing, if
1872 there is a need to strengthen the requirements of the minimum
1873 firesafety code adopted by such governing body. The
1874 determination must be based upon a review of local conditions by
1875 the local governing body, which review demonstrates that local
1876 conditions justify more stringent requirements than those
1877 specified in the minimum firesafety code for the protection of
1878 life and property or justify requirements that meet special
1879 situations arising from historic, geographic, or unusual
1880 conditions.

1881 (b) Such additional requirements may ~~shall~~ not be
1882 discriminatory as to materials, products, or construction
1883 techniques of demonstrated capabilities.

1884 (c) Paragraphs (a) and (b) apply solely to the local
1885 enforcing agency's adoption of requirements more stringent than

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1886 those specified in the Florida Fire Prevention Code and the Life
1887 Safety Code that have the effect of amending building
1888 construction standards. Upon request, the enforcing agency must
1889 ~~shall~~ provide a person making application for a building permit,
1890 or any state agency or board with construction-related
1891 regulation responsibilities, a listing of all such requirements
1892 and codes.

1893 (d) A local government which adopts amendments to the
1894 minimum firesafety code must provide a procedure by which the
1895 validity of such amendments may be challenged by any
1896 substantially affected party to test the amendment's compliance
1897 with ~~the provisions of~~ this section.

1898 1. Unless the local government agrees to stay enforcement
1899 of the amendment, or other good cause is shown, the challenging
1900 party shall be entitled to a hearing on the challenge within 45
1901 days.

1902 2. For purposes of such challenge, the burden of proof
1903 shall be on the challenging party, but the amendment may ~~shall~~
1904 not be presumed to be valid or invalid.

1905

1906 This subsection gives local government the authority to
1907 establish firesafety codes that exceed the Florida Fire
1908 Prevention Code ~~minimum firesafety codes and standards~~ adopted
1909 by the State Fire Marshal. The Legislature intends that local
1910 government give proper public notice and hold public hearings
1911 before adopting more stringent firesafety codes ~~and standards~~. A
1912 substantially affected person may appeal, to the department, the
1913 local government's resolution of the challenge, and the
1914 department shall determine if the amendment complies with this

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1915 section. Actions of the department are subject to judicial
1916 review pursuant to s. 120.68. The department shall consider
1917 reports of the Florida Building Commission, pursuant to part IV
1918 of chapter 553, when evaluating building code enforcement.

1919 (4) ~~(5)~~ The new building or structure provisions enumerated
1920 within the Florida Fire Prevention Code ~~firesafety code~~ adopted
1921 pursuant to this section shall apply only to buildings or
1922 structures for which the building permit is issued on or after
1923 the effective date of the current edition of the Florida Fire
1924 Prevention Code ~~this act~~. Subject to ~~the provisions of~~
1925 subsection (5) ~~(6)~~, the existing building or structure
1926 provisions enumerated within the ~~firesafety code~~ adopted
1927 pursuant to this section shall apply to buildings or structures
1928 for which the building permit was issued or the building or
1929 structure was constructed before ~~prior to~~ the effective date of
1930 this act.

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

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1944 degree of lifesafety and safety of property. The decision of the
1945 local fire official may be appealed to the local administrative
1946 board described in s. 553.73.

1947 (6)~~(7)~~ Nothing herein shall preclude a municipality,
1948 county, or special district from requiring a structure to be
1949 maintained in accordance with the Florida Fire Prevention Code
1950 ~~applicable firesafety code~~.

1951 (7)~~(8)~~ Electrically operated single station smoke detectors
1952 required for residential buildings are not required to be
1953 interconnected within individual living units in all buildings
1954 having direct access to the outside from each living unit and
1955 having three stories or less. This subsection does not apply to
1956 any residential building required to have a manual or an
1957 automatic fire alarm system.

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

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1973 The report must consider the tradeoffs and specific cost savings
 1974 and benefits of fire sprinklers for future owners of property.
 1975 The report must include an assessment of the cost savings from
 1976 any reduced or eliminated impact fees if applicable, the
 1977 reduction in special fire district tax, insurance fees, and
 1978 other taxes or fees imposed, and the waiver of certain
 1979 infrastructure requirements including the reduction of roadway
 1980 widths, the reduction of water line sizes, increased fire
 1981 hydrant spacing, increased dead-end roadway length and a
 1982 reduction in cul-de-sac sizes relative to the costs from fire
 1983 sprinkling. A failure to prepare an economic report shall result
 1984 in the invalidation of the fire sprinkler requirement to any
 1985 one- or two-family dwelling or any proposed subdivision. In
 1986 addition, a local jurisdiction or utility may not charge any
 1987 additional fee, above what is charged to a non-fire sprinklered
 1988 dwelling, on the basis that a one- or two-family dwelling unit
 1989 is protected by a fire sprinkler system.

1990 (9) ~~(10)~~ Before imposing a fire sprinkler requirement on any
 1991 one- or two-family dwelling, a local government must provide the
 1992 owner of any one- or two-family dwelling a letter documenting
 1993 specific infrastructure or other tax or fee allowances and
 1994 waivers that are listed in but not limited to those described in
 1995 subsection (8) ~~(9)~~ for the dwelling. The documentation must show
 1996 that the cost savings reasonably approximate the cost of the
 1997 purchase and installation of a fire protection system.

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

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2002 reclassification of the property's primary use to a rental
2003 property.

2004 Section 25. Section 633.026, Florida Statutes, is
2005 transferred, renumbered as section 633.212, Florida Statutes,
2006 and amended to read:

2007 633.212 ~~633.026~~ Legislative intent; informal
2008 interpretations of the Florida Fire Prevention Code.—It is the
2009 intent of the Legislature that the Florida Fire Prevention Code
2010 be interpreted by fire officials and local enforcement agencies
2011 in a manner that reasonably and cost-effectively protects the
2012 public safety, health, and welfare; ensures uniform
2013 interpretations throughout this state; and provides just and
2014 expeditious processes for resolving disputes regarding such
2015 interpretations. It is the further intent of the Legislature
2016 that such processes provide for the expeditious resolution of
2017 the issues presented and that the resulting interpretation of
2018 such issues be published on the website of the division ~~of State~~
2019 ~~Fire Marshal~~.

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

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2031 the state, to which a party can pose questions regarding the
2032 interpretation of the Florida Fire Prevention Code provisions.
2033 The alternate member may respond to a nonbinding interpretation
2034 if the member notifies the Fire Code Interpretation Committee
2035 that he or she is unable to respond.

2036 (2) Each member and alternate member of the Fire Code
2037 Interpretation Committee must be certified as a firesafety
2038 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a
2039 minimum of 5 years of experience interpreting and enforcing the
2040 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each
2041 member and alternate member must be approved by the division ~~of~~
2042 ~~State Fire Marshal~~ and deemed by the division to have met these
2043 requirements for at least 30 days before participating in a
2044 review of a nonbinding interpretation.

2045 (3) Each nonbinding interpretation of code provisions must
2046 be provided within 15 ~~10~~ business days after receipt of a
2047 request for interpretation. The response period established in
2048 this subsection may be waived only with the written consent of
2049 the party requesting the nonbinding interpretation and the
2050 division ~~of State Fire Marshal~~. Nonbinding interpretations shall
2051 be advisory only and nonbinding on the parties or the State Fire
2052 Marshal.

2053 (4) In order to administer this section, the division ~~of~~
2054 ~~State Fire Marshal~~ shall charge a fee for nonbinding
2055 interpretations. The fee may not exceed \$150 for each request
2056 for a review or interpretation. The division may authorize
2057 payment of fees directly to the nonprofit organization under
2058 contract pursuant to subsection (1).

2059 (5) A party requesting a nonbinding interpretation who

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2060 disagrees with the interpretation issued under this section may
2061 apply for a declaratory statement ~~formal interpretation~~ from the
2062 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2063 (6) The division ~~of State Fire Marshal~~ shall issue or cause
2064 to be issued a nonbinding interpretation of the Florida Fire
2065 Prevention Code pursuant to this section when requested to do so
2066 upon submission of a petition by a fire official or by the owner
2067 or owner's representative or the contractor or contractor's
2068 representative of a project in dispute. The division shall adopt
2069 a petition form by rule, and the petition form must be published
2070 on the State Fire Marshal's website. The form must ~~shall~~, at a
2071 minimum, require:

2072 (a) The name and address of the local fire official,
2073 including the address of the county, municipality, or special
2074 district.

2075 (b) The name and address of the owner or owner's
2076 representative or the contractor or contractor's representative.

2077 (c) A statement of the specific sections of the Florida
2078 Fire Prevention Code being interpreted by the local fire
2079 official.

2080 (d) An explanation of how the petitioner's substantial
2081 interests are being affected by the local interpretation of the
2082 Florida Fire Prevention Code.

2083 (e) A statement of the interpretation of the specific
2084 sections of the Florida Fire Prevention Code by the local fire
2085 official.

2086 (f) A statement of the interpretation that the petitioner
2087 contends should be given to the specific sections of the Florida
2088 Fire Prevention Code and a statement supporting the petitioner's

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2089 interpretation.

2090 (g) A single question that is capable of being answered
2091 with a "yes" or "no" response.

2092 (7) Upon receipt of a petition that meets the requirements
2093 of subsection (6), the division ~~of State Fire Marshal~~ shall
2094 immediately provide copies of the petition to the Fire Code
2095 Interpretation Committee, and shall publish the petition and any
2096 response submitted by the local fire official on the State Fire
2097 Marshal's website.

2098 (8) The committee shall conduct proceedings as necessary to
2099 resolve the issues and give due regard to the petition, the
2100 facts of the matter at issue, specific code sections cited, and
2101 any statutory implications affecting the Florida Fire Prevention
2102 Code. The committee shall issue an interpretation regarding the
2103 provisions of the Florida Fire Prevention Code within 15 ~~10~~ days
2104 after the filing of a petition. The committee shall issue an
2105 interpretation based upon the Florida Fire Prevention Code or,
2106 if the code is ambiguous, the intent of the code. The
2107 committee's interpretation shall be provided to the petitioner
2108 and shall include a notice that if the petitioner disagrees with
2109 the interpretation, the petitioner may file a request for a
2110 declaratory statement ~~formal interpretation~~ by the State Fire
2111 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's
2112 interpretation shall be provided to the State Fire Marshal, and
2113 the division shall publish the declaratory statement
2114 ~~interpretation~~ on the State Fire Marshal's website and in the
2115 Florida Administrative Register Weekly.

2116 Section 26. Section 633.052, Florida Statutes, is
2117 transferred and renumbered as section 633.214, Florida Statutes,

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2118 and paragraphs (a) and (b) of subsection (1), paragraph (d) of
2119 subsection (2), and subsections (3) and (4) of that section are
2120 amended, to read:

2121 633.214 ~~633.052~~ Ordinances relating to firesafety;
2122 definitions; penalties.-

2123 (1) As used in this section:

2124 (a) A "firesafety inspector" is an individual certified by
2125 the division ~~of State Fire Marshal~~, officially assigned the
2126 duties of conducting firesafety inspections of buildings and
2127 facilities on a recurring or regular basis, investigating civil
2128 infractions relating to firesafety, and issuing citations
2129 pursuant to this section on behalf of the state or any county,
2130 municipality, or special district with firesafety
2131 responsibilities.

2132 (b) "Citation" means a written notice, issued only after a
2133 written warning has been previously issued and a minimum time
2134 period of 45 days, except for major structural changes, which
2135 may be corrected within an extended adequate period of time,
2136 from the date of the issuance of the warning whereby the party
2137 warned may correct the alleged violation, issued to a person by
2138 a firesafety inspector, that the firesafety inspector has
2139 probable cause to believe that the person has committed a civil
2140 infraction in violation of a duly enacted ordinance and that the
2141 county court will hear the charge. The citation must ~~shall~~
2142 contain:

- 2143 1. The date and time of issuance.
- 2144 2. The name and address of the person.
- 2145 3. The date and time the civil infraction was committed.
- 2146 4. The facts constituting probable cause.

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2147 5. The Florida Fire Prevention Code ordinance violated.

2148 6. The name and authority of the firesafety inspector
2149 ~~officer~~.

2150 7. The procedure for the person to follow in order to pay
2151 the civil penalty or to contest the citation.

2152 8. The applicable civil penalty if the person elects to
2153 contest the citation.

2154 9. The applicable civil penalty if the person elects not to
2155 contest the citation.

2156 10. A conspicuous statement that if the person fails to pay
2157 the civil penalty within the time allowed or fails to appear in
2158 court to contest the citation, then she or he shall be deemed to
2159 have waived her or his right to contest the citation and that,
2160 in such case, judgment may be entered against the person for an
2161 amount up to the maximum civil penalty.

2162 (2) A county or municipality that has created a code
2163 enforcement board or special magistrate system pursuant to
2164 chapter 162 may enforce firesafety code violations as provided
2165 in chapter 162. The governing body of a county or municipality
2166 which has not created a code enforcement board or special
2167 magistrate system for firesafety under chapter 162 may ~~is~~
2168 ~~authorized to~~ enact ordinances relating to firesafety codes,
2169 which ordinances shall provide:

2170 (d) For the issuance of a citation by an officer who has
2171 probable cause to believe that a person has committed a
2172 violation of an ordinance relating to firesafety or the Florida
2173 Fire Prevention Code.

2174 (3) A person ~~Any person~~ who willfully refuses to sign and
2175 accept a citation issued by a firesafety inspector commits ~~shall~~

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2176 ~~be guilty of~~ a misdemeanor of the second degree, punishable as
2177 provided in s. 775.082 or s. 775.083.

2178 (4) ~~Nothing contained in~~ This section does not shall
2179 prevent any county, ~~or~~ municipality, or special district from
2180 enacting any ordinance relating to firesafety codes which is
2181 identical to ~~the provisions of~~ this chapter or any state law,
2182 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or
2183 special district ordinance relating to firesafety codes may not
2184 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other
2185 state law.

2186 Section 27. Section 633.081, Florida Statutes, is
2187 transferred and renumbered as section 633.216, Florida Statutes,
2188 a new subsection (6) is added to that section, and present
2189 subsections (1) and (2), paragraph (c) of subsection (3), and
2190 subsections (4) through (9) of that section are amended, to
2191 read:

2192 633.216 ~~633.081~~ Inspection of buildings and equipment;
2193 orders; firesafety inspection training requirements;
2194 certification; disciplinary action.—The State Fire Marshal and
2195 her or his agents or persons authorized to enforce laws and
2196 rules of the State Fire Marshal shall, at any reasonable hour,
2197 when the State Fire Marshal has reasonable cause to believe that
2198 a violation of this chapter or s. 509.215, or a rule adopted
2199 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by
2200 the State Fire Marshal or a local authority, may exist, inspect
2201 any and all buildings and structures which are subject to the
2202 requirements of this chapter or s. 509.215 and rules adopted
2203 ~~promulgated~~ thereunder. The authority to inspect shall extend to
2204 all equipment, vehicles, and chemicals which are located on or

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2205 within the premises of any such building or structure.

2206 (1) Each county, municipality, and special district that
2207 has firesafety enforcement responsibilities shall employ or
2208 contract with a firesafety inspector. Except as provided in s.
2209 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must
2210 conduct all firesafety inspections that are required by law. The
2211 governing body of a county, municipality, or special district
2212 that has firesafety enforcement responsibilities may provide a
2213 schedule of fees to pay only the costs of inspections conducted
2214 pursuant to this subsection and related administrative expenses.
2215 Two or more counties, municipalities, or special districts that
2216 have firesafety enforcement responsibilities may jointly employ
2217 or contract with a firesafety inspector.

2218 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
2219 firesafety inspection conducted pursuant to state or local
2220 firesafety requirements shall be by a person certified as having
2221 met the inspection training requirements set by the State Fire
2222 Marshal. Such person shall meet the requirements of s.
2223 633.412(1)(a)-(d), and:

2224 (a) ~~Be a high school graduate or the equivalent as~~
2225 ~~determined by the department;~~

2226 (b) ~~Not have been found guilty of, or having pleaded guilty~~
2227 ~~or nolo contendere to, a felony or a crime punishable by~~
2228 ~~imprisonment of 1 year or more under the law of the United~~
2229 ~~States, or of any state thereof, which involves moral turpitude,~~
2230 ~~without regard to whether a judgment of conviction has been~~
2231 ~~entered by the court having jurisdiction of such cases;~~

2232 (c) ~~Have her or his fingerprints on file with the~~
2233 ~~department or with an agency designated by the department;~~

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- 2234 ~~(d) Have good moral character as determined by the~~
2235 ~~department;~~
- 2236 ~~(e) Be at least 18 years of age;~~
- 2237 ~~(f) Have satisfactorily completed the firesafety inspector~~
2238 ~~certification examination as prescribed by division rule ~~the~~~~
2239 ~~department; and~~
- 2240 (b)~~(g)~~1. Have satisfactorily completed, as determined by
2241 division rule ~~the department~~, a firesafety inspector training
2242 program of at least ~~not less than~~ 200 hours established by the
2243 department and administered by education or training providers
2244 ~~agencies and institutions~~ approved by the department for the
2245 purpose of providing basic certification training for firesafety
2246 inspectors; or
- 2247 2. Have received ~~in another state~~ training in another state
2248 which is determined by the division ~~department~~ to be at least
2249 equivalent to that required by the department for approved
2250 firesafety inspector education and training programs in this
2251 state.
- 2252 (3)
- 2253 (c)1. To be certified as a firesafety inspector under this
2254 section, a ~~any~~ person who:
- 2255 a. Is a special state firesafety inspector on July 1, 2011,
2256 and who does not have 5 years of experience as a special state
2257 firesafety inspector as of July 1, 2011; or
- 2258 b. Has 5 years of experience as a special state firesafety
2259 inspector but has failed the examination taken as provided in
2260 paragraph (2) (a) ~~(2) (f)~~, must take an additional 80 hours of the
2261 courses described in paragraph (2) (b) ~~(2) (g)~~.
- 2262 2. After successfully completing the courses described in

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2263 this paragraph, such person may take the firesafety inspection
2264 examination as provided in paragraph (2) (a) ~~(2) (f)~~, if such
2265 examination is taken before July 1, 2013.

2266 3. Upon passing the examination, the person shall be
2267 certified as a firesafety inspector as provided in this section.

2268 4. A person who fails the course of study or the
2269 examination described in this paragraph may not perform any
2270 firesafety inspection required by law on or after July 1, 2013.

2271 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
2272 may conduct firesafety inspections, under the supervision of a
2273 certified firesafety inspector, while on duty as a member of a
2274 fire department company conducting inservice firesafety
2275 inspections without being certified as a firesafety inspector,
2276 if such firefighter has satisfactorily completed an inservice
2277 fire department company inspector training program of at least
2278 24 hours' duration as provided by rule of the department.

2279 (5) Every firesafety inspector certificate is valid for a
2280 period of 4 ~~3~~ years from the date of issuance. Renewal of
2281 certification is subject to the affected person's completing
2282 proper application for renewal and meeting all of the
2283 requirements for renewal as established under this chapter or by
2284 rule adopted under this chapter, which must ~~shall~~ include
2285 completion of at least 54 ~~40~~ hours during the preceding 4-year
2286 ~~3-year~~ period of continuing education as required by the rule of
2287 the department or, in lieu thereof, successful passage of an
2288 examination as established by the department.

2289 (6) A previously certified firesafety inspector whose
2290 certification has lapsed for 8 years or more must repeat the
2291 fire safety inspector training as specified by the division.

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2292 (7)~~(6)~~ The State Fire Marshal may deny, refuse to renew,
2293 suspend, or revoke the certificate of a firesafety inspector if
2294 the State Fire Marshal finds that any of the following grounds
2295 exist:

2296 (a) Any cause for which issuance of a certificate could
2297 have been refused had it then existed and been known to the
2298 division ~~State Fire Marshal~~.

2299 (b) Violation of this chapter or any rule or order of the
2300 State Fire Marshal.

2301 (c) Falsification of records relating to the certificate.

2302 ~~(d) Having been found guilty of or having pleaded guilty or~~
2303 ~~nolo contendere to a felony, whether or not a judgment of~~
2304 ~~conviction has been entered.~~

2305 (d)~~(e)~~ Failure to meet any of the renewal requirements.

2306 ~~(f) Having been convicted of a crime in any jurisdiction~~
2307 ~~which directly relates to the practice of fire code inspection,~~
2308 ~~plan review, or administration.~~

2309 (e)~~(g)~~ Making or filing a report or record that the
2310 certificateholder knows to be false, or knowingly inducing
2311 another to file a false report or record, or knowingly failing
2312 to file a report or record required by state or local law, or
2313 knowingly impeding or obstructing such filing, or knowingly
2314 inducing another person to impede or obstruct such filing.

2315 (f)~~(h)~~ Failing to properly enforce applicable fire codes or
2316 permit requirements within this state which the
2317 certificateholder knows are applicable by committing willful
2318 misconduct, gross negligence, gross misconduct, repeated
2319 negligence, or negligence resulting in a significant danger to
2320 life or property.

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2321 (g)~~(i)~~ Accepting labor, services, or materials at no charge
2322 or at a noncompetitive rate from a ~~any~~ person who performs work
2323 that is under the enforcement authority of the certificateholder
2324 and who is not an immediate family member of the
2325 certificateholder. For the purpose of this paragraph, the term
2326 "immediate family member" means a spouse, child, parent,
2327 sibling, grandparent, aunt, uncle, or first cousin of the person
2328 or the person's spouse or a ~~any~~ person who resides in the
2329 primary residence of the certificateholder.

2330 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida
2331 Building Code Administrators and Inspectors Board, established
2332 pursuant to s. 468.605, shall enter into a reciprocity agreement
2333 to facilitate joint recognition of continuing education
2334 recertification hours for certificateholders licensed under s.
2335 468.609 and firesafety inspectors certified under subsection
2336 (2).

2337 (9)~~(8)~~ The State Fire Marshal shall develop by rule an
2338 advanced training and certification program for firesafety
2339 inspectors having fire code management responsibilities. The
2340 program must be consistent with the appropriate provisions of
2341 NFPA 1037, or similar standards adopted by the division, and
2342 establish minimum training, education, and experience levels for
2343 firesafety inspectors having fire code management
2344 responsibilities.

2345 (10)~~(9)~~ The department shall provide by rule for the
2346 certification of firesafety inspectors and Fire Code
2347 Administrators.

2348 Section 28. Section 633.085, Florida Statutes, is
2349 transferred and renumbered as section 633.218, Florida Statutes,

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2350 paragraph (a) of subsection (1) and subsections (2) through (5)
 2351 of that section are amended, and paragraphs (e) and (f) are
 2352 added to subsection (1) of that section, to read:

2353 633.218 ~~633.085~~ Inspections of state buildings and
 2354 premises; tests of firesafety equipment; building plans to be
 2355 approved.—

2356 (1) (a) It is the duty of the State Fire Marshal and her or
 2357 his agents to inspect, or cause to be inspected, each state-
 2358 owned building on a recurring basis established by rule, and to
 2359 ensure that high-hazard occupancies are inspected at least
 2360 annually, for the purpose of ascertaining and causing to be
 2361 corrected any conditions liable to cause fire or endanger life
 2362 from fire and any violation of the firesafety standards for
 2363 state-owned buildings, ~~the provisions of~~ this chapter, or the
 2364 rules ~~or regulations~~ adopted and promulgated pursuant hereto.
 2365 The State Fire Marshal shall, within 7 days following an
 2366 inspection, submit a report of such inspection to the head of
 2367 the ~~department of state~~ agency ~~government~~ responsible for the
 2368 building.

2369 (e) For purposes of this section:

2370 1.a. The term "high-hazard occupancy" means any building or
 2371 structure:

2372 (I) That contains combustible or explosive matter or
 2373 flammable conditions dangerous to the safety of life or
 2374 property;

2375 (II) At which persons receive educational instruction;

2376 (III) At which persons reside, excluding private dwellings;

2377 or

2378 (IV) Containing three or more floor levels.

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2379 b. As used in this subparagraph, the phrase "building or
2380 structure":

2381 (I) Includes, but is not limited to, all hospitals and
2382 residential health care facilities, nursing homes and other
2383 adult care facilities, correctional or detention facilities,
2384 public schools, public lodging establishments, migrant labor
2385 camps, residential child care facilities, and self-service
2386 gasoline stations.

2387 (II) Does not include any residential condominium where the
2388 declaration of condominium or the bylaws provide that the rental
2389 of units shall not be permitted for less than 90 days.

2390 2. The term "state-owned building," includes private
2391 correctional facilities as defined under s. 944.710(3).

2392 (f) A state-owned building or state-leased building or
2393 space shall be identified through use of the United States
2394 National Grid Coordinate System.

2395 (2) The State Fire Marshal and her or his agents ~~may shall~~
2396 conduct performance tests on any electronic fire warning and
2397 smoke detection system, and any pressurized air-handling unit,
2398 in any state-owned building or state-leased building or space on
2399 a recurring basis as provided in subsection (1). The State Fire
2400 Marshal and her or his agents shall also ensure that fire drills
2401 are conducted in all high-hazard state-owned buildings or high-
2402 hazard state-leased ~~high-hazard~~ occupancies at least annually.

2403 (3) All construction of any new state-owned building or
2404 state-leased building or space, or any renovation, alteration,
2405 or change of occupancy of any existing, state-owned building or
2406 state-leased building or space must ~~shall~~ comply with the
2407 uniform firesafety standards of the State Fire Marshal.

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2408 (a) For all new construction or renovation, alteration, or
2409 change of occupancy of state-leased space, compliance with the
2410 uniform firesafety standards shall be determined by reviewing
2411 the plans for the proposed construction or occupancy submitted
2412 by the lessor to the division ~~of State Fire Marshal~~ for review
2413 and approval before ~~prior to~~ commencement of construction or
2414 occupancy, which review shall be completed within 10 working
2415 days after receipt of the plans by the division ~~of State Fire~~
2416 ~~Marshal~~.

2417 (b) The plans for all construction of any new, or
2418 renovation or alteration of any existing, state-owned building
2419 are subject to the review and approval of the division ~~of State~~
2420 ~~Fire Marshal~~ for compliance with the uniform firesafety
2421 standards before ~~prior to~~ commencement of construction or change
2422 of occupancy, which review shall be completed within 30 calendar
2423 days of receipt of the plans by the division ~~of State Fire~~
2424 ~~Marshal~~.

2425 (4) The division ~~of State Fire Marshal~~ may inspect state-
2426 owned buildings and space and state-leased buildings and space
2427 as necessary before ~~prior to~~ occupancy or during construction,
2428 renovation, or alteration to ascertain compliance with the
2429 uniform firesafety standards. Whenever the division ~~of State~~
2430 ~~Fire Marshal~~ determines by virtue of such inspection or by
2431 review of plans that construction, renovation, or alteration of
2432 state-owned buildings and state-leased buildings or space is not
2433 in compliance with the uniform firesafety standards, the
2434 division ~~of State Fire Marshal~~ shall issue an order to cease
2435 construction, renovation, or alteration, or to preclude
2436 occupancy, of a building until compliance is obtained, except

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2437 for those activities required to achieve such compliance.

2438 (5) The division ~~of State Fire Marshal~~ shall by rule
2439 provide a schedule of fees to pay for the costs of the
2440 inspections, whether recurring or high hazard, any firesafety
2441 review or plans for proposed construction, renovations, or
2442 occupancy, and related administrative expenses.

2443 Section 29. Section 633.027, Florida Statutes, is
2444 transferred and renumbered as section 633.222, Florida Statutes,
2445 and subsection (3) of that section is amended, to read:

2446 633.222 ~~633.027~~ Buildings with light-frame truss-type
2447 construction; notice requirements; enforcement.-

2448 (3) The State Fire Marshal, and local fire officials in
2449 accordance with s. 633.118 ~~633.121~~, shall enforce ~~the provisions~~
2450 ~~of~~ this section. An ~~Any~~ owner who fails to comply with the
2451 requirements of this section is subject to penalties as provided
2452 in s. 633.228 ~~633.161~~.

2453 Section 30. Section 633.60, Florida Statutes, is
2454 transferred and renumbered as section 633.224, Florida Statutes,
2455 and subsection (1) of that section is amended, to read:

2456 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-
2457 family dwellings, two-family dwellings, and mobile homes.-

2458 (1) It is unlawful for a any person to engage in the
2459 business or act in the capacity of a contractor of automatic
2460 fire sprinkler systems for one-family dwellings, two-family
2461 dwellings, and mobile homes without having been duly certified
2462 and holding a current certificate as a Contractor I, Contractor
2463 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

2464 Section 31. Section 633.557, Florida Statutes, is
2465 transferred and renumbered as section 633.226, Florida Statutes.

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2466 Section 32. Section 633.161, Florida Statutes, is
2467 transferred and renumbered as section 633.228, Florida Statutes,
2468 and paragraphs (a) and (b) of subsection (1), paragraph (a) of
2469 subsection (2), and subsection (3) of that section are amended,
2470 to read:

2471 633.228 ~~633.161~~ Violations; orders to cease and desist,
2472 correct hazardous conditions, preclude occupancy, or vacate;
2473 enforcement; penalties.-

2474 (1) If it is determined by the department that a violation
2475 specified in this subsection exists, the State Fire Marshal or
2476 her or his deputy may issue and deliver to the person committing
2477 the violation an order to cease and desist from such violation,
2478 to correct any hazardous condition, to preclude occupancy of the
2479 affected building or structure, or to vacate the premises of the
2480 affected building or structure. Such violations are:

2481 (a) Except as set forth in paragraph (b), a violation of
2482 any provision of this chapter, of any rule adopted pursuant
2483 thereto, of any applicable uniform firesafety standard adopted
2484 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed
2485 by any alternative requirements adopted on a local level, or of
2486 any minimum firesafety standard adopted pursuant to s. 394.879.

2487 (b) A substantial violation of an applicable minimum
2488 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which
2489 is not reasonably addressed by any alternative requirement
2490 imposed at the local level, or an unreasonable interpretation of
2491 an applicable minimum firesafety standard, and which violation
2492 or interpretation clearly constitutes a danger to lifesafety.

2493 (2) (a) If, during the conduct of a firesafety inspection
2494 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is

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2495 determined that a violation described in this section exists
 2496 which poses an immediate danger to the public health, safety, or
 2497 welfare, the State Fire Marshal may issue an order to vacate the
 2498 building in question, which order shall be immediately effective
 2499 and shall be an immediate final order under s. 120.569(2)(n).
 2500 With respect to a facility under the jurisdiction of a district
 2501 school board or community college board of trustees, the order
 2502 to vacate shall be issued jointly by the district superintendent
 2503 or college president and the State Fire Marshal.

2504 (3) A ~~Any~~ person who violates or fails to comply with any
 2505 order under subsection (1) or subsection (2) commits is guilty
 2506 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

2507 Section 33. The Division of Law Revision and Information is
 2508 directed to create part III of chapter 633, Florida Statutes,
 2509 consisting of sections 633.302, 633.304, 633.306, 633.308,
 2510 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,
 2511 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
 2512 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled
 2513 "Fire Protection and Suppression."

2514 Section 34. Section 633.511, Florida Statutes, is
 2515 transferred, renumbered as section 633.302, Florida Statutes,
 2516 and amended to read:

2517 633.302 ~~633.511~~ Florida Fire Safety Board; membership;
 2518 duties; meetings; officers; quorum; compensation; seal.-

2519 (1) The Florida Fire Safety Board is created consisting of
 2520 seven members who are ~~citizens and~~ residents of this state. One
 2521 shall be the State Fire Marshal, or her or his designee
 2522 ~~designated appointee~~ who shall be an administrative employee of
 2523 the marshal; one shall be an administrative officer from a

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2524 building department representing an incorporated municipality or
2525 a county; one shall be an administrative officer from a fire
2526 department representing an incorporated municipality or a
2527 county; two shall be contractors licensed pursuant to s. 633.318
2528 ~~633.521~~; and two shall be persons who hold valid licenses under
2529 s. 633.304 ~~633.061~~.

2530 (2) (a) To be eligible for appointment, each contractor must
2531 ~~shall~~ personally hold a current certificate of competency and a
2532 current license issued by the division ~~State Fire Marshal~~,
2533 together with an unexpired occupational license to operate as a
2534 contractor issued by an incorporated municipality or a county;
2535 be actively engaged in such business and have been so engaged
2536 for a period of not less than 5 consecutive years before the
2537 date of her or his appointment; and be a ~~citizen and~~ resident of
2538 the state.

2539 (b) To be eligible for appointment, each fire equipment
2540 dealer must ~~shall~~ personally hold a current Class A, B, or C and
2541 Class D fire equipment dealer license issued by the division
2542 ~~State Fire Marshal~~, together with an unexpired occupational
2543 license to operate as a fire equipment dealer issued by an
2544 incorporated municipality or a county; must ~~shall~~ be actively
2545 engaged in such business and have been so engaged for a period
2546 of not less than 5 consecutive years before the date of
2547 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this
2548 state.

2549 (3) The State Fire Marshal's term on the board, or that of
2550 her or his designee ~~designated administrative employee~~, shall
2551 coincide with the State Fire Marshal's term of office. Of the
2552 other six members of the board, one member shall be appointed

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2553 for a term of 1 year, one member for a term of 2 years, two
2554 members for terms of 3 years, and two members for terms of 4
2555 years. All terms expire on June 30 of the last year of the term.
2556 ~~When Effective July 1, 1997, as~~ the term of ~~a each~~ member
2557 expires, the State Fire Marshal shall appoint a member to fill
2558 the vacancy for a term of 4 years. The State Fire Marshal may
2559 remove any appointed member for cause. A vacancy in the
2560 membership of the board for any cause shall be filled by
2561 appointment by the State Fire Marshal for the balance of the
2562 unexpired term.

2563 (4) The board shall act in an advisory capacity to the
2564 State Fire Marshal and shall meet regularly as the need presents
2565 itself. The board shall have the authority to review complaints
2566 and disputed administrative action and make recommendations for
2567 disciplinary action to the division at the request of the
2568 licenseholder, permitholder, or certificateholder. The board
2569 will serve in an advisory capacity to the division regarding
2570 rules, codes, standards, interpretations, and training. As soon
2571 as practicable after July 1, 2013, the board shall meet to elect
2572 officers from its membership, whose terms shall expire on June
2573 30 and annually thereafter. A majority of the board shall
2574 constitute a quorum. A member of the advisory board may not be
2575 paid a salary as such member, but shall be reimbursed for
2576 necessary expenses while attending advisory board meetings,
2577 including travel in the performance of her or his duties, as
2578 provided in s. 112.061.

2579 (5) The board shall adopt a seal for its use containing the
2580 words "Florida Fire Safety Board."

2581 Section 35. Section 633.061, Florida Statutes, is

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2582 transferred and renumbered as section 633.304, Florida Statutes,
2583 and subsections (1) through (4) and subsection (9) of that
2584 section are amended, to read:

2585 633.304 ~~633.061~~ Fire suppression equipment; license to
2586 install or maintain.—

2587 (1) It is unlawful for any organization or individual to
2588 engage in the business of servicing, repairing, recharging,
2589 testing, marking, inspecting, installing, or hydrotesting any
2590 fire extinguisher or preengineered system in this state except
2591 in conformity with ~~the provisions of~~ this chapter. Each
2592 organization or individual that engages in such activity must
2593 possess a valid and subsisting license issued by the division
2594 ~~State Fire Marshal~~. All fire extinguishers and preengineered
2595 systems required by statute or by rule must be serviced by an
2596 organization or individual licensed under ~~the provisions of~~ this
2597 chapter. A licensee who receives appropriate training shall not
2598 be prohibited by a manufacturer from servicing any particular
2599 brand of fire extinguisher or preengineered system. The licensee
2600 is legally qualified to act for the business organization in all
2601 matters connected with its business, and the licensee must
2602 supervise all activities undertaken by such business
2603 organization. Each licensee shall maintain a specific business
2604 location. A further requirement, in the case of multiple
2605 locations where such servicing or recharging is taking place, is
2606 that each licensee who maintains more than one place of business
2607 where actual work is carried on must possess an additional
2608 license, as set forth in this section, for each location, except
2609 that a licensed individual may not qualify for more than five
2610 locations. A licensee is limited to a specific type of work

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2611 performed depending upon the class of license held. Licenses ~~and~~
2612 ~~license fees~~ are required for the following:

2613 (a) Class A: ~~—\$250~~

2614 To service, recharge, repair, install, or inspect all types of
2615 fire extinguishers and to conduct hydrostatic tests on all types
2616 of fire extinguishers.

2617 (b) Class B: ~~—\$150~~

2618 To service, recharge, repair, install, or inspect all types of
2619 fire extinguishers, including recharging carbon dioxide units
2620 and conducting hydrostatic tests on all types of fire
2621 extinguishers, except carbon dioxide units.

2622 (c) Class C: ~~—\$150~~

2623 To service, recharge, repair, install, or inspect all types of
2624 fire extinguishers, except recharging carbon dioxide units, and
2625 to conduct hydrostatic tests on all types of fire extinguishers,
2626 except carbon dioxide units.

2627 (d) Class D: ~~—\$200~~

2628 To service, repair, recharge, hydrotest, install, or inspect all
2629 types of preengineered fire extinguishing systems.

2630 ~~(e) Licenses issued as duplicates or to reflect a change of~~
2631 ~~address —\$10~~

2632

2633 Any fire equipment dealer licensed pursuant to this subsection
2634 who does not want to engage in the business of servicing,
2635 inspecting, recharging, repairing, hydrotesting, or installing
2636 halon equipment must file an affidavit on a form provided by the
2637 division so stating. Licenses will be issued by the division to
2638 show ~~reflect~~ the work authorized thereunder. It is unlawful,
2639 unlicensed activity for a any person or firm to falsely hold

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2640 himself or herself or a business organization out to perform any
2641 service, inspection, recharge, repair, hydrotest, or
2642 installation except as specifically described in the license. A
2643 fire equipment dealer licensed pursuant to this subsection who
2644 wishes to withdraw a previously filed halon equipment exemption
2645 affidavit and engage in the business of servicing, inspecting,
2646 recharging, repairing, hydrotesting, or installing halon
2647 equipment must submit a written statement requesting the
2648 withdrawal to the division. The dealer must also submit to an
2649 inspection by the State Fire Marshal or her or his designee in
2650 order to determine that the dealer possesses the equipment
2651 required to service, inspect, recharge, repair, hydrotest, or
2652 install halon equipment.

2653 (2) A person who holds a valid fire equipment dealer
2654 license may maintain such license in an inactive status during
2655 which time he or she may not engage in any work under the
2656 definition of the license held. An inactive status license shall
2657 be void after 4 ~~2~~ years or when ~~at the time that~~ the license is
2658 renewed, whichever comes first. ~~The biennial renewal fee for an~~
2659 ~~inactive status license shall be \$75.~~ An inactive status license
2660 may not be reactivated unless the continuing education
2661 requirements of this chapter have been fulfilled.

2662 (3) Each individual actually performing the work of
2663 servicing, recharging, repairing, hydrotesting, installing,
2664 testing, or inspecting fire extinguishers or preengineered
2665 systems must possess a valid and subsisting permit issued by the
2666 division ~~State Fire Marshal~~. Permittees are limited as to
2667 specific type of work performed to allow work no more extensive
2668 than the class of license held by the licensee under whom the

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2669 permittee is working. Permits will be issued by the division ~~and~~
2670 ~~the fees required are~~ as follows:

2671 (a) Portable permit: ~~_____ \$90~~ "Portable permittee" means a
2672 person who is limited to performing work no more extensive than
2673 the employing licensee in the servicing, recharging, repairing,
2674 installing, or inspecting all types of portable fire
2675 extinguishers.

2676 (b) Preengineered permit: ~~_____ \$120~~ "Preengineered
2677 permittee" means a person who is limited to the servicing,
2678 recharging, repairing, installing, or inspecting of all types of
2679 preengineered fire extinguishing systems.

2680 ~~(c) Permits issued as duplicates or to reflect a change of~~
2681 ~~address _____ \$10~~

2682
2683 Any fire equipment permittee licensed pursuant to this
2684 subsection who does not want to engage in servicing, inspecting,
2685 recharging, repairing, hydrotesting, or installing halon
2686 equipment must file an affidavit on a form provided by the
2687 division so stating. Permits will be issued by the division to
2688 show ~~reflect~~ the work authorized thereunder. It is unlawful,
2689 unlicensed activity for a any ~~any~~ person or firm to falsely hold
2690 himself or herself out to perform any service, inspection,
2691 recharge, repair, hydrotest, or installation except as
2692 specifically described in the permit.

2693 (4) (a) Such licenses and permits shall be issued by the
2694 division ~~State Fire Marshal~~ for 2 years beginning January 1,
2695 2000, and each 2-year period thereafter and expiring December 31
2696 of the second year. All licenses or permits issued will expire
2697 on December 31 of each odd-numbered year. The failure to renew a

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2698 license or permit by December 31 of the second year will cause
2699 the license or permit to become inoperative. The holder of an
2700 inoperative license or permit may ~~shall~~ not engage in any
2701 activities for which a license or permit is required by this
2702 section. A license or permit which is inoperative because of the
2703 failure to renew it shall be restored upon payment of the
2704 applicable fee plus a penalty equal to the applicable fee, if
2705 the application for renewal is filed no later than the following
2706 March 31. If the application for restoration is not made before
2707 the March 31st deadline, the fee for restoration shall be equal
2708 to the original application fee and the penalty provided for
2709 herein, and, in addition, the State Fire Marshal shall require
2710 reexamination of the applicant. The fee for a license or permit
2711 issued for 1 year or less shall be prorated at 50 percent of the
2712 applicable fee for a biennial license or permit.

2713 (b) After initial licensure, each licensee or permittee
2714 must successfully complete a course or courses of continuing
2715 education for fire equipment technicians of at least 16 hours. A
2716 license or permit may not be renewed unless the licensee or
2717 permittee produces documentation of the completion of at least
2718 16 hours of continuing education for fire equipment technicians
2719 during the biennial licensure period. A person who is both a
2720 licensee and a permittee shall be required to complete 16 hours
2721 of continuing education during each renewal period. Each
2722 licensee shall ensure that all permittees in his or her
2723 employment meet their continuing education requirements. The
2724 State Fire Marshal shall adopt rules describing the continuing
2725 education requirements and shall have the authority upon
2726 reasonable belief, to audit a fire equipment dealer to determine

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2727 compliance with continuing education requirements.

2728 (c) ~~(b)~~ The forms of such licenses and permits and
2729 applications therefor shall be prescribed by the State Fire
2730 Marshal; in addition to such other information and data as that
2731 officer determines is appropriate and required for such forms,
2732 there shall be included in such forms the following matters.
2733 Each such application must ~~shall~~ be in such form as to provide
2734 that the data and other information set forth therein shall be
2735 sworn to by the applicant or, if a corporation, by an officer
2736 thereof. An application for a permit must ~~shall~~ include the name
2737 of the licensee employing such permittee, and the permit issued
2738 in pursuance of such application must ~~shall~~ also set forth the
2739 name of such licensee. A permit is valid solely for use by the
2740 holder thereof in his or her employment by the licensee named in
2741 the permit.

2742 (d) ~~(e)~~ A license of any class may ~~shall~~ not be issued or
2743 renewed by the division ~~State Fire Marshal~~ and a license of any
2744 class does ~~shall~~ not remain operative unless:

2745 1. The applicant has submitted to the State Fire Marshal
2746 evidence of registration as a Florida corporation or evidence of
2747 compliance with s. 865.09.

2748 2. The State Fire Marshal or his or her designee has by
2749 inspection determined that the applicant possesses the equipment
2750 required for the class of license sought. The State Fire Marshal
2751 shall give an applicant a reasonable opportunity to correct any
2752 deficiencies discovered by inspection. To obtain such
2753 inspection, an applicant with facilities located outside this
2754 state must:

2755 a. Provide a notarized statement from a professional

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2756 engineer licensed by the applicant's state of domicile
2757 certifying that the applicant possesses the equipment required
2758 for the class of license sought and that all such equipment is
2759 operable; or

2760 b. Allow the State Fire Marshal or her or his designee to
2761 inspect the facility. All costs associated with the State Fire
2762 Marshal's inspection shall be paid by the applicant. The State
2763 Fire Marshal, in accordance with s. 120.54, may adopt rules to
2764 establish standards for the calculation and establishment of the
2765 amount of costs associated with any inspection conducted by the
2766 State Fire Marshal under this section. Such rules shall include
2767 procedures for invoicing and receiving funds in advance of the
2768 inspection ~~A fee of \$50, payable to the State Fire Marshal,~~
2769 ~~shall be required for any subsequent reinspection.~~

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

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2785 this chapter. Failure, for any length of time, to provide proof
2786 of insurance coverage as required shall result in the immediate
2787 suspension of the license until proof of proper insurance is
2788 provided to the State Fire Marshal. An insurer which provides
2789 such coverage shall notify the State Fire Marshal of any change
2790 in coverage or of any termination, cancellation, or nonrenewal
2791 of any coverage.

2792 4. The applicant applies to the State Fire Marshal,
2793 provides proof of experience, and successfully completes a
2794 prescribed training course offered by the State Fire College or
2795 an equivalent course approved by the State Fire Marshal. This
2796 subparagraph does not apply to any holder of or applicant for a
2797 permit under paragraph (g) ~~(f)~~ or to a business organization or
2798 a governmental entity seeking initial licensure or renewal of an
2799 existing license solely for the purpose of inspecting,
2800 servicing, repairing, marking, recharging, and maintaining fire
2801 extinguishers used and located on the premises of and owned by
2802 such organization or entity.

2803 5. The applicant has a current retestor identification
2804 number that is appropriate for the license for which the
2805 applicant is applying and that is listed with the United States
2806 Department of Transportation.

2807 6. The applicant has passed, with a grade of at least 70
2808 percent, a written examination testing his or her knowledge of
2809 the rules and statutes governing ~~regulating~~ the activities
2810 authorized by the license and demonstrating his or her knowledge
2811 and ability to perform those tasks in a competent, lawful, and
2812 safe manner. Such examination shall be developed and
2813 administered by the State Fire Marshal, or his or her designee

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2814 in accordance with policies and procedures of the State Fire
2815 Marshal. An applicant shall pay a nonrefundable examination fee
2816 of \$50 for each examination or reexamination scheduled. A ~~No~~
2817 reexamination may not ~~shall~~ be scheduled sooner than 30 days
2818 after any administration of an examination to an applicant. An
2819 ~~No~~ applicant may not ~~shall~~ be permitted to take an examination
2820 for any level of license more than a total of four times during
2821 1 year, regardless of the number of applications submitted. As a
2822 prerequisite to licensure of the applicant, he or she:

2823 a. Must be at least 18 years of age.

2824 b. Must have 4 years of proven experience as a fire
2825 equipment permittee at a level equal to or greater than the
2826 level of license applied for or have a combination of education
2827 and experience determined to be equivalent thereto by the State
2828 Fire Marshal. Having held a permit at the appropriate level for
2829 the required period constitutes the required experience.

2830 c. Must not have been convicted of a felony or a crime
2831 punishable by imprisonment of 1 year or more under the law of
2832 the United States or of any state thereof or under the law of
2833 any other country, or pled nolo contendere to, any felony.
2834 "Convicted" means a finding of guilt or the acceptance of a plea
2835 of guilty or nolo contendere in any federal or state court or a
2836 court in any other country, without regard to whether a judgment
2837 of conviction has been entered by the court having jurisdiction
2838 of the case. If an applicant has been convicted of any such
2839 felony, the applicant shall be excluded from licensure for a
2840 period of 4 years after expiration of sentence or final release
2841 by the Parole Commission unless the applicant, before the
2842 expiration of the 4-year period, has received a full pardon or

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2843 has had her or his civil rights restored ~~must comply with s.~~
2844 ~~112.011(1)(b).~~

2845

2846 This subparagraph does not apply to any holder of or applicant
2847 for a permit under paragraph (g) ~~(f)~~ or to a business
2848 organization or a governmental entity seeking initial licensure
2849 or renewal of an existing license solely for the purpose of
2850 inspecting, servicing, repairing, marking, recharging,
2851 hydrotesting, and maintaining fire extinguishers used and
2852 located on the premises of and owned by such organization or
2853 entity.

2854 ~~(d) An applicant who fails the examination may take it~~
2855 ~~three more times during the 1-year period after he or she~~
2856 ~~originally filed an application for the examination. If the~~
2857 ~~applicant fails the examination within 1 year after the~~
2858 ~~application date and seeks to retake the examination, he or she~~
2859 ~~must file a new application, pay the application and examination~~
2860 ~~fees, and successfully complete a prescribed training course~~
2861 ~~approved by the State Fire College or an equivalent course~~
2862 ~~approved by the State Fire Marshal. An applicant may not submit~~
2863 ~~a new application within 6 months after the date of his or her~~
2864 ~~last reexamination.~~

2865 (e) A fire equipment dealer licensed under this section may
2866 apply to convert ~~upgrade~~ the license currently held to a higher
2867 licensing category, if the licensed dealer:

2868 1. Submits an application for the license on a form in
2869 conformance with paragraph (c) ~~(b)~~. The application must be
2870 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~
2871 for the type of license requested.

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2872 2. Provides evidence of 2 years' experience as a licensed
2873 dealer and meets such relevant educational requirements as are
2874 established by rule by the State Fire Marshal for purposes of
2875 upgrading a license.

2876 3. Meets the requirements of paragraph (d) ~~(e)~~.

2877 (f) A fire equipment dealer licensed under this section may
2878 apply to convert the license currently held to a lower licensing
2879 category, if the licensed dealer:

2880 1. Submits an application for the license on a form in
2881 conformance with paragraph (c). The application must be
2882 accompanied by a fee as prescribed in s. 633.132 for the type of
2883 license requested.

2884 2. Submits proof of insurance providing coverage meeting
2885 the requirements prescribed in subparagraph (d)3.

2886 3. Submits to an inspection of the facility to ensure all
2887 equipment associated with the higher class of license has been
2888 removed and submits the required reinspection fee.

2889 (g) A ~~no~~ permit of any class may not ~~shall~~ be issued or
2890 renewed to a person by the division ~~State Fire Marshal~~, and a ~~no~~
2891 permit of any class does not ~~shall~~ remain operative, unless the
2892 person has:

2893 1. Submitted a nonrefundable examination fee in the amount
2894 of \$50. ~~7~~

2895 2. Successfully completed a training course offered by the
2896 State Fire College or an equivalent course approved by the State
2897 Fire Marshal. ~~7~~ ~~and~~

2898 3. Passed, with a grade of at least 70 percent, a written
2899 examination testing his or her knowledge of the rules and
2900 statutes governing ~~regulating~~ the activities authorized by the

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2901 permit and demonstrating his or her knowledge and ability to
2902 perform those tasks in a competent, lawful, and safe manner.
2903 Such examination must ~~shall~~ be developed and administered by the
2904 State Fire Marshal in accordance with the policies and
2905 procedures of the State Fire Marshal. An examination fee must
2906 ~~shall~~ be paid for each examination scheduled. A ~~No~~ reexamination
2907 may not ~~shall~~ be scheduled sooner than 30 days after any
2908 administration of an examination to an applicant. An ~~No~~
2909 applicant may not ~~shall~~ be permitted to take an examination for
2910 any level of permit more than four times during 1 year,
2911 regardless of the number of applications submitted. As a
2912 prerequisite to taking the permit examination, the applicant
2913 must be at least 16 years of age.

2914 (h) ~~(g)~~ An applicant for a license or permit under this
2915 section who fails the examination may take it three more times
2916 during the 1-year period after he or she originally filed an
2917 application for the examination. If the applicant fails the
2918 examination within 1 year after the application date and he or
2919 she seeks to retake the examination, he or she must file a new
2920 application, pay the application and examination fees, and
2921 successfully complete a prescribed training course offered by
2922 the State Fire College or an equivalent course approved by the
2923 State Fire Marshal. The applicant may not submit a new
2924 application within 6 months after the date of his or her fourth
2925 ~~last~~ reexamination. An applicant who passes the examination but
2926 does not meet the remaining qualifications prescribed by law and
2927 rule within 1 year after the application date must file a new
2928 application, pay the application and examination fee,
2929 successfully complete a prescribed training course approved by

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2930 the State Fire College or an equivalent course approved by the
2931 State Fire Marshal, and pass the written examination.

2932 (9) ~~The provisions of This section does chapter do~~ not
2933 apply to inspections by fire chiefs, fire inspectors, fire
2934 marshals, or insurance company inspectors.

2935 Section 36. Section 633.065, Florida Statutes, is
2936 transferred and renumbered as section 633.306, Florida Statutes,
2937 and paragraph (a) of subsection (1) of that section is amended,
2938 to read:

2939 633.306 ~~633.065~~ Requirements for installation, inspection,
2940 and maintenance of fire suppression equipment.—

2941 (1) The requirements for installation of fire extinguishers
2942 and preengineered systems are as follows:

2943 (a) Fire equipment dealers shall be licensed under s.
2944 633.304 ~~633.061~~.

2945 Section 37. Section 633.071, Florida Statutes, is
2946 transferred and renumbered as section 633.308, Florida Statutes,
2947 and subsection (2) of that section is amended, to read:

2948 633.308 ~~633.071~~ Standard service tag required on all fire
2949 extinguishers and preengineered systems; serial number required
2950 on all portable fire extinguishers; standard inspection tags
2951 required on all fire protection systems.—

2952 (2) All portable fire extinguishers required by statute or
2953 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,
2954 or approved by Factory Mutual Laboratories, Inc., or listed by a
2955 nationally recognized testing laboratory in accordance with
2956 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and
2957 carry an Underwriters Laboratories, Inc., or manufacturer's
2958 serial number. These listings, approvals, and serial numbers may

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2959 be stamped on the manufacturer's identification and instructions
2960 plate or on a separate Underwriters Laboratories, Inc., or
2961 Factory Mutual Laboratories, Inc., plate soldered or attached to
2962 the extinguisher shell in some permanent manner.

2963 Section 38. Section 633.082, Florida Statutes, is
2964 transferred and renumbered as section 633.312, Florida Statutes,
2965 and subsections (2) and (3) of that section are amended, to
2966 read:

2967 633.312 ~~633.082~~ Inspection of fire control systems, fire
2968 hydrants, and fire protection systems.—

2969 (2) Fire hydrants and fire protection systems installed in
2970 public and private properties, except one-family or two-family
2971 dwellings, shall be inspected following procedures established
2972 in the nationally recognized inspection, testing, and
2973 maintenance standards publications NFPA-24 and NFPA-25 as set
2974 forth in the edition adopted by the State Fire Marshal.
2975 Quarterly, annual, 3-year, and 5-year inspections consistent
2976 with the contractual provisions with the owner shall be
2977 conducted by the certificateholder or permittees employed by the
2978 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

2979 (a) Public fire hydrants owned by a governmental entity
2980 shall be inspected following procedures established in the
2981 inspection, testing, and maintenance standards adopted by the
2982 State Fire Marshal or equivalent standards such as those
2983 contained in the latest edition of the American Water Works
2984 Association's Manual M17, "Installation, Field Testing, and
2985 Maintenance of Fire Hydrants."

2986 (b) County, municipal, and special district utilities may
2987 perform fire hydrant inspections required by this section using

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2988 designated employees. Such designated employees need not be
2989 certified under this chapter. However, counties, municipalities,
2990 or special districts that use designated employees are
2991 responsible for ensuring that the designated employees are
2992 qualified to perform such inspections.

2993 (3) The inspecting contractor shall provide to the building
2994 owner or hydrant owner and the local authority having
2995 jurisdiction a copy of the applicable inspection report
2996 established under this chapter. The maintenance of fire hydrant
2997 and fire protection systems as well as corrective actions on
2998 deficient systems is the responsibility of the owner of the
2999 system or hydrant. Equipment requiring periodic testing or
3000 operation to ensure its maintenance shall be tested or operated
3001 as specified in the Fire Prevention Code, Life Safety Code,
3002 National Fire Protection Association standards, or as directed
3003 by the appropriate authority ~~agency having jurisdiction~~,
3004 provided that such appropriate authority ~~may agency shall~~ not
3005 require a sprinkler system not required by the Fire Prevention
3006 Code, Life Safety Code, or National Fire Protection Association
3007 standards to be removed regardless of its condition. This
3008 section does not prohibit governmental entities from inspecting
3009 and enforcing firesafety codes.

3010 Section 39. Section 633.083, Florida Statutes, is
3011 transferred and renumbered as section 633.314, Florida Statutes,
3012 and subsection (3) of that section is amended, to read:

3013 633.314 ~~633.083~~ Sale or use of certain types of fire
3014 extinguishers prohibited; penalty.-

3015 (3) A person who violates ~~any of the provisions of this~~
3016 section commits ~~is guilty of~~ a misdemeanor of the second degree,

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3017 punishable as provided in s. 775.082 or s. 775.083.

3018 Section 40. Section 633.162, Florida Statutes, is
3019 transferred and renumbered as section 633.316, Florida Statutes,
3020 and subsection (1) and paragraph (e) of subsection (4) of that
3021 section are amended, to read:

3022 633.316 ~~633.162~~ Fire suppression system contractors;
3023 disciplinary action.—

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

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3046 under this chapter is required. If, during the period between
3047 the beginning of proceedings and the entry of an order of
3048 suspension or revocation by the State Fire Marshal, a new
3049 license or permit has been issued by the division to the person
3050 so charged, the order of suspension or revocation shall operate
3051 to suspend or revoke such new license or permit held by such
3052 person.

3053 (4) In addition to the grounds set forth in subsection (1),
3054 it is cause for denial, nonrenewal, revocation, or suspension of
3055 a license or permit by the State Fire Marshal if she or he
3056 determines that the licensee or permittee has:

3057 (e) Failed to provide proof of insurance to the State Fire
3058 Marshal or failed to maintain in force the insurance coverage
3059 required by s. 633.304 ~~633.061~~.

3060 Section 41. Section 633.521, Florida Statutes, is
3061 transferred and renumbered as section 633.318, Florida Statutes,
3062 and subsection (1), paragraph (a) of subsection (2), paragraphs
3063 (c) and (g) of subsection (3), and subsections (4), (8), and
3064 (11) of that section are amended, to read:

3065 633.318 ~~633.521~~ Certificate application and issuance;
3066 permit issuance; examination and investigation of applicant.-

3067 (1) To obtain a fire protection system contractor's
3068 certificate, an applicant shall submit to the division ~~State~~
3069 ~~Fire Marshal~~ an application in writing, on a form provided by
3070 the division ~~State Fire Marshal~~ containing the information
3071 prescribed, which shall be accompanied by the fee fixed herein,
3072 containing a statement that the applicant desires the issuance
3073 of a certificate and stating the class of certificate requested.

3074 (2) (a) Examinations shall be administered by the division

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3075 ~~State Fire Marshal~~ and held at times and places within the state
3076 as the division ~~State Fire Marshal~~ determines, but there shall
3077 be at least two examinations a year. Each applicant shall take
3078 and pass an objective, written examination of her or his fitness
3079 for a certificate in the class for which the application is
3080 requested. There shall be a type of examination for each class
3081 of certificate for contractors ~~as of the classes of certificates~~
3082 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~
3083 test the applicant's ability to lay out, fabricate, install,
3084 alter, repair, and inspect fire protection systems and their
3085 appurtenances and must ~~shall~~ test the applicant's fitness in
3086 business and financial management. The test must ~~shall~~ be based
3087 on applicable standards of the National Fire Protection
3088 Association and on relevant Florida and federal laws pertaining
3089 to the construction industry, safety standards, administrative
3090 procedures, and pertinent technical data.

3091 (3)

3092 (c) Required education and experience for certification as
3093 a Contractor I, Contractor II, Contractor III, or Contractor IV
3094 includes training and experience in both installation and system
3095 layout as defined in s. 633.102 ~~633.021~~.

3096 (g) Within 30 days after the date of the examination, the
3097 division ~~State Fire Marshal~~ shall inform the applicant in
3098 writing whether she or he has qualified or not and, if the
3099 applicant has qualified, that she or he is eligible ~~ready~~ to be
3100 issued ~~issue~~ a certificate of competency, subject to compliance
3101 with the requirements of subsection (4).

3102 (4) As a prerequisite to issuance of a certificate, the
3103 division must ~~State Fire Marshal shall~~ require the applicant to

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3104 submit satisfactory evidence that she or he has obtained
3105 insurance providing coverage for comprehensive general liability
3106 for bodily injury and property damages, products liability,
3107 completed operations, and contractual liability. The division
3108 ~~State Fire Marshal~~ may adopt rules providing for the amount of
3109 insurance, but such amount shall not be less than \$500,000 for a
3110 Contractor I, Contractor II, Contractor III, or Contractor V and
3111 shall not be less than \$250,000 for a Contractor IV. An insurer
3112 which provides such coverage shall notify ~~within 30 days~~ the
3113 division within 30 days ~~State Fire Marshal~~ of any material
3114 change in coverage or any termination, cancellation, or
3115 nonrenewal of such coverage. An insurer which fails to so notify
3116 the division ~~State Fire Marshal's office~~ shall be subject to the
3117 penalties provided under s. 624.4211.

3118 (8) An individual employed by a Contractor I or Contractor
3119 II certificateholder, as established in this section, who will
3120 be inspecting water-based fire protection systems as required
3121 under s. 633.312 ~~633.082~~, must be issued a permit by the
3122 division ~~State Fire Marshal~~ to conduct such work. The permit is
3123 valid solely for use by the holder thereof in his or her
3124 employment by the certificateholder named in the permit. A
3125 permittee must have a valid and subsisting permit upon his or
3126 her person at all times while engaging in inspecting fire
3127 protection systems, and a permit holder must be able to produce
3128 such a permit upon demand. In addition, a permittee shall, at
3129 all times while performing inspections, carry an identification
3130 card containing his or her photograph and other identifying
3131 information as prescribed by the State Fire Marshal, and the
3132 permittee must produce the identification card and information

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3133 upon demand. The permit and the identification may be one and
3134 the same. A permittee is limited as to the specific type of work
3135 performed, depending upon the class of certificate held by the
3136 certificateholder under whom the permittee is working. The
3137 permit class shall be known as a Water-Based Fire Protection
3138 Inspector whose permit allows the holder to inspect water
3139 sprinkler systems, water spray systems, foam-water sprinkler
3140 systems, foam-water spray systems, standpipes, combination
3141 standpipes and sprinkler systems, all piping that is an integral
3142 part of the system beginning at the point where the piping is
3143 used exclusively for fire protection, sprinkler tank heaters,
3144 air lines, thermal systems used in connection with sprinklers,
3145 and tanks and pumps connected thereto, excluding preengineered
3146 systems.

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

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3162 the State Fire Marshal through verification of experience,
3163 training, and examination. The division ~~State Fire Marshal~~ may
3164 establish rules to administer this subsection. After 2 years of
3165 provisional certification, the employee must have achieved NICET
3166 Level II certification or obtain equivalent training and
3167 education as determined by the division, or cease performing
3168 inspections requiring Level II certification. The provisional
3169 permit is valid only for the 2 calendar years after the date of
3170 issuance, may not be extended, and is not renewable. After the
3171 initial 2-year provisional permit expires, the certificateholder
3172 must wait 2 additional years before a new provisional permit may
3173 be issued. The intent is to prohibit the certificateholder from
3174 using employees who never reach NICET Level II status, or
3175 equivalent training and education as determined by the division,
3176 by continuously obtaining provisional permits.

3177 Section 42. Section 633.551, Florida Statutes, is
3178 transferred and renumbered as section 633.322, Florida Statutes,
3179 and subsections (1) through (3) of that section are amended, to
3180 read:

3181 633.322 ~~633.551~~ County, ~~and~~ municipal, and special district
3182 powers; effect of ch. 75-240.—

3183 (1) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the
3184 power of a municipality, or county, or special district to
3185 regulate the quality and character of work performed by
3186 contractors through a system of permits, fees, and inspections
3187 which are designed to secure compliance with, and aid in the
3188 implementation of, state and local building laws or to enforce
3189 other local laws for the protection of the public health and
3190 safety.

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3191 (2) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the
3192 power of a municipality, ~~or~~ county, or special district to adopt
3193 any system of permits requiring submission to and approval by
3194 the municipality, ~~or~~ county, or special district of plans and
3195 specifications for work to be performed by contractors before
3196 commencement of the work, except that a ~~no~~ municipality, ~~or~~
3197 county, or special district may not ~~shall~~ require a fire
3198 protection system contractor's shop drawings to be sealed by a
3199 professional engineer.

3200 (3) An ~~Any~~ official authorized to issue building or other
3201 related permits shall ascertain that the applicant contractor is
3202 duly certified before issuing the permit. The evidence shall
3203 consist only of the exhibition to him or her of ~~current~~ evidence
3204 of current certification.

3205 Section 43. Section 633.527, Florida Statutes, is
3206 transferred and renumbered as section 633.324, Florida Statutes.

3207 Section 44. Section 633.531, Florida Statutes, is
3208 transferred and renumbered as section 633.326, Florida Statutes.

3209 Section 45. Section 633.534, Florida Statutes, is
3210 transferred and renumbered as section 633.328, Florida Statutes,
3211 and subsection (4) of that section is amended, to read:

3212 633.328 ~~633.534~~ Issuance of certificate to individuals and
3213 business organizations.—

3214 (4) If ~~When~~ the certified business organization makes
3215 application for an occupational license in any municipality or
3216 county of this state, the application must ~~shall~~ be made with
3217 the tax collector in the name of the business organization, and
3218 the license, when issued, shall be issued to the business
3219 organization upon payment of the appropriate licensing fee and

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3220 exhibition to the tax collector of a valid certificate issued by
3221 the division ~~State Fire Marshal~~.

3222 Section 46. Section 633.537, Florida Statutes, is
3223 transferred and renumbered as section 633.332, Florida Statutes,
3224 and subsections (1) and (2) and paragraph (a) of subsection (3)
3225 of that section are amended, to read:

3226 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive
3227 certificate; continuing education.—

3228 (1) Certificates shall expire every 2 years at midnight on
3229 June 30. ~~Effective with the June 30, 1998, renewal,~~ All
3230 certificates must be renewed every 2 years. The failure to renew
3231 a certificate before ~~during~~ June 30, shall cause the certificate
3232 to become inoperative, and it is unlawful thereafter for a ~~any~~
3233 person to engage, offer to engage, or hold herself or himself
3234 out as engaging in contracting under the certificate unless the
3235 certificate is restored or reissued. A certificate which is
3236 inoperative because of failure to renew shall be restored on
3237 payment of the proper renewal fee if the application for
3238 restoration is made within 90 days after June 30. If the
3239 application for restoration is not made within the 90-day
3240 period, the fee for restoration must ~~shall~~ be equal to the
3241 original application fee, and, in addition, the State Fire
3242 Marshal must ~~shall~~ require examination or reexamination of the
3243 applicant.

3244 (2) A person who holds a valid certificate may maintain
3245 such certificate in an inactive status during which time she or
3246 he may not engage in contracting. An inactive status certificate
3247 shall be void after a 2-year period. ~~The biennial renewal fee~~
3248 ~~for an inactive status certificate shall be \$75.~~ An inactive

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3249 status certificate may be reactivated upon application to the
3250 State Fire Marshal and payment of the initial application fee.

3251 (3) (a) A certificate for the Contractor I, II, and III
3252 classifications as defined in this chapter may ~~shall~~ not be
3253 renewed unless the certificateholder produces documentation of
3254 at least 32 contact hours of continuing education in the fire
3255 protection discipline during the biennial licensure period.
3256 Holders of Contractor IV certificates are required to obtain 14
3257 contact hours of continuing education encompassing the
3258 appropriate National Fire Protection Association fire sprinkler
3259 documents before ~~prior to~~ renewal. Holders of Contractor V
3260 certificates are required to obtain 14 contact hours of
3261 continuing education before ~~prior to~~ renewal, at least 1 hour of
3262 which is in the fire protection discipline. Any continuing
3263 education hours approved pursuant to chapter 489 by the
3264 Construction Industry Licensing Board for underground utility
3265 and excavation contractors shall be considered as also approved
3266 to comply with Contractor V continuing education requirements. A
3267 Contractor V certificateholder shall provide to the State Fire
3268 Marshal evidence of approval of such coursework by the
3269 Construction Industry Licensing Board.

3270 Section 47. Section 633.539, Florida Statutes, is
3271 transferred and renumbered as section 633.334, Florida Statutes,
3272 and paragraph (a) of subsection (1) and subsections (2) and (4)
3273 of that section are amended, to read:

3274 633.334 ~~633.539~~ Requirements for installation, inspection,
3275 and maintenance of fire protection systems.—

3276 (1) The requirements for installation of fire protection
3277 systems are as follows:

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3278 (a) Contractors of fire protection systems shall be
3279 certified under s. 633.318 ~~633.521~~.

3280 (2) Equipment shall be inspected, serviced, and maintained
3281 in accordance with the manufacturer's maintenance procedures and
3282 with applicable National Fire Protection Association standards.
3283 The inspection of fire protection systems shall be conducted by
3284 a certificateholder or holder of a permit issued by the division
3285 ~~State Fire Marshal~~. The permitholder may perform inspections on
3286 fire protection systems only while employed by the
3287 certificateholder. This section does not prohibit the authority
3288 having jurisdiction or insurance company representatives from
3289 reviewing the system in accordance with acceptable oversight
3290 standards.

3291 (4) The Contractor V may install the cross-connection
3292 backflow prevention device as defined in this chapter on new
3293 installations following the engineer of record's direction on
3294 the type and size of the device. The retrofitting of a backflow
3295 device on an existing fire protection system will cause a
3296 reduction in available water pressure and probable system
3297 malfunction. The development of aboveground fire protection
3298 system hydraulic calculations is a task of the Contractor I and
3299 II, as defined in this chapter. Accordingly, a Contractor V is
3300 expressly prohibited from retrofitting cross-connection backflow
3301 prevention devices on an existing fire protection system, and
3302 only a Contractor I or Contractor II who is tasked to
3303 recalculate the system and take corrective actions to ensure
3304 that the system will function with the available water supply
3305 may retroactively install these backflow devices on existing
3306 fire protection systems.

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3307 Section 48. Section 633.541, Florida Statutes, is
3308 transferred and renumbered as section 633.336, Florida Statutes,
3309 and subsections (1), (3), and (4) of that section are amended,
3310 to read:

3311 633.336 ~~633.541~~ Contracting without certificate prohibited;
3312 violations; penalty.—

3313 (1) It is unlawful for any organization or individual to
3314 engage in the business of layout, fabrication, installation,
3315 inspection, alteration, repair, or service of a fire protection
3316 system, other than a preengineered system, act in the capacity
3317 of a fire protection contractor, or advertise itself as being a
3318 fire protection contractor without having been duly certified
3319 and holding a valid and existing certificate, except as
3320 hereinafter provided. The holder of a certificate used to
3321 qualify an organization must be a full-time employee of the
3322 qualified organization or business. A certificateholder who is
3323 employed by more than one fire protection contractor during the
3324 same ~~period of~~ time is deemed not to be a full-time employee of
3325 either contractor. The State Fire Marshal shall revoke, for a
3326 period ~~of time~~ determined by the State Fire Marshal, the
3327 certificate of a certificateholder who allows the use of the
3328 certificate to qualify a company of which the certificateholder
3329 is not a full-time employee. A contractor who maintains more
3330 than one place of business must employ a certificateholder at
3331 each location. ~~Nothing in~~ This subsection does not prohibit
3332 ~~prohibits~~ an employee acting on behalf of governmental entities
3333 from inspecting and enforcing firesafety codes, provided such
3334 employee is certified under s. 633.216 ~~633.081~~.

3335 (3) A ~~Any~~ person who violates any provision of this act or

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3336 commits any of the acts constituting cause for disciplinary
3337 action as herein set forth commits ~~is guilty of~~ a misdemeanor of
3338 the second degree, punishable as provided in s. 775.082 or s.
3339 775.083.

3340 (4) In addition to the penalties provided in subsection
3341 (3), a fire protection contractor certified under this chapter
3342 who violates any provision of this section or who commits any
3343 act constituting cause for disciplinary action is subject to
3344 suspension or revocation of the certificate and administrative
3345 fines pursuant to s. 633.338 ~~633.547~~.

3346 Section 49. Section 633.547, Florida Statutes, is
3347 transferred and renumbered as section 633.338, Florida Statutes,
3348 and paragraphs (d) and (h) of subsection (2) and subsection (3)
3349 of that section are amended, to read:

3350 633.338 ~~633.547~~ Disciplinary action; fire protection system
3351 contractors; grounds for denial, nonrenewal, suspension, or
3352 revocation of certificate or permit.—

3353 (2) The following acts constitute cause for disciplinary
3354 action:

3355 (d) Disciplinary action by any municipality, ~~or~~ county, or
3356 special district, which action shall be reviewed by the State
3357 Fire Marshal before taking any disciplinary action.

3358 (h) Failing to provide proof of insurance to the State Fire
3359 Marshal or failing to maintain in force the insurance coverage
3360 required by s. 633.318 ~~633.521~~.

3361 (3) The State Fire Marshal ~~is authorized to take the~~
3362 ~~following disciplinary action:~~

3363 ~~(a) She or he~~ may suspend the contractor's certificate
3364 ~~certificateholder~~ for a period of up to not to exceed 2 years.

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3365 During that period, the contractor must cease all operations as
3366 a contractor, but the State Fire Marshal may authorize the
3367 certificateholder from all operations as a contractor during the
3368 period fixed by the State Fire Marshal, but she or he may permit
3369 the certificateholder to complete any contracts then incomplete.

3370 ~~(b) She or he may revoke a certificate for a period not to~~
3371 ~~exceed 5 years.~~

3372 Section 50. Section 633.549, Florida Statutes, is
3373 transferred, renumbered as section 633.342, Florida Statutes,
3374 and amended to read:

3375 633.342 ~~633.549~~ Violations subject to injunction.—A Any
3376 person who operates as a contractor without a current
3377 certificate or who violates any part of this chapter or any
3378 rule, decision, order, direction, demand, or requirement of the
3379 State Fire Marshal in relation thereto, or any part or provision
3380 thereof, may be enjoined by the courts of the state from any
3381 such violation or such unauthorized or unlawful contracting at
3382 the request ~~instance~~ of the State Fire Marshal, the board, or
3383 any resident ~~citizen~~ or taxpayer of the state.

3384 Section 51. Section 633.554, Florida Statutes, is
3385 transferred and renumbered as section 633.344, Florida Statutes.

3386 Section 52. Section 633.70, Florida Statutes, is
3387 transferred and renumbered as section 633.346, Florida Statutes,
3388 and subsection (1) of that section is amended, to read:

3389 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over
3390 alarm system contractors and certified unlimited electrical
3391 contractors.—

3392 (1) If ~~When~~ the State Fire Marshal, in the course of its
3393 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that

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3394 an alarm system contractor or a certified unlimited electrical
 3395 contractor working with an alarm system has violated any
 3396 provision of this chapter or the rules of the State Fire
 3397 Marshal, the State Fire Marshal shall have jurisdiction,
 3398 notwithstanding any other provision of this chapter, to order
 3399 corrective action by the alarm system contractor or the
 3400 certified unlimited electrical contractor to bring the alarm
 3401 system into compliance with applicable standards set forth in
 3402 this chapter and the rules of the State Fire Marshal.

3403 Section 53. Section 633.701, Florida Statutes, is
 3404 transferred and renumbered as section 633.348, Florida Statutes.

3405 Section 54. Section 633.702, Florida Statutes, is
 3406 transferred and renumbered as section 633.3482, Florida
 3407 Statutes, and subsection (2) and paragraph (c) of subsection (3)
 3408 of that section are amended, to read:

3409 633.3482 ~~633.702~~ Prohibited acts regarding alarm system
 3410 contractors or certified unlimited electrical contractors;
 3411 penalties.—

3412 (2) A ~~Any~~ person who violates this section commits ~~is~~
 3413 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 3414 provided in s. 775.082 or s. 775.083.

3415 (3) It is a misdemeanor of the first degree, punishable as
 3416 provided in s. 775.082 or s. 775.083, for any fire alarm system
 3417 contractor or certified unlimited electrical contractor to
 3418 intentionally or willfully:

3419 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with
 3420 a ~~any~~ person by allowing one's certificate to be used by an ~~any~~
 3421 uncertified person with intent to evade ~~the provisions of~~ this
 3422 act. When a licensee allows his or her license to be used by one

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3423 or more companies without having any active participation in the
3424 operation or management of the said companies, such act
3425 constitutes prima facie evidence of any intent to evade ~~the~~
3426 ~~provisions of this chapter act.~~

3427 Section 55. The Division of Law Revision and Information is
3428 directed to create part IV of chapter 633, Florida Statutes,
3429 consisting of sections 633.402, 633.404, 633.406, 633.408,
3430 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
3431 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,
3432 and 633.446, Florida Statutes, to be entitled "Fire Standards
3433 and Training."

3434 Section 56. Section 633.31, Florida Statutes, is
3435 transferred and renumbered as section 633.402, Florida Statutes,
3436 subsection (1) of that section is amended, and new subsections
3437 (5) through (9) are added to that section, to read:

3438 633.402 ~~633.31~~ Firefighters Employment, Standards, and
3439 Training Council; organization; meetings; quorum; compensation;
3440 seal; special powers; firefighter training.-

3441 (1) There is created within the department a Firefighters
3442 Employment, Standards, and Training Council of 14 ~~13~~ members.

3443 (a) The members shall be appointed as follows:

3444 1. Two ~~members shall be~~ fire chiefs appointed by the
3445 Florida Fire Chiefs Association.7

3446 2. Two ~~members shall be~~ firefighters, who are not officers,
3447 appointed by the Florida Professional Firefighters Association.7

3448 3. Two ~~members shall be~~ firefighter officers, who are not
3449 fire chiefs, appointed by the State Fire Marshal.7

3450 4. One individual ~~member~~ appointed by the Florida League of
3451 Cities.7

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3452 5. One individual member appointed by the Florida
3453 Association of Counties.7

3454 6. One individual member appointed by the Florida
3455 Association of Special Districts.7

3456 7. One individual member appointed by the Florida Fire
3457 Marshals' and Inspectors' ~~Marshal's~~ Association.7 and

3458 8. One employee of the Florida Forest Service of the
3459 Department of Agriculture and Consumer Services appointed by the
3460 director of the Florida Forest Service.

3461 9. One individual member appointed by the State Fire
3462 Marshal.7 and

3463 10. One member shall be a director or instructor of a
3464 state-certified firefighting training facility appointed by the
3465 State Fire Marshal.

3466 11. The remaining member, who shall be appointed by the
3467 State Fire Marshal, may not be a member or representative of the
3468 firefighting profession or of any local government.

3469 (b) To be eligible for appointment as a member under
3470 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
3471 subparagraph (a)8., or subparagraph (a)10. fire chief member,
3472 firefighter officer member, firefighter member, or a director or
3473 instructor of a state-certified firefighting facility, a person
3474 must shall have had at least 4 years' experience in the
3475 firefighting profession. ~~The remaining member, who shall be~~
3476 ~~appointed by the State Fire Marshal, shall not be a member or~~
3477 ~~representative of the firefighting profession or of any local~~
3478 ~~government.~~ Members shall serve only as long as they continue to
3479 meet the criteria under which they were appointed, or unless a
3480 member has failed to appear at three consecutive and properly

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3481 noticed meetings unless excused by the chair.

3482 (5) The council shall elect to 1-year terms a chair and a
3483 vice chair. A person may not serve more than two consecutive
3484 terms in either office.

3485 (6) The council shall meet at the call of the chair, at the
3486 request of a majority of its membership, at the request of the
3487 department, or at such times as are prescribed by its rules, and
3488 a majority of the council shall constitute a quorum.

3489 (7) Members of the council shall serve without compensation
3490 but shall be entitled to be reimbursed for per diem and travel
3491 expenses as provided by s. 112.061.

3492 (8) The council may adopt a seal for its use containing the
3493 words "Firefighters Employment, Standards, and Training
3494 Council."

3495 (9) The council shall have special powers in connection
3496 with the employment and training of firefighters to:

3497 (a) Recommend, for adoption by the division, uniform
3498 minimum standards for the employment and training of
3499 firefighters and training of volunteer firefighters.

3500 (b) Recommend, for adoption by the division, minimum
3501 curriculum requirements for schools operated by or for any fire
3502 service provider for the specific purpose of training
3503 firefighter trainees, firefighters, and volunteer firefighters.

3504 (c) Recommend, for adoption by the division, on matters
3505 relating to the funding, general operation, and administration
3506 of the Bureau of Fire Standards and Training (Florida State Fire
3507 College), including, but not limited to, all standards,
3508 training, curriculum, and the issuance of any certificate of
3509 competency required by this chapter.

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3510 (d) Make or support studies on any aspect of firefighting
3511 employment, education, and training or recruitment.

3512 (e) Make recommendations concerning any matter within its
3513 purview pursuant to this section.

3514 Section 57. Section 633.42, Florida Statutes, is
3515 transferred, renumbered as 633.404, Florida Statutes, and
3516 amended to read:

3517 633.404 ~~633.42~~ Additional standards authorized.—Nothing
3518 herein shall be construed to preclude a fire service provider ~~an~~
3519 ~~employing agency~~ from establishing qualifications and standards
3520 for hiring, training, or promoting firefighters that exceed the
3521 minimum set by the division ~~department~~.

3522 Section 58. Section 633.406, Florida Statutes, is created
3523 to read:

3524 633.406 Classes of certification.—

3525 (1) The division may award one or more of the following
3526 certificates:

3527 (a) Firefighter Certificate of Compliance.—A Firefighter
3528 Certificate of Compliance may be awarded to a person who meets
3529 the requirements established in s. 633.408(4).

3530 (b) Fire Safety Inspector Certificate of Compliance.—A Fire
3531 Safety Inspector Certificate of Compliance may be awarded to a
3532 person who meets the requirements established in s. 633.216(2).

3533 (c) Special Certificate of Compliance.—A Special
3534 Certificate of Compliance may be awarded to a person who
3535 qualifies under s. 633.408(6).

3536 (d) Forestry Certificate of Compliance.—A Forestry
3537 Certificate of Compliance may be awarded to a person who has
3538 satisfactorily complied with a training program and successfully

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3539 passed an examination as prescribed by rule, and who possesses
3540 the qualifications established in s. 590.02(1)(e).

3541 (e) Fire Service Instructor Certificate.—A Fire Service
3542 Instructor Certificate may be awarded to a person who
3543 demonstrates general or specialized knowledge, skills, and
3544 abilities in firefighting service and meets the qualification
3545 requirements prescribed by rule.

3546 (f) Certificate of Competency.—A Certificate of Competency
3547 may be awarded to a person who meets the experience, training,
3548 advanced education, or examination requirements as prescribed by
3549 rule, and is especially qualified for particular aspects of
3550 firefighting service.

3551 (g) Volunteer Firefighter Certificate of Completion.—A
3552 Volunteer Firefighter Certificate of Completion may be awarded
3553 to a person who has satisfactorily completed the training
3554 requirements as prescribed by rule for a volunteer firefighter.

3555 (2) The division may establish by rule certificates, in
3556 addition to those provided in subsection (1), that the division
3557 may award in recognition of special training or education
3558 received by an individual, authorizing that individual to
3559 perform specialized firefighting services or provide specialized
3560 firefighting instruction, such as hazardous materials and urban
3561 search and rescue.

3562 Section 59. Section 633.35, Florida Statutes, is
3563 transferred, renumbered as section 633.408, Florida Statutes,
3564 and amended to read:

3565 633.408 ~~633.35~~ Firefighter and volunteer firefighter
3566 training and certification.—

3567 (1) The division shall establish by rule:

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3568 (a) A Minimum Standards Course and course examination to
3569 provide the training required to obtain a Firefighter
3570 Certificate of Compliance.

3571 (b) Courses and course examinations to provide training
3572 required to obtain a Volunteer Firefighter Certificate of
3573 Completion or a Special Certificate of Compliance.

3574 (c) Courses to provide continuing training for firefighters
3575 and volunteer firefighters.

3576 (2) Courses under subsection (1) may only be administered
3577 by education or training providers approved by the division
3578 pursuant to s. 633.128(1)(c) and taught by instructors certified
3579 pursuant to s. 633.128(1)(d) a firefighter training program of
3580 not less than 360 hours, administered by such agencies and
3581 institutions as it approves for the purpose of providing basic
3582 employment training for firefighters.

3583 (3)(a) Nothing herein shall require a fire service provider
3584 public employer to pay the cost of such training.

3585 (b) A fire service provider may pay part or all of the
3586 costs of tuition for attendance at approved courses.

3587 (4)(2) The division shall issue a firefighter certificate
3588 of compliance to any individual who:

3589 (a) person Satisfactorily completes complying with the
3590 Minimum Standards Course or who has satisfactorily completed
3591 training for firefighters in another state which has been
3592 determined by the division to be at least the equivalent of the
3593 training required for the Minimum Standards Course.

3594 (b) Passes the minimum standards course examination.
3595 training program established in subsection (1), who has
3596 successfully passed an examination as prescribed by the

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3597 ~~division, and~~

3598 (c) ~~who~~ Possesses the qualifications for employment in s.
3599 633.412 ~~633.34, except s. 633.34(5).~~

3600 (5) The division shall issue a Volunteer Firefighter
3601 Certificate of Completion to any individual who satisfactorily
3602 completes the course established under paragraph (1)(b) No
3603 ~~person may be employed as a regular or permanent firefighter by~~
3604 ~~an employing agency, or by a private entity under contract with~~
3605 ~~the state or any political subdivision of the state, including~~
3606 ~~authorities and special districts, for a period of time in~~
3607 ~~excess of 1 year from the date of initial employment until he or~~
3608 ~~she has obtained such certificate of compliance. A person who~~
3609 ~~does not hold a certificate of compliance and is employed under~~
3610 ~~this section may not directly engage in hazardous operations,~~
3611 ~~such as interior structural firefighting and hazardous-~~
3612 ~~materials-incident mitigation, requiring the knowledge and~~
3613 ~~skills taught in a training program established in subsection~~
3614 ~~(1). However, a person who has served as a volunteer firefighter~~
3615 ~~with the state or any political subdivision of the state,~~
3616 ~~including authorities and special districts, who is then~~
3617 ~~employed as a regular or permanent firefighter may function,~~
3618 ~~during this period, in the same capacity in which he or she~~
3619 ~~acted as a volunteer firefighter, provided that he or she has~~
3620 ~~completed all training required by the volunteer organization.~~

3621 ~~(3) The division may issue a certificate to any person who~~
3622 ~~has received basic employment training for firefighters in~~
3623 ~~another state when the division has determined that such~~
3624 ~~training was at least equivalent to that required by the~~
3625 ~~division for approved firefighter education and training~~

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3626 ~~programs in this state and when such person has satisfactorily~~
3627 ~~complied with all other requirements of this section.~~

3628 (6) (a) The division may also issue a Special Certificate of
3629 Compliance to an individual ~~a person~~ who:

3630 1. Satisfactorily completes the course established in
3631 paragraph (1) (b) to obtain a Special Certificate of Compliance.

3632 2. Passes the examination established in paragraph (1) (b),
3633 to obtain a Special Certificate of Compliance.

3634 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~
3635 ~~qualified under this section and who is employed as the~~
3636 ~~administrative and command head of a fire/rescue/emergency~~
3637 ~~services organization, based on the acknowledgment that such~~
3638 ~~person is less likely to need physical dexterity and more likely~~
3639 ~~to need advanced knowledge of firefighting and supervisory~~
3640 ~~skills.~~

3641 (b) A special ~~The certificate of compliance is valid~~ only
3642 authorizes an individual to serve ~~while the person is serving in~~
3643 ~~a position~~ as an administrative and command head of a fire
3644 service provider ~~fire/rescue/emergency services organization.~~

3645 (7) (4) An individual ~~A person~~ who fails an examination
3646 given under this section may retake the examination once within
3647 6 months after the original examination date. If the individual
3648 ~~An applicant who~~ does not retake the examination or fails the
3649 reexamination within such time, the individual must take the
3650 Minimum Standards Course for a Firefighter Certificate of
3651 Compliance or the course established under paragraph (1) (b) for
3652 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~
3653 before being reexamined. The division may grant an extension of
3654 the 6-month period based upon documented medical necessity and

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3655 may establish reasonable preregistration deadlines for ~~such~~
3656 reexaminations.

3657 ~~(8)(5)~~ Pursuant to s. 590.02(1)(e), the division shall
3658 establish a structural fire training program of not less than
3659 206 ~~40~~ hours. The division shall issue to a ~~any~~ person
3660 satisfactorily complying with this training program and who has
3661 successfully passed an examination as prescribed by the division
3662 and who has met the requirements of s. 590.02(1)(e), a Forestry
3663 Certificate of Compliance ~~Certificate of Forestry Firefighter~~.

3664 ~~(6)~~ An individual who holds a current and valid Forestry
3665 Certificate of Compliance ~~A certified forestry firefighter~~ is
3666 entitled to the same rights, privileges, and benefits provided
3667 for by law as a ~~certified~~ firefighter.

3668 Section 60. Section 633.34, Florida Statutes, is
3669 transferred, renumbered as section 633.412, Florida Statutes,
3670 and amended to read:

3671 633.412 ~~633.34~~ Firefighters; qualifications for
3672 certification ~~employment~~.

3673 (1) ~~Any~~ person applying for certification ~~employment~~ as a
3674 firefighter must:

3675 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the
3676 term may be determined by the division, and at least 18 years of
3677 age.

3678 (b) ~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor
3679 relating to the certification or to perjury or false statements,
3680 or a felony or a crime punishable by imprisonment of 1 year or
3681 more under the law of the United States or of any state thereof
3682 or under the law of any other country, or dishonorably
3683 discharged from any of the Armed Forces of the United States.

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3684 "Convicted" means a finding of guilt or the acceptance of a plea
3685 of guilty or nolo contendere, in any federal or state court or a
3686 court in any other country, without regard to whether a judgment
3687 of conviction has been entered by the court having jurisdiction
3688 of the case ~~felony or of a misdemeanor directly related to the~~
3689 ~~position of employment sought, nor have pled nolo contendere to~~
3690 ~~any charge of a felony. If an applicant has been convicted of a~~
3691 ~~felony, such applicant must be in compliance with s.~~
3692 ~~112.011(2) (b). If an applicant has been convicted of a~~
3693 ~~misdemeanor directly related to the position of employment~~
3694 ~~sought, such applicant shall be excluded from employment for a~~
3695 ~~period of 4 years after expiration of sentence. If the sentence~~
3696 ~~is suspended or adjudication is withheld in a felony charge or~~
3697 ~~in a misdemeanor directly related to the position or employment~~
3698 ~~sought and a period of probation is imposed, the applicant must~~
3699 ~~have been released from probation.~~

3700 (c) (3) Submit fingerprints a fingerprint card to the
3701 division with a current processing fee. The fingerprints
3702 ~~fingerprint card~~ will be forwarded to the Department of Law
3703 Enforcement for state processing, and forwarded by the
3704 Department of Law Enforcement to and/or the Federal Bureau of
3705 Investigation for national processing.

3706 (d) (4) Have a good moral character as determined by
3707 investigation under procedure established by the division.

3708 (e) (5) Be in good physical condition as determined by a
3709 medical examination given by a physician, surgeon, or physician
3710 assistant licensed to practice in the state pursuant to chapter
3711 458; an osteopathic physician, surgeon, or physician assistant
3712 licensed to practice in the state pursuant to chapter 459; or an

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3713 advanced registered nurse practitioner licensed to practice in
3714 the state pursuant to chapter 464. Such examination may include,
3715 but need not be limited to, ~~provisions of~~ the National Fire
3716 Protection Association Standard 1582. A medical examination
3717 evidencing good physical condition shall be submitted to the
3718 division, on a form as provided by rule, before an individual is
3719 eligible for admission into a course under ~~firefighter training~~
3720 ~~program as defined in s. 633.408~~ 633.35.

3721 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at
3722 least 1 year immediately preceding application, as evidenced by
3723 the sworn affidavit of the applicant.

3724 (2) If the division suspends or revokes an individual's
3725 certificate, the division must suspend or revoke all other
3726 certificates issued by the division pursuant to this part.

3727 Section 61. Section 633.352, Florida Statutes, is
3728 transferred, renumbered as section 633.414, Florida Statutes,
3729 and amended to read:

3730 633.414 ~~633.352~~ Retention of firefighter certification.—

3731 (1) In order for a firefighter to retain her or his
3732 Firefighter Certificate of Compliance, every 4 years he or she
3733 must:

3734 (a) Be ~~Any certified firefighter who has not been active as~~
3735 ~~a firefighter, or as a volunteer firefighter with an organized~~
3736 ~~fire department, for a period of 3 years shall be required to~~
3737 ~~retake the practical portion of the minimum standards state~~
3738 ~~examination specified in rule 69A-37.056(6)(b), Florida~~
3739 ~~Administrative Code, in order to maintain her or his~~
3740 ~~certification as a firefighter;~~

3741 (b) Maintain a current and valid fire service instructor

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3742 certificate, instruct at least 40 hours during the 4-year
3743 period, and provide proof of such instruction to the division,
3744 which proof must be registered in an electronic database
3745 designated by the division;

3746 (c) Successfully complete a refresher course consisting of
3747 a minimum of 40 hours of training to be prescribed by rule; or

3748 (d) Within 6 months before the 4-year period expires,
3749 successfully retake and pass the Minimum Standards Course
3750 examination.

3751 (2) In order for a volunteer firefighter to retain her or
3752 his Volunteer Firefighter Certificate of Completion, every 4
3753 years he or she must:

3754 (a) Be active as a volunteer firefighter; or

3755 (b) Successfully complete a refresher course consisting of
3756 a minimum of 40 hours of training to be prescribed by rule.

3757 (3) Subsection (1) ~~however, this requirement~~ does not apply
3758 to state-certified firefighters who are certified and employed
3759 as full-time, as determined by the fire service provider, as
3760 firesafety inspectors or fire investigators firesafety
3761 instructors, regardless of her or his ~~the firefighter's~~
3762 employment status as a firefighter.

3763 (4) For the purposes of this section, the term "active"
3764 means being employed as a firefighter or providing service as a
3765 volunteer firefighter for a cumulative 6 months within a 4-year
3766 period.

3767 (5) The 4-year ~~3-year~~ period begins:

3768 (a) If the individual is certified on or after July 1,
3769 2013, on the date the certificate ~~of compliance~~ is issued or
3770 upon termination of employment or service with a ~~an~~ organized

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3771 fire department.

3772 (b) If the individual is certified before July 1, 2013, on
3773 July 1, 2014, or upon termination of employment or service
3774 thereafter.

3775 Section 62. Section 633.41, Florida Statutes, is
3776 transferred, renumbered as section 633.416, Florida Statutes,
3777 and amended to read:

3778 633.416 ~~633.41~~ Firefighter employment and volunteer
3779 firefighter service; saving clause.-

3780 (1) A fire service provider may not employ an individual
3781 to:

3782 (a) Extinguish fires for the protection of life or property
3783 or to supervise individuals who perform such services unless the
3784 individual holds a current and valid Firefighter Certificate of
3785 Compliance; or

3786 (b) Serve as the administrative and command head of a fire
3787 service provider for a period in excess of 1 year unless the
3788 individual holds a current and valid Firefighter Certificate of
3789 Compliance or Special Certificate of Compliance.

3790 (2) A fire service provider may not retain the services of
3791 an individual volunteering to extinguish fires for the
3792 protection of life or property or to supervise individuals who
3793 perform such services unless the individual holds a current and
3794 valid Volunteer Firefighter Certificate of Completion.

3795 (3) (a) A fire service provider must make a diligent effort
3796 to determine whether the individual has a current and valid
3797 certificate before employing or retaining an individual for the
3798 services under subsection (1) or subsection (2), including
3799 making a determination of whether the requirements set forth in

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3800 s. 633.414 have been fulfilled.

3801 (b) For the purposes of this subsection, the term "diligent
3802 effort" means contacting at least three of the individual's
3803 previous employers to obtain her or his dates of employment and
3804 contacting the division to determine the certification status of
3805 the individual.

3806 (4) (a) A fire service provider must notify the division
3807 electronically, as directed by rule by the division, within 10
3808 days after:

- 3809 1. The hiring of a firefighter.
- 3810 2. The retention of a volunteer firefighter.
- 3811 3. The cessation of employment of a firefighter.
- 3812 4. A decision not to retain a volunteer firefighter.

3813 (b) Notification under paragraph (a) must include:

- 3814 1. The individual's name.
- 3815 2. The date on which he or she was hired or retained.
- 3816 3. The last date of employment or retention before leaving
3817 the fire service provider.
- 3818 4. Any other information deemed necessary by the division
3819 to determine compliance with ss. 633.414 and 633.426.

3820 (5) If the fire service provider makes a determination that
3821 an individual has not met the requirements set forth in s.
3822 633.414(1), the fire service provider must notify the division
3823 in writing within 10 days after making that determination.

3824 (6) The division may conduct site visits to fire
3825 departments to monitor compliance with this section.

3826 (7) For purposes of this section, the term "employ" means
3827 to pay an individual a salary, wage, or other compensation for
3828 the performance of work. The term does not include the payment

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3829 of expenses, reasonable benefits, a nominal fee, or a
 3830 combination thereof to a volunteer for a public or private fire
 3831 service provider who is only paid in a manner that would be
 3832 authorized for a volunteer under the federal Fair Labor
 3833 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,
 3834 and its implementing rules.

3835 (8) Firefighters employed on July 5, 1969, are not required
 3836 to meet the provisions of ss. 633.412 and 633.408 ~~633.34 and~~
 3837 ~~633.35~~ as a condition of tenure or continued employment, and
 3838 ~~nor shall~~ their failure to fulfill such requirements does not
 3839 make them ineligible for any promotional examination for which
 3840 they are otherwise eligible or affect in any way any pension
 3841 rights to which they may be entitled on July 5, 1969.

3842 Section 63. Section 633.38, Florida Statutes, is
 3843 transferred, renumbered as section 633.418, Florida Statutes,
 3844 and amended to read:

3845 633.418 ~~633.38~~ Inservice training and promotion;
 3846 participation.—

3847 (1) (a) The division shall by rule ~~rules and regulations~~
 3848 prescribe curricula and standards for advanced and specialized
 3849 training courses and education training ~~training~~ in addition to those
 3850 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

3851 (b) The standards provided by this section do ~~shall~~ not
 3852 bind any fire service provider ~~employing agency~~ as to the
 3853 requirements it may have for promoting personnel.

3854 (2) A fire service provider ~~departments or any fire service~~
 3855 participating under ~~the provisions of~~ this section shall adhere
 3856 to the standards and procedures established by the division.

3857 Section 64. Section 633.382, Florida Statutes, is

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3858 transferred, renumbered as section 633.422, Florida Statutes,
3859 and amended to read:

3860 633.422 ~~633.382~~ Firefighters; supplemental compensation.—

3861 ~~(1) DEFINITIONS.—As used in this section, the term:~~

3862 ~~(a) "Employing agency" means any municipality or any~~
3863 ~~county, the state, or any political subdivision of the state,~~
3864 ~~including authorities and special districts employing~~
3865 ~~firefighters.~~

3866 ~~(b) "Firefighter" means any person who meets the definition~~
3867 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~
3868 ~~compliance with s. 633.35 and who is employed solely within the~~
3869 ~~fire department of the employing agency or is employed by the~~
3870 ~~division.~~

3871 (1)(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The
3872 Legislature recognizes the need for supplemental compensation
3873 for firefighters who pursue higher educational opportunities
3874 that directly relate to the improvement of the health, safety,
3875 and welfare of firefighters and those who firefighters protect.
3876 The State Fire Marshal shall determine, and adopt by rule, the
3877 course work or degrees that represent the best practices toward
3878 this goal in the field of firefighting.

3879 (a) In addition to the compensation now paid by a fire
3880 service provider ~~an employing agency~~ to any firefighter, every
3881 firefighter shall be paid supplemental compensation by the fire
3882 service provider ~~employing agency~~ when such firefighter is a
3883 full-time employee, as determined by the employing fire service
3884 provider, and has complied with one of the following criteria:

3885 1. A ~~Any~~ firefighter who receives an associate degree from
3886 an accredited ~~a~~ college, which degree is directly applicable to

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3887 fire department duties, as outlined in policy guidelines adopted
3888 by rule by ~~of~~ the division, shall be additionally compensated as
3889 outlined in paragraph (2) (a) ~~(3) (a)~~.

3890 2. A ~~Any~~ firefighter, regardless of whether or not she or
3891 he earned an associate degree earlier, who receives from an
3892 accredited college or university a bachelor's degree, which
3893 bachelor's degree is directly applicable to fire department
3894 duties, as outlined in policy guidelines adopted by rule by ~~of~~
3895 the division, shall receive compensation as outlined in
3896 paragraph (2) (b) ~~(3) (b)~~.

3897 (b) If ~~Whenever~~ any question arises as to the eligibility
3898 of any firefighter to receive supplemental compensation as
3899 provided in this section, the question, together with all facts
3900 relating thereto, must ~~shall~~ be submitted to the division for
3901 determination, and the decision of the division with regard to
3902 determination of eligibility shall be final, subject to ~~the~~
3903 ~~provisions of~~ chapter 120.

3904 (2) (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation
3905 shall be determined as follows:

3906 (a) Fifty dollars shall be paid monthly to each firefighter
3907 who qualifies under ~~the provisions of~~ subparagraph (1) (a) 1
3908 ~~(2) (a) 1~~.

3909 (b) One hundred and ten dollars shall be paid monthly to
3910 each firefighter who qualifies under ~~the provisions of~~
3911 subparagraph (1) (a) 2 ~~(2) (a) 2~~.

3912 (3) (4) FUNDING.—

3913 (a) The fire service provider ~~employing agency~~ is
3914 responsible for the correct payment of firefighters pursuant to
3915 ~~the provisions of~~ this section. The division may review, in a

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3916 postaudit capacity, any action taken by an agency in
3917 administering the educational incentive program. The fire
3918 service provider ~~employing agency~~ shall take appropriate action
3919 when a postaudit shows that an action taken by the fire service
3920 provider ~~employing agency~~ was in error.

3921 (b) Each fire service provider ~~agency~~ employing
3922 firefighters who are eligible for this compensation shall submit
3923 reports containing information relating to compensation paid as
3924 a result of this section to the division on March 31, June 30,
3925 September 30, and December 31 of each year.

3926 (c) There is appropriated from the Police and Firefighter's
3927 Premium Tax Trust Fund to the Firefighters' Supplemental
3928 Compensation Trust Fund, which is ~~hereby~~ created under the
3929 Department of Revenue, all moneys which have not been
3930 distributed to municipalities and special fire control districts
3931 in accordance with s. 175.121 as a result of the limitation
3932 contained in s. 175.122 on the disbursement of revenues
3933 collected pursuant to chapter 175 or as a result of any
3934 municipality or special fire control district not having
3935 qualified in any given year, or portion thereof, for
3936 participation in the distribution of the revenues collected
3937 pursuant to chapter 175. The total required annual distribution
3938 from the Firefighters' Supplemental Compensation Trust Fund
3939 shall equal the amount necessary to pay supplemental
3940 compensation as provided in this section, provided that:

3941 1. Any deficit in the total required annual distribution
3942 shall be made up from accrued surplus funds existing in the
3943 Firefighters' Supplemental Compensation Trust Fund on June 30,
3944 1990, for as long as such funds last. If the accrued surplus is

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3945 insufficient to cure the deficit in any given year, the
3946 proration of the appropriation among the counties,
3947 municipalities, and special fire service taxing districts shall
3948 equal the ratio of compensation paid in the prior year to
3949 county, municipal, and special fire service taxing district
3950 firefighters pursuant to this section. This ratio shall be
3951 provided annually to the Department of Revenue by the division
3952 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue
3953 on or after July 1, 1990, shall be redistributed to
3954 municipalities and special fire control districts as provided in
3955 subparagraph 2.

3956 2. By October 1 of each year, any funds that have accrued
3957 or accrue on or after July 1, 1990, and remain in the
3958 Firefighters' Supplemental Compensation Trust Fund following the
3959 required annual distribution shall be redistributed by the
3960 Department of Revenue pro rata to those municipalities and
3961 special fire control districts identified by the Department of
3962 Management Services as being eligible for additional funds
3963 pursuant to s. 175.121(3)(b).

3964 (d) Salary incentive payments to firefighters shall
3965 commence in the first full calendar month following the initial
3966 date of certification of eligibility by the division ~~of State~~
3967 ~~Fire Marshal~~.

3968 (e) Special fire service taxing districts are authorized
3969 ~~and empowered~~ to spend ~~expend~~ the funds necessary to ensure
3970 correct payment to firefighters.

3971 (4) ~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental
3972 compensation and expenses of the administration provided by this
3973 section is found to serve a state, county, district, and

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3974 municipal purpose and to provide benefit to the state and to its
3975 counties, municipalities, and districts.

3976 (5) APPLICABILITY.—For the purposes of this section, the
3977 division shall be considered a fire service provider responsible
3978 for the payment of supplemental compensation in accordance with
3979 this section to firefighters employed full-time by the division.

3980 Section 65. Section 633.353, Florida Statutes, is
3981 transferred, renumbered as section 633.424, Florida Statutes,
3982 and amended to read:

3983 633.424 ~~633.353~~ Falsification of qualifications.—An
3984 individual ~~Any person~~ who willfully and knowingly falsifies her
3985 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of
3986 Fire Standards and Training of the division commits ~~is guilty of~~
3987 a misdemeanor of the second degree, punishable as provided in s.
3988 775.082 or s. 775.083.

3989 Section 66. Section 633.351, Florida Statutes, is
3990 transferred, renumbered as section 633.426, Florida Statutes,
3991 and amended to read:

3992 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~
3993 standards for revocation of certification.—

3994 (1) For purposes of this section, the term:

3995 (a) "Certificate" means any of the certificates issued
3996 under s. 633.406.

3997 (b) "Certification" or "certified" means the act of holding
3998 a current and valid certificate.

3999 (c) "Convicted" means a finding of guilt, or the acceptance
4000 of a plea of guilty or nolo contendere, in any federal or state
4001 court or a court in any other country, without regard to whether
4002 a judgment of conviction has been entered by the court having

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4003 jurisdiction of the case.

4004 (2) An individual is ineligible to apply for certification
4005 if the individual has, at any time, been:

4006 (a) Convicted of a misdemeanor relating to the
4007 certification or to perjury or false statements.

4008 (b) Convicted of a felony or a crime punishable by
4009 imprisonment of 1 year or more under the law of the United
4010 States or of any state thereof, or under the law of any other
4011 country.

4012 (c) Dishonorably discharged from any of the Armed Forces of
4013 the United States.

4014 (3) (a) The certification of an individual shall be
4015 permanently revoked if the individual is:

4016 1. Convicted of a misdemeanor relating to perjury or false
4017 statement.

4018 2. Convicted of a felony or a crime punishable by
4019 imprisonment of 1 year or more under the law of the United
4020 States or of any state thereof, or under the law of any other
4021 country.

4022 3. Dishonorably discharged from any of the Armed Forces of
4023 the United States.

4024 (b) For individuals who are certified before July 1, 2013:

4025 1. This subsection applies prospectively to convictions or
4026 dishonorable discharges entered on or after July 1, 2013.

4027 2. Section 633.351 as it existed before July 1, 2013,
4028 applies to convictions entered before July 1, 2013.

4029 (4) The certification of an individual ~~a firefighter~~ shall
4030 be revoked if evidence is found which demonstrates that the
4031 certification was improperly issued by the division or ~~if~~

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4032 ~~evidence is found that the certification was issued on the basis~~
4033 ~~of false, incorrect, incomplete, or misleading information, or~~
4034 ~~that the individual has demonstrated a lack of moral fitness or~~
4035 ~~trustworthiness to carry out the responsibilities under the~~
4036 ~~individual's certification.~~

4037 (5) After investigation, if the division has reason to
4038 believe that an individual who is certified may have been
4039 convicted of a felony or of a misdemeanor related to perjury or
4040 false statement in this state or any other state or
4041 jurisdiction, the division may require the individual to submit
4042 fingerprints to the division with a current processing fee. The
4043 fingerprints shall be forwarded by the division to the
4044 Department of Law Enforcement for state processing and shall be
4045 forwarded by the Department of Law Enforcement to the Federal
4046 Bureau of Investigation for national processing.

4047 ~~(2) The certification of a firefighter who is convicted of~~
4048 ~~a felony, or who is convicted of a misdemeanor relating to~~
4049 ~~misleading or false statements, or who pleads nolo contendere to~~
4050 ~~any charge of a felony shall be revoked until the firefighter~~
4051 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~
4052 ~~felony or such misdemeanor charge is suspended or adjudication~~
4053 ~~is withheld, the firefighter's certification shall be revoked~~
4054 ~~until she or he completes any probation.~~

4055 Section 67. Section 633.43, Florida Statutes, is
4056 transferred, renumbered as section 633.428, Florida Statutes,
4057 and amended to read:

4058 633.428 ~~633.43~~ Florida State Fire College established.—
4059 There is ~~hereby~~ established a state institution to be known as
4060 the Florida State Fire College, to be located at or near Ocala,

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4061 Marion County. The institution shall be operated by the division
4062 ~~of State Fire Marshal of the department.~~

4063 Section 68. Section 633.44, Florida Statutes, is
4064 transferred, renumbered as section 633.432, Florida Statutes,
4065 and amended to read:

4066 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
4067 part IV ss. 633.43–633.49 and of the Florida State Fire College
4068 are shall be:

4069 (1) To provide professional and volunteer firefighters with
4070 needful professional instruction and training in subjects,
4071 including, but not limited to, firefighting, fire prevention,
4072 hazardous materials, urban search and rescue, and emergency
4073 operations, at a minimum of cost to them and to their employers.

4074 (2) To ensure the professionalism and competence of those
4075 performing firefighting, fire prevention, and associated fire
4076 protection functions by administering a system of certification
4077 and licensing.

4078 (3) ~~(2)~~ To develop new methods and practices of firefighting
4079 and fire prevention.

4080 (4) ~~(3)~~ To assist the state and county, municipal, and other
4081 local governments of this state and their agencies and officers
4082 in their investigation and determination of the causes of fires.

4083 (5) ~~(4)~~ To provide testing facilities for testing
4084 firefighting equipment.

4085 (6) ~~(5)~~ To disseminate useful information on fires,
4086 firefighting and fire prevention and other related subjects, to
4087 fire departments and others interested in such information.

4088 (7) ~~(6)~~ To do such other needful or useful things necessary
4089 to the promotion of public safety in the field of fire hazards

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4090 and fire prevention work.

4091
4092 It is ~~hereby~~ declared by the Legislature that the above purposes
4093 are legitimate state functions and are designed to promote
4094 public safety.

4095 Section 69. Section 633.48, Florida Statutes, is
4096 transferred, renumbered as section 633.434, Florida Statutes,
4097 and amended to read:

4098 633.434 ~~633.48~~ Superintendent of college.—The division may
4099 employ a superintendent for the Florida State Fire College, who
4100 must ~~shall~~ be especially trained and qualified in firefighting,
4101 fire prevention and fire experimental work, and may employ on
4102 the recommendations of the ~~said~~ superintendent such other
4103 instructors, experimental helpers and laborers as may be
4104 necessary to the proper conduct of the ~~said~~ institution; and may
4105 proceed with the erection and detailed operation of the ~~said~~
4106 institution under ss. 633.428-633.444 ~~633.43-633.49~~.

4107 Section 70. Section 633.461, Florida Statutes, is
4108 transferred, renumbered as section 633.436, Florida Statutes,
4109 and amended to read:

4110 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The
4111 funds received from the Insurance Regulatory Trust Fund shall be
4112 used by the staff of the Florida State Fire College to provide
4113 all necessary services, training, equipment, and supplies to
4114 carry out the college's responsibilities, including, but not
4115 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~
4116 the procurement of training resources and ~~films, videotapes,~~
4117 ~~audiovisual~~ equipment, and other useful information on fire,
4118 firefighting, and fire prevention, including public fire service

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4119 information packages.

4120 Section 71. Section 633.47, Florida Statutes, is
4121 transferred and renumbered as section 633.438, Florida Statutes.

4122 Section 72. Section 633.49, Florida Statutes, is
4123 transferred, renumbered as section 633.442, Florida Statutes,
4124 and amended to read:

4125 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
4126 use.—The division shall have the power to prescribe and shall
4127 make the necessary rules ~~and regulations~~ for the use of
4128 buildings, equipment, and other facilities of the Florida State
4129 Fire College when they are not in use for the purposes set forth
4130 in part IV ~~ss. 633.43–633.49~~.

4131 Section 73. Section 633.50, Florida Statutes, is
4132 transferred, renumbered as section 633.444, Florida Statutes,
4133 and amended to read:

4134 633.444 ~~633.50~~ Division powers and duties; Florida State
4135 Fire College.—

4136 (1) The division, in performing its duties related to the
4137 Florida State Fire College, specified in part IV ~~ss. 633.43–~~
4138 ~~633.49~~, shall:

4139 (a) Enter into agreements with public or private school
4140 districts, community colleges, junior colleges, or state
4141 universities to carry out its duties and responsibilities.

4142 (b) Review and approve budget requests for the fire college
4143 educational program.

4144 (c) Prepare the legislative budget request for the Florida
4145 State Fire College education program. The superintendent is
4146 responsible for all expenditures pursuant to appropriations.

4147 (d) Implement procedures to obtain appropriate entitlement

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4148 funds from federal and state grants to supplement the annual
4149 legislative appropriation. Such funds must be used expressly for
4150 the fire college educational programs.

4151 (e) Develop a staffing and funding formula for the Florida
4152 State Fire College. The formula must ~~shall~~ include differential
4153 funding levels for various types of programs, must ~~shall~~ be
4154 based on the number of full-time equivalent students and
4155 information obtained from scheduled attendance counts taken the
4156 first day of each program, and must ~~shall~~ provide the basis for
4157 the legislative budget request. As used in this section, a full-
4158 time equivalent student is equal to a minimum of 900 hours in a
4159 technical certificate program and 400 hours in a degree-seeking
4160 program. The funding formula must ~~shall~~ be as prescribed
4161 pursuant to s. 1011.62, must ~~shall~~ include procedures to
4162 document daily attendance, and must ~~shall~~ require that
4163 attendance records be retained for audit purposes.

4164 (f) Approve and register in an electronic database an
4165 education or training provider, designated by the division,
4166 before the education or training provider may offer any course
4167 to fulfill any education or training requirement under this
4168 chapter. The division shall establish criteria, by rule, for the
4169 approval of such education or training providers, including
4170 courses taught. Only approved and registered education or
4171 training providers are eligible to provide instruction or
4172 training that will be recognized by the division as fulfilling
4173 any education or training requirement under this chapter.

4174 (g) Recognize only courses offered by approved and
4175 registered training or education providers as fulfilling the
4176 education or training requirements under this chapter.

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4177 (2) Funds generated by the formula per full-time equivalent
4178 student may not exceed the level of state funding per full-time
4179 equivalent student generated through the Florida Education
4180 Finance Program or the State Community College Program Fund for
4181 students enrolled in comparable education programs provided by
4182 public school districts and community colleges. Funds
4183 appropriated for education and operational costs shall be
4184 deposited in the Insurance Regulatory Trust Fund to be used
4185 solely for purposes specified in s. 633.436 ~~633.461~~ and may not
4186 be transferred to any other budget entity for purposes other
4187 than education.

4188 Section 74. Section 633.46, Florida Statutes, is transferred
4189 and renumbered as section 633.446, Florida Statutes.

4190 Section 75. The Division of Law Revision and Information is
4191 directed to create part V of chapter 633, Florida Statutes,
4192 consisting of sections 633.502, 633.504, 633.506, 633.508,
4193 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,
4194 633.532, 633.534, and 633.536, Florida Statutes, to be entitled
4195 "Florida Firefighters Occupational Safety and Health Act."

4196 Section 76. Section 633.801, Florida Statutes, is
4197 transferred, renumbered as section 633.502, Florida Statutes,
4198 and amended to read:

4199 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,
4200 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
4201 Occupational Safety and Health Act."

4202 Section 77. Section 633.802, Florida Statutes, is
4203 transferred and renumbered as section 633.504, Florida Statutes,
4204 and subsections (1), (2), and (4) of that section are amended,
4205 to read:

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4206 633.504 ~~633.802~~ Definitions.—As used in this part, the term
4207 Unless the context clearly requires otherwise, the following
4208 definitions shall apply to ss. ~~633.801-633.821~~:

4209 (1) "Firefighter employee" means a firefighter, volunteer
4210 firefighter, or individual providing support services who is any
4211 ~~person~~ engaged in any employment, public or private, ~~as a~~
4212 ~~firefighter~~ under any appointment or contract of hire or
4213 apprenticeship, express or implied, oral or written, whether
4214 lawfully or unlawfully employed, responding to or assisting with
4215 fire or medical emergencies, regardless of whether ~~or not the~~
4216 ~~firefighter is~~ on duty, except those appointed under s.
4217 590.02(1)(d).

4218 (2) "Firefighter employer" means the state and all
4219 political subdivisions of this state, all public and quasi-
4220 public corporations in this state, and a every person carrying
4221 on any employment for this state, political subdivisions of this
4222 state, and public and quasi-public corporations in this state
4223 which employs firefighter employees ~~firefighters~~, except those
4224 appointed under s. 590.02(1)(d).

4225 (4) "Firefighter place of employment" or "place of
4226 employment" means the physical location at which the firefighter
4227 employee is employed or deployed.

4228 Section 78. Section 633.803, Florida Statutes, is
4229 transferred, renumbered as section 633.506, Florida Statutes,
4230 and amended to read:

4231 633.506 ~~633.803~~ Legislative intent.—It is the intent of the
4232 Legislature to enhance firefighter occupational safety and
4233 health in the state through the implementation and maintenance
4234 of policies, procedures, practices, rules, and standards that

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4235 reduce the incidence of firefighter employee accidents,
4236 firefighter employee occupational diseases, and firefighter
4237 employee fatalities compensable under chapter 440 or otherwise.
4238 The Legislature further intends that the division develop a
4239 means by which the division can identify individual firefighter
4240 employers with a high frequency or severity of work-related
4241 injuries, conduct safety inspections of those firefighter
4242 employers, and assist those firefighter employers in the
4243 development and implementation of firefighter employee safety
4244 and health programs. In addition, it is the intent of the
4245 Legislature that the division administer and enforce this part
4246 ~~the provisions of ss. 633.801-633.821~~; provide assistance to
4247 firefighter employers, firefighter employees, and insurers; and
4248 enforce the policies, rules, and standards set forth in this
4249 part ss. 633.801-633.821.

4250 Section 79. Section 633.821, Florida Statutes, is
4251 transferred and renumbered as section 633.508, Florida Statutes,
4252 subsections (2), (3), (5), and (6) of that section are amended,
4253 and subsection (7) is added to that section, to read:

4254 633.508 633.821 Workplace safety; rulemaking authority;
4255 division authority.-

4256 (2) The division shall have the authority to adopt rules
4257 for the purpose of ensuring safe working conditions for all
4258 firefighter employees by authorizing the enforcement of
4259 effective standards, by assisting and encouraging firefighter
4260 employers to maintain safe working conditions, and by providing
4261 for education and training in the field of safety. Specifically,
4262 the division may by rule adopt the most current edition of all
4263 or any part of subparts C through T and subpart Z of 29 C.F.R.

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4264 s. 1910, ~~as revised April 8, 1998; the National Fire Protection~~
4265 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~
4266 ~~Safety System) (1992 edition); the National Fire Protection~~
4267 ~~Association, Inc., Publication 1403, Standard on Live Fire~~
4268 ~~Training Evolutions (latest edition), as limited by subsection~~
4269 ~~(6); and ANSI A 10.4-1990.~~

4270 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
4271 individuals located outside the immediately dangerous to life
4272 and health atmosphere may be assigned to an additional role,
4273 such as incident commander, pumper operator, engineer, or
4274 driver, so long as such individual can ~~is able to~~ immediately
4275 perform assistance or rescue activities without jeopardizing the
4276 safety or health of any firefighter employee working at an
4277 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

4278 ~~(a) Each county, municipality, and special district shall~~
4279 ~~implement such provision by April 1, 2002, except as provided in~~
4280 ~~paragraphs (b) and (c).~~

4281 ~~(b) If any county, municipality, or special district is~~
4282 ~~unable to implement such provision by April 1, 2002, without~~
4283 ~~adding additional personnel to its firefighting staff or~~
4284 ~~expending significant additional funds, such county,~~
4285 ~~municipality, or special district shall have an additional 6~~
4286 ~~months within which to implement such provision. Such county,~~
4287 ~~municipality, or special district shall notify the division that~~
4288 ~~the 6-month extension to implement such provision is in effect~~
4289 ~~in such county, municipality, or special district within 30 days~~
4290 ~~after its decision to extend the time for the additional 6~~
4291 ~~months. The decision to extend the time for implementation shall~~
4292 ~~be made prior to April 1, 2002.~~

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4293 ~~(c) If, after the extension granted in paragraph (b), the~~
4294 ~~county, municipality, or special district, after having worked~~
4295 ~~with and cooperated fully with the division and the Firefighters~~
4296 ~~Employment, Standards, and Training Council, is still unable to~~
4297 ~~implement such provisions without adding additional personnel to~~
4298 ~~its firefighting staff or expending significant additional~~
4299 ~~funds, such municipality, county, or special district shall be~~
4300 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
4301 ~~However, each year thereafter the division shall review each~~
4302 ~~such county, municipality, or special district to determine if~~
4303 ~~such county, municipality, or special district has the ability~~
4304 ~~to implement such provision without adding additional personnel~~
4305 ~~to its firefighting staff or expending significant additional~~
4306 ~~funds. If the division determines that any county, municipality,~~
4307 ~~or special district has the ability to implement such provision~~
4308 ~~without adding additional personnel to its firefighting staff or~~
4309 ~~expending significant additional funds, the division shall~~
4310 ~~require such county, municipality, or special district to~~
4311 ~~implement such provision. Such requirement by the division under~~
4312 ~~this paragraph constitutes final agency action subject to~~
4313 ~~chapter 120.~~

4314 (5) The division may adopt any rule necessary to implement,
4315 interpret, and make specific the provisions of this section,
4316 provided the division may not adopt by rule any other standard
4317 or standards of the Occupational Safety and Health
4318 Administration or the National Fire Protection Association
4319 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter
4320 employment safety without specific legislative authority.

4321 (6) (a) The division shall adopt rules for live fire

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4322 training that all firefighter employees ~~firefighters~~ subject to
4323 this chapter must complete. The division shall also adopt rules
4324 for a training and certification process for live fire training
4325 instructors.

4326 (b) Such rules for training must ~~shall~~ include:

4327 1. Sections of the most current edition of the National
4328 Fire Protection Association, Inc., Publication 1402, Guide to
4329 Building Fire Service Training Centers, relating to establishing
4330 policies and procedures for effective use of such permanent
4331 facilities or structures.

4332 2. Sections of the most current edition of the National
4333 Fire Protection Association, Inc., Publication 1403, Standard on
4334 Live Fire Training Evolutions, excluding, however:

4335 a. Any chapter entitled "Referenced Publications."

4336 b. References to the National Fire Protection Association,
4337 Inc., Publication 1975, Station Uniform.

4338 c. Provisions of the National Fire Protection Association,
4339 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~
4340 ~~references to such publication in the National Fire Protection~~
4341 ~~Association, Inc., Publication 1975.~~

4342 d. Any reference to an authority having jurisdiction in the
4343 National Fire Protection Association, Inc., Publication 1403,
4344 defined as the organization, office, or individual responsible
4345 for approving equipment, materials, installations, and
4346 procedures.

4347 3. A 40-hour training program for live fire training
4348 instructors, including:

4349 a. Live fire instructional techniques.

4350 b. Training safety in acquired or permanent facilities or

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4351 props.

4352 c. Personnel safety.

4353 d. Exterior props, including, but not limited to, liquid
4354 petroleum gas, other liquid fuels, and similar props.4355 ~~(c) The rules, excluding those pertaining to live fire~~
4356 ~~training instructor certification, shall take effect no later~~
4357 ~~than January 1, 2006.~~4358 (c) ~~(d)~~ Each live fire training instructor is required to be
4359 a state certified fire safety instructor. All live fire training
4360 ~~commenced on and after January 1, 2007,~~ must be conducted by a
4361 certified live fire training instructor.4362 (d) ~~(e)~~ This subsection does not apply to wildland or
4363 prescribed live fire training exercises sanctioned by the
4364 Florida Forest Service of the Department of Agriculture and
4365 Consumer Services or the National Wildfire Coordinating Group.4366 (7) The division shall:4367 (a) Investigate and prescribe by rule what safety devices,
4368 safeguards, or other means of protection must be adopted for the
4369 prevention of accidents and injuries in every firefighter
4370 employee place of employment or at any fire scene; determine
4371 what suitable devices, safeguards, or other means of protection
4372 for the prevention of occupational diseases must be adopted or
4373 followed in any or all such firefighter places of employment or
4374 at any emergency fire scene; and adopt reasonable rules for the
4375 prevention of accidents, the safety, protection, and security of
4376 firefighter employees engaged in interior firefighting, and the
4377 prevention of occupational diseases.4378 (b) Ascertain, fix, and order such reasonable standards and
4379 rules for the construction, repair, and maintenance of

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4380 firefighter employee places of employment so as to render them
 4381 safe. Such rules and standards shall be adopted in accordance
 4382 with chapter 120.

4383 (c) Adopt rules prescribing recordkeeping responsibilities
 4384 for firefighter employers, which may include maintaining a log
 4385 and summary of occupational injuries, diseases, and illnesses,
 4386 for producing on request a notice of injury and firefighter
 4387 employee accident investigation records, and prescribing a
 4388 retention schedule for such records.

4389 Section 80. Section 633.817, Florida Statutes, is
 4390 transferred, renumbered as section 633.512, Florida Statutes,
 4391 and amended to read:

4392 633.512 ~~633.817~~ Compliance.—Failure of a firefighter
 4393 employer or an insurer to comply with this part ~~ss. 633.801-~~
 4394 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~
 4395 ~~633.821~~, constitutes grounds for the division to seek remedies,
 4396 including injunctive relief, by making appropriate filings with
 4397 the circuit court.

4398 Section 81. Section 633.805, Florida Statutes, is
 4399 transferred and renumbered as section 633.516, Florida Statutes.

4400 Section 82. Section 633.806, Florida Statutes, is
 4401 transferred, renumbered as section 633.518, Florida Statutes,
 4402 and amended to read:

4403 633.518 ~~633.806~~ Studies, investigations, inspections, or
 4404 inquiries by the division; refusal to admit; penalty.—

4405 (1) The division shall make studies, ~~and~~ investigations,
 4406 inspections, or inquiries with respect to compliance with this
 4407 part or any rules authorized under this part ~~safety provisions~~
 4408 and the causes of firefighter employee injuries, illnesses,

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4409 safety-based complaints, or Line of Duty Deaths (LODD) as
4410 defined in rule in firefighter employee places of employment and
4411 shall make such recommendations to the Legislature and
4412 firefighter employers and insurers as the division considers
4413 proper ~~as to prevent or reduce future occurrences~~ the best means
4414 of preventing firefighter injuries. In making such studies, and
4415 investigations, inspections, or inquiries, the division may
4416 cooperate with any agency of the United States charged with the
4417 duty of enforcing any law securing safety against injury in any
4418 place of firefighter employment covered by this part ~~ss.~~
4419 ~~633.801-633.821~~ or any agency or department of the state engaged
4420 in enforcing any law to ensure safety for firefighter employees.

4421 (2) The division by rule may adopt procedures for
4422 conducting investigations, inspections, or inquiries of
4423 firefighter employers under this part ~~ss. 633.801-633.821~~.

4424 (3) The division and authorized representatives of the
4425 division may enter and inspect any firefighter employee's place
4426 of employment at any reasonable time for the purpose of
4427 investigating compliance with this part and conducting
4428 inspections for the proper enforcement of this part. A
4429 firefighter employer who refuses to admit any member of the
4430 division or authorized representative of the division to any
4431 place of employment or to allow investigation and inspection
4432 pursuant to this section commits a misdemeanor of the second
4433 degree, punishable as provided in s. 775.082 or s. 775.083.

4434 Section 83. Section 633.807, Florida Statutes, is
4435 transferred, renumbered as section 633.520, Florida Statutes,
4436 and amended to read:

4437 633.520 ~~633.807~~ Safety; firefighter employer

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4438 responsibilities.—Every firefighter employer shall furnish and
 4439 use safety devices and safeguards, adopt and use methods and
 4440 processes reasonably adequate to render such an employment and
 4441 place of employment safe, and do every other thing reasonably
 4442 necessary to protect the lives, health, and safety of such
 4443 firefighter employees. As used in this section, the terms "safe"
 4444 and "safety," as applied to any employment or place of
 4445 ~~firefighter~~ employment, mean such freedom from danger as is
 4446 reasonably necessary for the protection of the lives, health,
 4447 and safety of firefighter employees, including conditions and
 4448 methods of sanitation and hygiene. Safety devices and safeguards
 4449 required to be furnished by the firefighter employer by this
 4450 section or by the division under authority of this section do
 4451 ~~shall~~ not include personal apparel and protective devices that
 4452 replace personal apparel normally worn by firefighter employees
 4453 during regular working hours.

4454 Section 84. Section 633.809, Florida Statutes, is
 4455 transferred, renumbered as section 633.522, Florida Statutes,
 4456 and amended to read:

4457 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~
 4458 ~~employees have a high frequency of work-related injuries;~~
 4459 corrective plans; workplace safety committees and coordinators;
 4460 failure to implement a safety and health program; cancellation.—

4461 (1) The division shall develop a means to ~~by which the~~
 4462 ~~division may~~ identify individual firefighter employers with
 4463 ~~whose firefighter employees have a high frequency or severity of~~
 4464 firefighter employee work-related injuries. The division shall
 4465 ~~carry out safety inspections of the facilities and operations of~~
 4466 ~~those firefighter employers in order to assist them in reducing~~

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4467 ~~the frequency and severity of work-related injuries. The~~
4468 ~~division shall develop safety and health programs for those~~
4469 ~~firefighter employers. Insurers shall distribute such safety and~~
4470 ~~health programs to the firefighter employers so identified by~~
4471 ~~the division. Those firefighter employers identified by the~~
4472 ~~division as having a high frequency or severity of work-related~~
4473 ~~injuries shall implement a safety and health program developed~~
4474 ~~by the division. The division shall conduct ~~carry out~~ safety~~
4475 ~~inspections of those firefighter employers so identified to~~
4476 ~~ensure compliance with this part or the division's rules and~~
4477 ~~make recommendations based upon current the safety and health~~
4478 ~~practices ~~program~~ and to assist such firefighter employers in~~
4479 ~~reducing the number of work-related injuries. The division may~~
4480 ~~not assess penalties as a result of such inspections, ~~except as~~~~
4481 ~~provided by s. 633.813. Copies of any report made as the result~~
4482 ~~of such an inspection shall be provided to the firefighter~~
4483 ~~employer and its insurer. Firefighter employers shall ~~may~~ submit~~
4484 ~~a plan for the correction of any noncompliance issues ~~their own~~~~
4485 ~~safety and health programs to the division for approval in~~
4486 ~~accordance with division rule ~~lieu of using the safety and~~~~
4487 ~~health program developed by the division. The division shall~~
4488 ~~promptly review the plan ~~program~~ submitted and approve or~~
4489 ~~disapprove the plan ~~program~~ within 60 days or such plan ~~program~~~~
4490 ~~shall be deemed approved. Upon approval by the division, the~~
4491 ~~plan ~~program~~ shall be implemented by the firefighter employer.~~
4492 ~~If the plan ~~program~~ is not submitted, does not provide~~
4493 ~~corrective actions for all deficiencies, is not complete, or is~~
4494 ~~not implemented, the fire service provider shall be subject to~~
4495 ~~s. 633.526 ~~approved or if a program is not submitted, the~~~~

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4496 ~~firefighter employer shall implement the program developed by~~
4497 ~~the division. The division shall adopt rules setting forth the~~
4498 ~~criteria for safety and health programs, as such rules relate to~~
4499 ~~this section.~~

4500 (2) In order to promote health and safety in firefighter
4501 employee places of employment in this state:

4502 (a) Each firefighter employer of 20 or more firefighter
4503 employees shall establish and administer a workplace safety
4504 committee in accordance with rules adopted under this section.

4505 (b) Each firefighter employer of fewer than 20 firefighter
4506 employees with a high frequency or high severity of work-related
4507 injuries, as identified by the division, shall establish and
4508 administer a workplace safety committee or designate a workplace
4509 safety coordinator who shall establish and administer workplace
4510 safety activities in accordance with rules adopted under this
4511 section.

4512 (3) The division shall adopt rules:

4513 (a) Prescribing the membership of the workplace safety
4514 committees so as to ensure an equal number of firefighter
4515 employee representatives who are volunteers or are elected by
4516 their peers and firefighter employer representatives, and
4517 specifying the frequency of meetings.

4518 (b) Requiring firefighter employers to make adequate
4519 records of each meeting and to file and to maintain the records
4520 subject to inspection by the division.

4521 (c) Prescribing the duties and functions of the workplace
4522 safety committee and workplace safety coordinator which include,
4523 but are not limited to:

4524 1. Establishing procedures for workplace safety inspections

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4525 by the committee.

4526 2. Establishing procedures for investigating all workplace
4527 accidents, safety-related incidents, illnesses, and deaths.

4528 3. Evaluating accident prevention and illness prevention
4529 programs.

4530 4. Prescribing guidelines for the training of safety
4531 committee members.

4532 (4) The composition, selection, and function of workplace
4533 safety committees shall be a mandatory topic of negotiations
4534 with any certified collective bargaining agent for firefighter
4535 employers that operate under a collective bargaining agreement.
4536 Firefighter employers that operate under a collective bargaining
4537 agreement that contains provisions governing the formation and
4538 operation of workplace safety committees that meet or exceed the
4539 minimum requirements contained in this section, or firefighter
4540 employers who otherwise have existing workplace safety
4541 committees that meet or exceed the minimum requirements
4542 established by this section, are in compliance with this
4543 section.

4544 (5) Firefighter employees shall be compensated their
4545 regular hourly wage while engaged in workplace safety committee
4546 or workplace safety coordinator training, meetings, or other
4547 duties prescribed under this section.

4548 (6) If a firefighter employer fails to implement a
4549 corrective plan, the insurer or self-insurer's fund that is
4550 providing coverage for the firefighter employer may cancel the
4551 contract for insurance with the firefighter employer. In the
4552 alternative, the insurer or fund may terminate any discount or
4553 deviation granted to the firefighter employer for the remainder

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4554 of the term of the policy. If the contract is canceled or the
4555 discount or deviation is terminated, the insurer must make such
4556 reports as are required by law.

4557 Section 85. Section 633.811, Florida Statutes, is
4558 transferred, renumbered as section 633.526, Florida Statutes,
4559 and amended to read:

4560 633.526 ~~633.811~~ Firefighter employer penalties.—If any
4561 firefighter employer violates or fails or refuses to comply with
4562 this part ~~ss. 633.801–633.821~~, or with any rule adopted by the
4563 division under such sections in accordance with chapter 120 for
4564 the prevention of injuries, accidents, or occupational diseases
4565 or with any lawful order of the division in connection with this
4566 part ~~ss. 633.801–633.821~~, or fails or refuses to furnish or
4567 adopt any safety device, safeguard, or other means of protection
4568 prescribed by division rule under this part ~~ss. 633.801–633.821~~
4569 for the prevention of accidents or occupational diseases, the
4570 division may:

4571 (1) Issue an administrative cease and desist order,
4572 enforceable in the circuit court in the jurisdiction where the
4573 violation is occurring or has occurred.

4574 (2) Assess an administrative fine against a firefighter
4575 employer of not less than \$100 or more than \$1,000 for each
4576 violation and each day a violation is committed.

4577 (3) Assess against the firefighter employer a civil penalty
4578 of not less than \$100 nor more than \$5,000 for each day the
4579 violation, omission, failure, or refusal continues after the
4580 firefighter employer has been given written notice of such
4581 violation, omission, failure, or refusal. The total penalty for
4582 each violation shall not exceed \$50,000. The division shall

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4583 adopt rules requiring penalties commensurate with the frequency
4584 or severity of safety violations. Hearings requested under this
4585 section shall be conducted in Tallahassee ~~A hearing shall be~~
4586 ~~held in the county in which the violation, omission, failure, or~~
4587 ~~refusal is alleged to have occurred, unless otherwise agreed to~~
4588 ~~by the firefighter employer and authorized by the division.~~ All
4589 penalties assessed and collected under this section shall be
4590 deposited in the Insurance Regulatory Trust Fund.

4591 Section 86. Section 633.812, Florida Statutes, is
4592 transferred and renumbered as section 633.528, Florida Statutes,
4593 and subsections (2) and (3) of that section are amended, to
4594 read:

4595 633.528 ~~633.812~~ Division cooperation with Federal
4596 Government; exemption from requirements for private firefighter
4597 employers.-

4598 (2) ~~Except as provided in this section,~~ A private
4599 firefighter employer is not subject to the requirements set
4600 forth in part IV and part V of the division if the private
4601 firefighter employer meets the requirements of this part and:

4602 (a) The private firefighter employer is subject to the
4603 federal regulations in 29 C.F.R. ss. 1910 and 1926.

4604 (b) The private firefighter employer has adopted and
4605 implemented a written safety program that conforms to the
4606 requirements of 29 C.F.R. ss. 1910 and 1926.

4607 (c) ~~A private firefighter employer with 20 or more full-~~
4608 ~~time firefighter employees shall include provisions for a safety~~
4609 ~~committee in the safety program. The safety committee shall~~
4610 ~~include firefighter employee representation and shall meet at~~
4611 ~~least once each calendar quarter. The private firefighter~~

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4612 ~~employer shall make adequate records of each meeting and~~
4613 ~~maintain the records subject to inspections under subsection~~
4614 ~~(3). The safety committee shall, if appropriate, make~~
4615 ~~recommendations regarding improvements to the safety program and~~
4616 ~~corrections of hazards affecting workplace safety.~~

4617 (c) ~~(d)~~ The private firefighter employer provides the
4618 division with a written statement that certifies compliance with
4619 this subsection.

4620 (3) The division may enter at any reasonable time any place
4621 of private firefighter employment for the purpose of verifying
4622 the accuracy of the written certification. If the division
4623 determines that the private firefighter employer has not
4624 complied with the requirements of subsection (2), the private
4625 firefighter employer shall be subject to the rules of the
4626 division until the private firefighter employer complies with
4627 subsection (2), which must be verified by a reinspection by ~~and~~
4628 ~~recertifies that fact to~~ the division.

4629 Section 87. Section 633.816, Florida Statutes, is
4630 transferred, renumbered as section 633.532, Florida Statutes,
4631 and amended to read:

4632 633.532 ~~633.816~~ Firefighter employee rights and
4633 responsibilities.-

4634 (1) Each firefighter employee of a firefighter employer
4635 covered under this part ~~ss. 633.801-633.821~~ shall comply with
4636 rules adopted by the division and with reasonable workplace
4637 safety and health standards, rules, policies, procedures, and
4638 work practices established by the firefighter employer and the
4639 workplace safety committee. A firefighter employee who knowingly
4640 fails to comply with this subsection may be disciplined or

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4641 discharged by the firefighter employer.

4642 (2) A firefighter employer may not discharge, threaten to
4643 discharge, cause to be discharged, intimidate, coerce, otherwise
4644 discipline, or in any manner discriminate against a firefighter
4645 employee for any of the following reasons:

4646 (a) The firefighter employee has testified or is about to
4647 testify, on her or his own behalf or on behalf of others, in any
4648 proceeding instituted under this part ss. 633.801-633.821;

4649 (b) The firefighter employee has exercised any other right
4650 given afforded under this part ss. 633.801-633.821; or

4651 (c) The firefighter employee is engaged in activities
4652 relating to the workplace safety committee.

4653 (3) ~~No~~ Pay, a position, seniority, or any other benefit may
4654 not be lost for exercising any right under, or for seeking
4655 compliance with any requirement of, this part ss. 633.801-
4656 633.821.

4657 Section 88. Section 633.818, Florida Statutes, is
4658 transferred, renumbered as section 633.534, Florida Statutes,
4659 and amended to read:

4660 633.534 ~~633.818~~ False, fictitious, or fraudulent acts,
4661 statements, and representations prohibited; penalty; statute of
4662 limitations to insurers.-

4663 (1) A firefighter employer who knowingly and willfully
4664 falsifies or conceals a material fact, who makes a false,
4665 fictitious, or fraudulent statement or representation, or who
4666 makes or uses any false document knowing the document to contain
4667 any false, fictitious, or fraudulent entry or statement to an
4668 insurer of workers' compensation insurance under this part ss.
4669 633.801-633.821 commits a misdemeanor of the second degree,

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4670 punishable as provided in s. 775.082 or s. 775.083.

4671 (2) A person may not, in any matter within the jurisdiction
4672 of the division, knowingly and willfully falsify or conceal a
4673 material fact; make any false, fictitious, or fraudulent
4674 statement or representation; or make or use any false document,
4675 knowing the same to contain any false, fictitious, or fraudulent
4676 statement or entry. A person who violates this section commits a
4677 misdemeanor of the second degree, punishable as provided in s.
4678 775.082 or s. 775.083. The statute of limitations for
4679 prosecution of an act committed in violation of this section is
4680 5 years after the date the act was committed or, if not
4681 discovered within 30 days after the act was committed, 5 years
4682 after the date the act was discovered.

4683 Section 89. Section 633.814, Florida Statutes, is
4684 transferred, renumbered as section 633.536, Florida Statutes,
4685 and amended to read:

4686 633.536 ~~633.814~~ Expenses of administration.—The amounts
4687 that are needed to administer this part ~~ss. 633.801-633.821~~
4688 shall be disbursed from the Insurance Regulatory Trust Fund.

4689 Section 90. Paragraph (b) of subsection (2) of section
4690 112.011, Florida Statutes, is amended to read:

4691 112.011 Disqualification from licensing and public
4692 employment based on criminal conviction.—

4693 (2)

4694 (b) This section does not apply to the employment practices
4695 of any fire department relating to the hiring of firefighters.
4696 ~~An applicant for employment with any fire department who has a~~
4697 ~~prior felony conviction shall be excluded from employment for a~~
4698 ~~period of 4 years after expiration of sentence or final release~~

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4699 ~~by the Parole Commission unless the applicant, before the~~
4700 ~~expiration of the 4-year period, has received a full pardon or~~
4701 ~~has had his or her civil rights restored.~~

4702 Section 91. Paragraph (i) of subsection (2) of section
4703 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
4704 and (c) of subsection (2) of that section are reenacted, to
4705 read:

4706 112.191 Firefighters; death benefits.-

4707 (2) (a) The sum of \$50,000, as adjusted pursuant to
4708 paragraph (i), shall be paid as provided in this section when a
4709 firefighter, while engaged in the performance of his or her
4710 firefighter duties, is accidentally killed or receives
4711 accidental bodily injury which subsequently results in the loss
4712 of the firefighter's life, provided that such killing is not the
4713 result of suicide and that such bodily injury is not
4714 intentionally self-inflicted. Notwithstanding any other
4715 provision of law, in no case shall the amount payable under this
4716 subsection be less than the actual amount stated therein.

4717 (b) The sum of \$50,000, as adjusted pursuant to paragraph
4718 (i), shall be paid as provided in this section if a firefighter
4719 is accidentally killed as specified in paragraph (a) and the
4720 accidental death occurs as a result of the firefighter's
4721 response to what is reasonably believed to be an emergency
4722 involving the protection of life or property or the
4723 firefighter's participation in a training exercise. This sum is
4724 in addition to any sum provided in paragraph (a).
4725 Notwithstanding any other provision of law, the amount payable
4726 under this subsection may not be less than the actual amount
4727 stated therein.

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4728 (c) If a firefighter, while engaged in the performance of
4729 his or her firefighter duties, is unlawfully and intentionally
4730 killed, is injured by an unlawful and intentional act of another
4731 person and dies as a result of such injury, dies as a result of
4732 a fire which has been determined to have been caused by an act
4733 of arson, or subsequently dies as a result of injuries sustained
4734 therefrom, the sum of \$150,000, as adjusted pursuant to
4735 paragraph (i), shall be paid as provided in this section.
4736 Notwithstanding any other provision of law, the amount payable
4737 under this subsection may not be less than the actual amount
4738 stated therein.

4739 (i) Any payments made pursuant to paragraph (a), paragraph
4740 (b), or paragraph (c) shall consist of the statutory amount
4741 adjusted to show reflect price level changes in the Consumer
4742 Price Index for All Urban Consumers published by the United
4743 States Department of Labor since July 1, 2002 ~~the effective date~~
4744 ~~of the act.~~ The Division of State Fire Marshal, using the most
4745 recent month for which Consumer Price Index data is available,
4746 shall, on June 15 of each year, calculate and publish on the
4747 division's internet website the amount resulting from the
4748 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~
4749 ~~on the Consumer Price Index for All Urban Consumers published by~~
4750 ~~the United States Department of Labor.~~ The adjusted statutory
4751 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each
4752 ~~year using the most recent month for which data are available at~~
4753 ~~the time of the adjustment.~~

4754 Section 92. Subsection (4) of section 120.541, Florida
4755 Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws
4756 of Florida, is amended to read:

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4757 120.541 Statement of estimated regulatory costs.-
4758 (4) Subsection (3) does not apply to the adoption of:
4759 (a) Federal standards pursuant to s. 120.54(6).
4760 (b) Triennial updates of and amendments to the Florida
4761 Building Code which are expressly authorized by s. 553.73.
4762 (c) Triennial updates of and amendments to the Florida Fire
4763 Prevention Code which are expressly authorized by s. 633.202 ~~s.~~
4764 ~~633.0215~~.

4765 Section 93. Paragraph (c) of subsection (6) of section
4766 196.081, Florida Statutes, as amended by section 2 of chapter
4767 2012-54, Laws of Florida, and section 19 of chapter 2012-193,
4768 Laws of Florida, is amended to read:

4769 196.081 Exemption for certain permanently and totally
4770 disabled veterans and for surviving spouses of veterans;
4771 exemption for surviving spouses of first responders who die in
4772 the line of duty.-

4773 (6) Any real estate that is owned and used as a homestead
4774 by the surviving spouse of a first responder who died in the
4775 line of duty while employed by the state or any political
4776 subdivision of the state, including authorities and special
4777 districts, and for whom a letter from the state or appropriate
4778 political subdivision of the state, or other authority or
4779 special district, has been issued which legally recognizes and
4780 certifies that the first responder died in the line of duty
4781 while employed as a first responder is exempt from taxation if
4782 the first responder and his or her surviving spouse were
4783 permanent residents of this state on January 1 of the year in
4784 which the first responder died.

4785 (c) As used in this subsection only, and not applicable to

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4786 the payment of benefits under s. 112.19 or s. 112.191, the term:

4787 1. "First responder" means a law enforcement officer or
4788 correctional officer as defined in s. 943.10, a firefighter as
4789 defined in s. 633.102 ~~s. 633.30~~, or an emergency medical
4790 technician or paramedic as defined in s. 401.23 who is a full-
4791 time paid employee, part-time paid employee, or unpaid
4792 volunteer.

4793 2. "In the line of duty" means:

4794 a. While engaging in law enforcement;

4795 b. While performing an activity relating to fire
4796 suppression and prevention;

4797 c. While responding to a hazardous material emergency;

4798 d. While performing rescue activity;

4799 e. While providing emergency medical services;

4800 f. While performing disaster relief activity;

4801 g. While otherwise engaging in emergency response activity;

4802 or

4803 h. While engaging in a training exercise related to any of
4804 the events or activities enumerated in this subparagraph if the
4805 training has been authorized by the employing entity.

4806
4807 A heart attack or stroke that causes death or causes an injury
4808 resulting in death must occur within 24 hours after an event or
4809 activity enumerated in this subparagraph and must be directly
4810 and proximately caused by the event or activity in order to be
4811 considered as having occurred in the line of duty.

4812 Section 94. Section 633.024, Florida Statutes, is repealed.

4813 Section 95. Section 633.0245, Florida Statutes, is
4814 repealed.

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4815 Section 96. Section 633.03, Florida Statutes, is repealed.
4816 Section 97. Section 633.0421, Florida Statutes, is
4817 repealed.
4818 Section 98. Section 633.13, Florida Statutes, is repealed.
4819 Section 99. Section 633.167, Florida Statutes, is repealed.
4820 Section 100. Section 633.18, Florida Statutes, is repealed.
4821 Section 101. Section 633.30, Florida Statutes, is repealed.
4822 Section 102. Section 633.32, Florida Statutes, is repealed.
4823 Section 103. Section 633.33, Florida Statutes, is repealed.
4824 Section 104. Section 633.37, Florida Statutes, is repealed.
4825 Section 105. Section 633.445, Florida Statutes, is
4826 repealed.
4827 Section 106. Section 633.46, Florida Statutes, is repealed.
4828 Section 107. Section 633.514, Florida Statutes, is
4829 repealed.
4830 Section 108. Section 633.517, Florida Statutes, is
4831 repealed.
4832 Section 109. Section 633.524, Florida Statutes, is
4833 repealed.
4834 Section 110. Section 633.804, Florida Statutes, is
4835 repealed.
4836 Section 111. Section 633.808, Florida Statutes, is
4837 repealed.
4838 Section 112. Section 633.810, Florida Statutes, is
4839 repealed.
4840 Section 113. Section 633.813, Florida Statutes, is
4841 repealed.
4842 Section 114. Section 633.815, Florida Statutes, is
4843 repealed.

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4844 Section 115. Section 633.819, Florida Statutes, is
4845 repealed.

4846 Section 116. Section 633.820, Florida Statutes, is
4847 repealed.

4848 Section 117. Subsection (1) of section 112.1815, Florida
4849 Statutes, is amended to read:

4850 112.1815 Firefighters, paramedics, emergency medical
4851 technicians, and law enforcement officers; special provisions
4852 for employment-related accidents and injuries.-

4853 (1) The term "first responder" as used in this section
4854 means a law enforcement officer as defined in s. 943.10, a
4855 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
4856 medical technician or paramedic as defined in s. 401.23 employed
4857 by state or local government. A volunteer law enforcement
4858 officer, firefighter, or emergency medical technician or
4859 paramedic engaged by the state or a local government is also
4860 considered a first responder of the state or local government
4861 for purposes of this section.

4862 Section 118. Paragraph (b) of subsection (1) of section
4863 112.191, Florida Statutes, is amended to read:

4864 112.191 Firefighters; death benefits.-

4865 (1) Whenever used in this act:

4866 (b) The term "firefighter" means any full-time duly
4867 employed uniformed firefighter employed by an employer, whose
4868 primary duty is the prevention and extinguishing of fires, the
4869 protection of life and property therefrom, the enforcement of
4870 municipal, county, and state fire prevention codes, as well as
4871 the enforcement of any law pertaining to the prevention and
4872 control of fires, who is certified pursuant to s. 633.408

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4873 ~~633.35~~, and who is a member of a duly constituted fire
4874 department of such employer or who is a volunteer firefighter.

4875 Section 119. Subsection (1) of section 112.81, Florida
4876 Statutes, is amended to read:

4877 112.81 Definitions.—As used in this part:

4878 (1) "Firefighter" means a ~~any~~ person who is certified in
4879 compliance with s. 633.408 ~~633.35~~ and who is employed solely
4880 within the fire department or public safety department of an
4881 employing agency as a full-time firefighter whose primary
4882 responsibility is the prevention and extinguishment of fires;
4883 the protection of life and property; and the enforcement of
4884 municipal, county, and state fire prevention codes and laws
4885 pertaining to the prevention and control of fires.

4886 Section 120. Paragraph (d) of subsection (4) of section
4887 119.071, Florida Statutes, is amended to read:

4888 119.071 General exemptions from inspection or copying of
4889 public records.—

4890 (4) AGENCY PERSONNEL INFORMATION.—

4891 (d)1. For purposes of this paragraph, the term "telephone
4892 numbers" includes home telephone numbers, personal cellular
4893 telephone numbers, personal pager telephone numbers, and
4894 telephone numbers associated with personal communications
4895 devices.

4896 2.a. The home addresses, telephone numbers, social security
4897 numbers, dates of birth, and photographs of active or former
4898 sworn or civilian law enforcement personnel, including
4899 correctional and correctional probation officers, personnel of
4900 the Department of Children and Family Services whose duties
4901 include the investigation of abuse, neglect, exploitation,

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4902 fraud, theft, or other criminal activities, personnel of the
4903 Department of Health whose duties are to support the
4904 investigation of child abuse or neglect, and personnel of the
4905 Department of Revenue or local governments whose
4906 responsibilities include revenue collection and enforcement or
4907 child support enforcement; the home addresses, telephone
4908 numbers, social security numbers, photographs, dates of birth,
4909 and places of employment of the spouses and children of such
4910 personnel; and the names and locations of schools and day care
4911 facilities attended by the children of such personnel are exempt
4912 from s. 119.07(1).

4913 b. The home addresses, telephone numbers, dates of birth,
4914 and photographs of firefighters certified in compliance with s.
4915 633.408 ~~633.35~~; the home addresses, telephone numbers,
4916 photographs, dates of birth, and places of employment of the
4917 spouses and children of such firefighters; and the names and
4918 locations of schools and day care facilities attended by the
4919 children of such firefighters are exempt from s. 119.07(1).

4920 c. The home addresses, dates of birth, and telephone
4921 numbers of current or former justices of the Supreme Court,
4922 district court of appeal judges, circuit court judges, and
4923 county court judges; the home addresses, telephone numbers,
4924 dates of birth, and places of employment of the spouses and
4925 children of current or former justices and judges; and the names
4926 and locations of schools and day care facilities attended by the
4927 children of current or former justices and judges are exempt
4928 from s. 119.07(1).

4929 d. The home addresses, telephone numbers, social security
4930 numbers, dates of birth, and photographs of current or former

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4931 state attorneys, assistant state attorneys, statewide
4932 prosecutors, or assistant statewide prosecutors; the home
4933 addresses, telephone numbers, social security numbers,
4934 photographs, dates of birth, and places of employment of the
4935 spouses and children of current or former state attorneys,
4936 assistant state attorneys, statewide prosecutors, or assistant
4937 statewide prosecutors; and the names and locations of schools
4938 and day care facilities attended by the children of current or
4939 former state attorneys, assistant state attorneys, statewide
4940 prosecutors, or assistant statewide prosecutors are exempt from
4941 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

4942 e. The home addresses, dates of birth, and telephone
4943 numbers of general magistrates, special magistrates, judges of
4944 compensation claims, administrative law judges of the Division
4945 of Administrative Hearings, and child support enforcement
4946 hearing officers; the home addresses, telephone numbers, dates
4947 of birth, and places of employment of the spouses and children
4948 of general magistrates, special magistrates, judges of
4949 compensation claims, administrative law judges of the Division
4950 of Administrative Hearings, and child support enforcement
4951 hearing officers; and the names and locations of schools and day
4952 care facilities attended by the children of general magistrates,
4953 special magistrates, judges of compensation claims,
4954 administrative law judges of the Division of Administrative
4955 Hearings, and child support enforcement hearing officers are
4956 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
4957 Constitution if the general magistrate, special magistrate,
4958 judge of compensation claims, administrative law judge of the
4959 Division of Administrative Hearings, or child support hearing

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4960 officer provides a written statement that the general
4961 magistrate, special magistrate, judge of compensation claims,
4962 administrative law judge of the Division of Administrative
4963 Hearings, or child support hearing officer has made reasonable
4964 efforts to protect such information from being accessible
4965 through other means available to the public.

4966 f. The home addresses, telephone numbers, dates of birth,
4967 and photographs of current or former human resource, labor
4968 relations, or employee relations directors, assistant directors,
4969 managers, or assistant managers of any local government agency
4970 or water management district whose duties include hiring and
4971 firing employees, labor contract negotiation, administration, or
4972 other personnel-related duties; the names, home addresses,
4973 telephone numbers, dates of birth, and places of employment of
4974 the spouses and children of such personnel; and the names and
4975 locations of schools and day care facilities attended by the
4976 children of such personnel are exempt from s. 119.07(1) and s.
4977 24(a), Art. I of the State Constitution.

4978 g. The home addresses, telephone numbers, dates of birth,
4979 and photographs of current or former code enforcement officers;
4980 the names, home addresses, telephone numbers, dates of birth,
4981 and places of employment of the spouses and children of such
4982 personnel; and the names and locations of schools and day care
4983 facilities attended by the children of such personnel are exempt
4984 from s. 119.07(1) and s. 24(a), Art. I of the State
4985 Constitution.

4986 h. The home addresses, telephone numbers, places of
4987 employment, dates of birth, and photographs of current or former
4988 guardians ad litem, as defined in s. 39.820; the names, home

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4989 addresses, telephone numbers, dates of birth, and places of
4990 employment of the spouses and children of such persons; and the
4991 names and locations of schools and day care facilities attended
4992 by the children of such persons are exempt from s. 119.07(1) and
4993 s. 24(a), Art. I of the State Constitution, if the guardian ad
4994 litem provides a written statement that the guardian ad litem
4995 has made reasonable efforts to protect such information from
4996 being accessible through other means available to the public.

4997 i. The home addresses, telephone numbers, dates of birth,
4998 and photographs of current or former juvenile probation
4999 officers, juvenile probation supervisors, detention
5000 superintendents, assistant detention superintendents, juvenile
5001 justice detention officers I and II, juvenile justice detention
5002 officer supervisors, juvenile justice residential officers,
5003 juvenile justice residential officer supervisors I and II,
5004 juvenile justice counselors, juvenile justice counselor
5005 supervisors, human services counselor administrators, senior
5006 human services counselor administrators, rehabilitation
5007 therapists, and social services counselors of the Department of
5008 Juvenile Justice; the names, home addresses, telephone numbers,
5009 dates of birth, and places of employment of spouses and children
5010 of such personnel; and the names and locations of schools and
5011 day care facilities attended by the children of such personnel
5012 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5013 Constitution.

5014 j. The home addresses, telephone numbers, dates of birth,
5015 and photographs of current or former public defenders, assistant
5016 public defenders, criminal conflict and civil regional counsel,
5017 and assistant criminal conflict and civil regional counsel; the

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5018 home addresses, telephone numbers, dates of birth, and places of
5019 employment of the spouses and children of such defenders or
5020 counsel; and the names and locations of schools and day care
5021 facilities attended by the children of such defenders or counsel
5022 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5023 Constitution.

5024 k. The home addresses, telephone numbers, and photographs
5025 of current or former investigators or inspectors of the
5026 Department of Business and Professional Regulation; the names,
5027 home addresses, telephone numbers, and places of employment of
5028 the spouses and children of such current or former investigators
5029 and inspectors; and the names and locations of schools and day
5030 care facilities attended by the children of such current or
5031 former investigators and inspectors are exempt from s. 119.07(1)
5032 and s. 24(a), Art. I of the State Constitution if the
5033 investigator or inspector has made reasonable efforts to protect
5034 such information from being accessible through other means
5035 available to the public. This sub-subparagraph is subject to the
5036 Open Government Sunset Review Act in accordance with s. 119.15
5037 and shall stand repealed on October 2, 2017, unless reviewed and
5038 saved from repeal through reenactment by the Legislature.

5039 l. The home addresses and telephone numbers of county tax
5040 collectors; the names, home addresses, telephone numbers, and
5041 places of employment of the spouses and children of such tax
5042 collectors; and the names and locations of schools and day care
5043 facilities attended by the children of such tax collectors are
5044 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5045 Constitution if the county tax collector has made reasonable
5046 efforts to protect such information from being accessible

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5047 through other means available to the public. This sub-
5048 subparagraph is subject to the Open Government Sunset Review Act
5049 in accordance with s. 119.15 and shall stand repealed on October
5050 2, 2017, unless reviewed and saved from repeal through
5051 reenactment by the Legislature.

5052 3. An agency that is the custodian of the information
5053 specified in subparagraph 2. and that is not the employer of the
5054 officer, employee, justice, judge, or other person specified in
5055 subparagraph 2. shall maintain the exempt status of that
5056 information only if the officer, employee, justice, judge, other
5057 person, or employing agency of the designated employee submits a
5058 written request for maintenance of the exemption to the
5059 custodial agency.

5060 4. The exemptions in this paragraph apply to information
5061 held by an agency before, on, or after the effective date of the
5062 exemption.

5063 5. This paragraph is subject to the Open Government Sunset
5064 Review Act in accordance with s. 119.15, and shall stand
5065 repealed on October 2, 2017, unless reviewed and saved from
5066 repeal through reenactment by the Legislature.

5067 Section 121. Subsection (17) of section 120.80, Florida
5068 Statutes, is amended to read:

5069 120.80 Exceptions and special requirements; agencies.—

5070 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
5071 to the adoption of amendments and the triennial update to the
5072 Florida Fire Prevention Code expressly authorized by s. 633.202
5073 ~~633.0215~~.

5074 Section 122. Subsection (3) and paragraph (a) of subsection
5075 (6) of section 121.0515, Florida Statutes, are amended to read:

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5076 121.0515 Special Risk Class.—

5077 (3) CRITERIA.—A member, to be designated as a special risk
5078 member, must meet the following criteria:

5079 (a) Effective October 1, 1978, the member must be employed
5080 as a law enforcement officer and be certified, or required to be
5081 certified, in compliance with s. 943.1395; however, sheriffs and
5082 elected police chiefs are excluded from meeting the
5083 certification requirements of this paragraph. In addition, the
5084 member's duties and responsibilities must include the pursuit,
5085 apprehension, and arrest of law violators or suspected law
5086 violators; or as of July 1, 1982, the member must be an active
5087 member of a bomb disposal unit whose primary responsibility is
5088 the location, handling, and disposal of explosive devices; or
5089 the member must be the supervisor or command officer of a member
5090 or members who have such responsibilities. Administrative
5091 support personnel, including, but not limited to, those whose
5092 primary duties and responsibilities are in accounting,
5093 purchasing, legal, and personnel, are not included;

5094 (b) Effective October 1, 1978, the member must be employed
5095 as a firefighter and be certified, or required to be certified,
5096 in compliance with s. 633.408 ~~633.35~~ and be employed solely
5097 within the fire department of a local government employer or an
5098 agency of state government with firefighting responsibilities.
5099 In addition, the member's duties and responsibilities must
5100 include on-the-scene fighting of fires; as of October 1, 2001,
5101 fire prevention or firefighter training; as of October 1, 2001,
5102 direct supervision of firefighting units, fire prevention, or
5103 firefighter training; or as of July 1, 2001, aerial firefighting
5104 surveillance performed by fixed-wing aircraft pilots employed by

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5105 the Florida Forest Service of the Department of Agriculture and
5106 Consumer Services; or the member must be the supervisor or
5107 command officer of a member or members who have such
5108 responsibilities. Administrative support personnel, including,
5109 but not limited to, those whose primary duties and
5110 responsibilities are in accounting, purchasing, legal, and
5111 personnel, are not included. All periods of creditable service
5112 in fire prevention or firefighter training, or as the supervisor
5113 or command officer of a member or members who have such
5114 responsibilities, and for which the employer paid the special
5115 risk contribution rate, are included;

5116 (c) Effective October 1, 1978, the member must be employed
5117 as a correctional officer and be certified, or required to be
5118 certified, in compliance with s. 943.1395. In addition, the
5119 member's primary duties and responsibilities must be the
5120 custody, and physical restraint when necessary, of prisoners or
5121 inmates within a prison, jail, or other criminal detention
5122 facility, or while on work detail outside the facility, or while
5123 being transported; or as of July 1, 1984, the member must be the
5124 supervisor or command officer of a member or members who have
5125 such responsibilities. Administrative support personnel,
5126 including, but not limited to, those whose primary duties and
5127 responsibilities are in accounting, purchasing, legal, and
5128 personnel, are not included; however, wardens and assistant
5129 wardens, as defined by rule, are included;

5130 (d) Effective October 1, 1999, the member must be employed
5131 by a licensed Advance Life Support (ALS) or Basic Life Support
5132 (BLS) employer as an emergency medical technician or a paramedic
5133 and be certified in compliance with s. 401.27. In addition, the

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5134 member's primary duties and responsibilities must include on-
5135 the-scene emergency medical care or as of October 1, 2001,
5136 direct supervision of emergency medical technicians or
5137 paramedics, or the member must be the supervisor or command
5138 officer of one or more members who have such responsibility.
5139 Administrative support personnel, including, but not limited to,
5140 those whose primary responsibilities are in accounting,
5141 purchasing, legal, and personnel, are not included;

5142 (e) Effective January 1, 2001, the member must be employed
5143 as a community-based correctional probation officer and be
5144 certified, or required to be certified, in compliance with s.
5145 943.1395. In addition, the member's primary duties and
5146 responsibilities must be the supervised custody, surveillance,
5147 control, investigation, and counseling of assigned inmates,
5148 probationers, parolees, or community controllees within the
5149 community; or the member must be the supervisor of a member or
5150 members who have such responsibilities. Administrative support
5151 personnel, including, but not limited to, those whose primary
5152 duties and responsibilities are in accounting, purchasing, legal
5153 services, and personnel management, are not included; however,
5154 probation and parole circuit and deputy circuit administrators
5155 are included;

5156 (f) Effective January 1, 2001, the member must be employed
5157 in one of the following classes and must spend at least 75
5158 percent of his or her time performing duties which involve
5159 contact with patients or inmates in a correctional or forensic
5160 facility or institution:

- 5161 1. Dietitian (class codes 5203 and 5204);
- 5162 2. Public health nutrition consultant (class code 5224);

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- 5163 3. Psychological specialist (class codes 5230 and 5231);
5164 4. Psychologist (class code 5234);
5165 5. Senior psychologist (class codes 5237 and 5238);
5166 6. Regional mental health consultant (class code 5240);
5167 7. Psychological Services Director—DCF (class code 5242);
5168 8. Pharmacist (class codes 5245 and 5246);
5169 9. Senior pharmacist (class codes 5248 and 5249);
5170 10. Dentist (class code 5266);
5171 11. Senior dentist (class code 5269);
5172 12. Registered nurse (class codes 5290 and 5291);
5173 13. Senior registered nurse (class codes 5292 and 5293);
5174 14. Registered nurse specialist (class codes 5294 and
5175 5295);
5176 15. Clinical associate (class codes 5298 and 5299);
5177 16. Advanced registered nurse practitioner (class codes
5178 5297 and 5300);
5179 17. Advanced registered nurse practitioner specialist
5180 (class codes 5304 and 5305);
5181 18. Registered nurse supervisor (class codes 5306 and
5182 5307);
5183 19. Senior registered nurse supervisor (class codes 5308
5184 and 5309);
5185 20. Registered nursing consultant (class codes 5312 and
5186 5313);
5187 21. Quality management program supervisor (class code
5188 5314);
5189 22. Executive nursing director (class codes 5320 and 5321);
5190 23. Speech and hearing therapist (class code 5406); or
5191 24. Pharmacy manager (class code 5251);

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5192 (g) Effective July 1, 2001, the member must be employed as
5193 a youth custody officer and be certified, or required to be
5194 certified, in compliance with s. 943.1395. In addition, the
5195 member's primary duties and responsibilities must be the
5196 supervised custody, surveillance, control, investigation,
5197 apprehension, arrest, and counseling of assigned juveniles
5198 within the community;

5199 (h) Effective October 1, 2005, through June 30, 2008, the
5200 member must be employed by a law enforcement agency or medical
5201 examiner's office in a forensic discipline recognized by the
5202 International Association for Identification and must qualify
5203 for active membership in the International Association for
5204 Identification. The member's primary duties and responsibilities
5205 must include the collection, examination, preservation,
5206 documentation, preparation, or analysis of physical evidence or
5207 testimony, or both, or the member must be the direct supervisor,
5208 quality management supervisor, or command officer of one or more
5209 individuals with such responsibility. Administrative support
5210 personnel, including, but not limited to, those whose primary
5211 responsibilities are clerical or in accounting, purchasing,
5212 legal, and personnel, are not included;

5213 (i) Effective July 1, 2008, the member must be employed by
5214 the Department of Law Enforcement in the crime laboratory or by
5215 the Division of State Fire Marshal in the forensic laboratory in
5216 one of the following classes:

- 5217 1. Forensic technologist (class code 8459);
- 5218 2. Crime laboratory technician (class code 8461);
- 5219 3. Crime laboratory analyst (class code 8463);
- 5220 4. Senior crime laboratory analyst (class code 8464);

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5221 5. Crime laboratory analyst supervisor (class code 8466);
5222 6. Forensic chief (class code 9602); or
5223 7. Forensic services quality manager (class code 9603);
5224 (j) Effective July 1, 2008, the member must be employed by
5225 a local government law enforcement agency or medical examiner's
5226 office and must spend at least 65 percent of his or her time
5227 performing duties that involve the collection, examination,
5228 preservation, documentation, preparation, or analysis of human
5229 tissues or fluids or physical evidence having potential
5230 biological, chemical, or radiological hazard or contamination,
5231 or use chemicals, processes, or materials that may have
5232 carcinogenic or health-damaging properties in the analysis of
5233 such evidence, or the member must be the direct supervisor of
5234 one or more individuals having such responsibility. If a special
5235 risk member changes to another position within the same agency,
5236 he or she must submit a complete application as provided in
5237 paragraph (4) (a); or
5238 (k) The member must have already qualified for and be
5239 actively participating in special risk membership under
5240 paragraph (a), paragraph (b), or paragraph (c), must have
5241 suffered a qualifying injury as defined in this paragraph, must
5242 not be receiving disability retirement benefits as provided in
5243 s. 121.091(4), and must satisfy the requirements of this
5244 paragraph.
5245 1. The ability to qualify for the class of membership
5246 defined in paragraph (2) (i) occurs when two licensed medical
5247 physicians, one of whom is a primary treating physician of the
5248 member, certify the existence of the physical injury and medical
5249 condition that constitute a qualifying injury as defined in this

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5250 paragraph and that the member has reached maximum medical
5251 improvement after August 1, 2008. The certifications from the
5252 licensed medical physicians must include, at a minimum, that the
5253 injury to the special risk member has resulted in a physical
5254 loss, or loss of use, of at least two of the following: left
5255 arm, right arm, left leg, or right leg; and:

5256 a. That this physical loss or loss of use is total and
5257 permanent, except if ~~in the event that~~ the loss of use is due to
5258 a physical injury to the member's brain, in which event the loss
5259 of use is permanent with at least 75 percent loss of motor
5260 function with respect to each arm or leg affected.

5261 b. That this physical loss or loss of use renders the
5262 member physically unable to perform the essential job functions
5263 of his or her special risk position.

5264 c. That, notwithstanding this physical loss or loss of use,
5265 the individual can ~~is able to~~ perform the essential job
5266 functions required by the member's new position, as provided in
5267 subparagraph 3.

5268 d. That use of artificial limbs is ~~either~~ not possible or
5269 does not alter the member's ability to perform the essential job
5270 functions of the member's position.

5271 e. That the physical loss or loss of use is a direct result
5272 of a physical injury and not a result of any mental,
5273 psychological, or emotional injury.

5274 2. For the purposes of this paragraph, "qualifying injury"
5275 means an injury sustained in the line of duty, as certified by
5276 the member's employing agency, by a special risk member that
5277 does not result in total and permanent disability as defined in
5278 s. 121.091(4)(b). An injury is a qualifying injury if the injury

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5279 is a physical injury to the member's physical body resulting in
5280 a physical loss, or loss of use, of at least two of the
5281 following: left arm, right arm, left leg, or right leg.

5282 Notwithstanding any other provision of this section, an injury
5283 that would otherwise qualify as a qualifying injury is not
5284 considered a qualifying injury if and when the member ceases
5285 employment with the employer for whom he or she was providing
5286 special risk services on the date the injury occurred.

5287 3. The new position, as described in sub-subparagraph 1.c.,
5288 that is required for qualification as a special risk member
5289 under this paragraph is not required to be a position with
5290 essential job functions that entitle an individual to special
5291 risk membership. Whether a new position as described in sub-
5292 subparagraph 1.c. exists and is available to the special risk
5293 member is a decision to be made solely by the employer in
5294 accordance with its hiring practices and applicable law.

5295 4. This paragraph does not grant or create additional
5296 rights for any individual to continued employment or to be hired
5297 or rehired by his or her employer that are not already provided
5298 within the Florida Statutes, the State Constitution, the
5299 Americans with Disabilities Act, if applicable, or any other
5300 applicable state or federal law.

5301 (6) CREDIT FOR PAST SERVICE.—A special risk member may
5302 purchase retirement credit in the Special Risk Class based upon
5303 past service, and may upgrade retirement credit for such past
5304 service, to the extent of 2 percent of the member's average
5305 monthly compensation as specified in s. 121.091(1)(a) for such
5306 service as follows:

5307 (a) The member may purchase special risk credit for past

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5308 service with a municipality or special district which has
 5309 elected to join the Florida Retirement System, or with a
 5310 participating agency to which a member's governmental unit was
 5311 transferred, merged, or consolidated as provided in s.
 5312 121.081(1)(f), if the member was employed with the municipality
 5313 or special district when ~~at the time~~ it commenced participating
 5314 in the Florida Retirement System or with the governmental unit
 5315 at the time of its transfer, merger, or consolidation with the
 5316 participating agency. The service must satisfy the criteria set
 5317 forth in subsection (3) for Special Risk Class membership as a
 5318 law enforcement officer, firefighter, or correctional officer;
 5319 however, a certificate or waiver of certificate of compliance
 5320 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such
 5321 service.

5322 Section 123. Paragraph (d) of subsection (1) of section
 5323 125.01, Florida Statutes, is amended to read:

5324 125.01 Powers and duties.—

5325 (1) The legislative and governing body of a county shall
 5326 have the power to carry on county government. To the extent not
 5327 inconsistent with general or special law, this power includes,
 5328 but is not restricted to, the power to:

5329 (d) Provide fire protection, including the enforcement of
 5330 the Florida Fire Prevention Code, as provided in ss. 633.206
 5331 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local
 5332 technical amendments to the Florida Fire Prevention Code as
 5333 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

5334 Section 124. Subsection (2) of section 125.01045, Florida
 5335 Statutes, is amended to read:

5336 125.01045 Prohibition of fees for first responder

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5337 services.—

5338 (2) As used in this section, the term "first responder"
5339 means a law enforcement officer as defined in s. 943.10, a
5340 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5341 medical technician or paramedic as defined in s. 401.23 who is
5342 employed by the state or a local government. A volunteer law
5343 enforcement officer, firefighter, or emergency medical
5344 technician or paramedic engaged by the state or a local
5345 government is also considered a first responder of the state or
5346 local government for purposes of this section.

5347 Section 125. Subsection (1) of section 125.56, Florida
5348 Statutes, is amended to read:

5349 125.56 Enforcement and amendment of the Florida Building
5350 Code and the Florida Fire Prevention Code; inspection fees;
5351 inspectors; etc.—

5352 (1) The board of county commissioners of each of the
5353 several counties of the state may ~~is authorized to~~ enforce the
5354 Florida Building Code and the Florida Fire Prevention Code, as
5355 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,
5356 and, at its discretion, to adopt local technical amendments to
5357 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)
5358 and local technical amendments to the Florida Fire Prevention
5359 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe
5360 construction, erection, alteration, repair, securing, and
5361 demolition of any building within its territory outside the
5362 corporate limits of any municipality. Upon a determination to
5363 consider amending the Florida Building Code or the Florida Fire
5364 Prevention Code by a majority of the members of the board of
5365 county commissioners of such county, the board shall call a

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5366 public hearing and comply with the public notice requirements of
5367 s. 125.66(2). The board shall hear all interested parties at the
5368 public hearing and may then amend the building code or the fire
5369 code consistent with the terms and purposes of this act. Upon
5370 adoption, an amendment to the code shall be in full force and
5371 effect throughout the unincorporated area of such county until
5372 otherwise notified by the Florida Building Commission pursuant
5373 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202
5374 ~~633.0215~~. Nothing herein contained shall be construed to prevent
5375 the board of county commissioners from repealing such amendment
5376 to the building code or the fire code at any regular meeting of
5377 such board.

5378 Section 126. Subsection (2) of section 166.0446, Florida
5379 Statutes, is amended to read:

5380 166.0446 Prohibition of fees for first responder services.—

5381 (2) As used in this section, the term "first responder"
5382 means a law enforcement officer as defined in s. 943.10, a
5383 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5384 medical technician or paramedic as defined in s. 401.23 who is
5385 employed by the state or a local government. A volunteer law
5386 enforcement officer, firefighter, or emergency medical
5387 technician or paramedic engaged by the state or a local
5388 government is also considered a first responder of the state or
5389 local government for purposes of this section.

5390 Section 127. Paragraph (a) of subsection (8) of section
5391 175.032, Florida Statutes, is amended to read:

5392 175.032 Definitions.—For any municipality, special fire
5393 control district, chapter plan, local law municipality, local
5394 law special fire control district, or local law plan under this

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5395 chapter, the following words and phrases have the following
5396 meanings:

5397 (8) (a) "Firefighter" means a ~~any~~ person employed solely by
5398 a constituted fire department of any municipality or special
5399 fire control district who is certified as a firefighter as a
5400 condition of employment in accordance with s. 633.408 ~~633.35~~ and
5401 whose duty it is to extinguish fires, to protect life, or to
5402 protect property. The term includes all certified, supervisory,
5403 and command personnel whose duties include, in whole or in part,
5404 the supervision, training, guidance, and management
5405 responsibilities of full-time firefighters, part-time
5406 firefighters, or auxiliary firefighters but does not include
5407 part-time firefighters or auxiliary firefighters. However, for
5408 purposes of this chapter only, the term also includes public
5409 safety officers who are responsible for performing both police
5410 and fire services, who are certified as police officers or
5411 firefighters, and who are certified by their employers to the
5412 Chief Financial Officer as participating in this chapter before
5413 October 1, 1979. Effective October 1, 1979, public safety
5414 officers who have not been certified as participating in this
5415 chapter are considered police officers for retirement purposes
5416 and are eligible to participate in chapter 185. Any plan may
5417 provide that the fire chief has an option to participate, or
5418 not, in that plan.

5419 Section 128. Subsection (3) of section 175.121, Florida
5420 Statutes, is amended to read:

5421 175.121 Department of Revenue and Division of Retirement to
5422 keep accounts of deposits; disbursements.—For any municipality
5423 or special fire control district having a chapter or local law

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5424 plan established pursuant to this chapter:

5425 (3) (a) All moneys not distributed to municipalities and
5426 special fire control districts under this section as a result of
5427 the limitation on disbursement contained in s. 175.122, or as a
5428 result of any municipality or special fire control district not
5429 having qualified in any given year, or portion thereof, shall be
5430 transferred to the Firefighters' Supplemental Compensation Trust
5431 Fund administered by the Department of Revenue, as provided in
5432 s. 633.422 ~~633.382~~.

5433 (b)1. Moneys transferred under paragraph (a) but not needed
5434 to support the supplemental compensation program in a given year
5435 shall be redistributed pro rata to those participating
5436 municipalities and special fire control districts that transfer
5437 any portion of their funds to support the supplemental
5438 compensation program in that year. Such additional moneys shall
5439 be used to cover or offset costs of the retirement plan.

5440 2. To assist the Department of Revenue, the division shall
5441 identify those municipalities and special fire control districts
5442 that are eligible for redistribution as provided in s.
5443 633.422 (3) (c) 2. ~~633.382 (4) (e) 2.~~, by listing the municipalities
5444 and special fire control districts from which funds were
5445 transferred under paragraph (a) and specifying the amount
5446 transferred by each.

5447 Section 129. Paragraph (e) of subsection (1) of section
5448 218.23, Florida Statutes, is amended to read:

5449 218.23 Revenue sharing with units of local government.—

5450 (1) To be eligible to participate in revenue sharing beyond
5451 the minimum entitlement in any fiscal year, a unit of local
5452 government is required to have:

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5453 (e) Certified that persons in its employ as firefighters,
5454 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for
5455 employment as established by the Division of State Fire Marshal
5456 pursuant to ~~the provisions of~~ ss. 633.412 ~~633.34~~ and 633.408
5457 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 ~~has~~ ~~633.382~~ have
5458 been met.

5459
5460 Additionally, to receive its share of revenue sharing funds, a
5461 unit of local government shall certify to the Department of
5462 Revenue that the requirements of s. 200.065, if applicable, were
5463 met. The certification shall be made annually within 30 days of
5464 adoption of an ordinance or resolution establishing a final
5465 property tax levy or, if no property tax is levied, not later
5466 than November 1. The portion of revenue sharing funds which,
5467 pursuant to this part, would otherwise be distributed to a unit
5468 of local government which has not certified compliance or has
5469 otherwise failed to meet the requirements of s. 200.065 shall be
5470 deposited in the General Revenue Fund for the 12 months
5471 following a determination of noncompliance by the department.

5472 Section 130. Paragraph (a) of subsection (3) of section
5473 252.515, Florida Statutes, is amended to read:

5474 252.515 Postdisaster Relief Assistance Act; immunity from
5475 civil liability.—

5476 (3) As used in this section, the term:

5477 (a) "Emergency first responder" means:

- 5478 1. A physician licensed under chapter 458.
- 5479 2. An osteopathic physician licensed under chapter 459.
- 5480 3. A chiropractic physician licensed under chapter 460.
- 5481 4. A podiatric physician licensed under chapter 461.

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- 5482 5. A dentist licensed under chapter 466.
- 5483 6. An advanced registered nurse practitioner certified
5484 under s. 464.012.
- 5485 7. A physician assistant licensed under s. 458.347 or s.
5486 459.022.
- 5487 8. A worker employed by a public or private hospital in the
5488 state.
- 5489 9. A paramedic as defined in s. 401.23(17).
- 5490 10. An emergency medical technician as defined in s.
5491 401.23(11).
- 5492 11. A firefighter as defined in s. 633.102 ~~633.30~~.
- 5493 12. A law enforcement officer as defined in s. 943.10.
- 5494 13. A member of the Florida National Guard.
- 5495 14. Any other personnel designated as emergency personnel
5496 by the Governor pursuant to a declared emergency.
- 5497 Section 131. Section 255.45, Florida Statutes, is amended
5498 to read:
- 5499 255.45 Correction of firesafety violations in certain
5500 state-owned property.—The Department of Management Services is
5501 responsible for ensuring that firesafety violations that are
5502 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~
5503 are corrected as soon as practicable for all state-owned
5504 property which is leased from the Department of Management
5505 Services.
- 5506 Section 132. Subsection (4) of section 258.0145, Florida
5507 Statutes, is amended to read:
- 5508 258.0145 Military state park fee discounts.—The Division of
5509 Recreation and Parks shall provide the following discounts on
5510 park fees to persons who present written documentation

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5511 satisfactory to the division which evidences their eligibility
5512 for the discounts:

5513 (4) The surviving spouse and parents of a law enforcement
5514 officer, as defined in s. 943.10(1), or a firefighter, as
5515 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of
5516 duty shall receive lifetime family annual entrance passes at no
5517 charge.

5518 Section 133. Subsection (1) of section 281.02, Florida
5519 Statutes, is amended to read:

5520 281.02 Powers and duties of the Department of Management
5521 Services with respect to firesafety and security.—The Department
5522 of Management Services has the following powers and duties with
5523 respect to firesafety and security:

5524 (1) To assist the State Fire Marshal in maintaining the
5525 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

5526 Section 134. Subsection (1) of section 384.287, Florida
5527 Statutes, is amended to read:

5528 384.287 Screening for sexually transmissible disease.—

5529 (1) An officer as defined in s. 943.10(14); support
5530 personnel as defined in s. 943.10(11) who are employed by the
5531 Department of Law Enforcement, including, but not limited to,
5532 any crime scene analyst, forensic technologist, or crime lab
5533 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or
5534 ambulance driver, paramedic, or emergency medical technician as
5535 defined in s. 401.23, acting within the scope of employment, who
5536 comes into contact with a person in such a way that significant
5537 exposure, as defined in s. 381.004, has occurred may request
5538 that the person be screened for a sexually transmissible disease
5539 that can be transmitted through a significant exposure.

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5540 Section 135. Paragraph (a) of subsection (1) of section
5541 395.0163, Florida Statutes, is amended to read:

5542 395.0163 Construction inspections; plan submission and
5543 approval; fees.—

5544 (1) (a) The design, construction, erection, alteration,
5545 modification, repair, and demolition of all public and private
5546 health care facilities are governed by the Florida Building Code
5547 and the Florida Fire Prevention Code under ss. 553.73 and
5548 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79
5549 and 553.80, the agency shall review facility plans and survey
5550 the construction of any facility licensed under this chapter.
5551 The agency shall make, or cause to be made, such construction
5552 inspections and investigations as it deems necessary. The agency
5553 may prescribe by rule that any licensee or applicant desiring to
5554 make specified types of alterations or additions to its
5555 facilities or to construct new facilities shall, before
5556 commencing such alteration, addition, or new construction,
5557 submit plans and specifications therefor to the agency for
5558 preliminary inspection and approval or recommendation with
5559 respect to compliance with applicable provisions of the Florida
5560 Building Code or agency rules and standards. The agency shall
5561 approve or disapprove the plans and specifications within 60
5562 days after receipt of the fee for review of plans as required in
5563 subsection (2). The agency may be granted one 15-day extension
5564 for the review period if the director of the agency approves the
5565 extension. If the agency fails to act within the specified time,
5566 it shall be deemed to have approved the plans and
5567 specifications. When the agency disapproves plans and
5568 specifications, it shall set forth in writing the reasons for

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5569 its disapproval. Conferences and consultations may be provided
5570 as necessary.

5571 Section 136. Section 400.232, Florida Statutes, is amended
5572 to read:

5573 400.232 Review and approval of plans; fees and costs.—The
5574 design, construction, erection, alteration, modification,
5575 repair, and demolition of all public and private health care
5576 facilities are governed by the Florida Building Code and the
5577 Florida Fire Prevention Code under ss. 553.73 and 633.206
5578 ~~633.022~~. In addition to the requirements of ss. 553.79 and
5579 553.80, the agency shall review the facility plans and survey
5580 the construction of facilities licensed under this chapter.

5581 (1) The agency shall approve or disapprove the plans and
5582 specifications within 60 days after receipt of the final plans
5583 and specifications. The agency may be granted one 15-day
5584 extension for the review period, if the director of the agency
5585 so approves. If the agency fails to act within the specified
5586 time, it shall be deemed to have approved the plans and
5587 specifications. When the agency disapproves plans and
5588 specifications, it shall set forth in writing the reasons for
5589 disapproval. Conferences and consultations may be provided as
5590 necessary.

5591 (2) The agency may ~~is authorized to~~ charge an initial fee
5592 of \$2,000 for review of plans and construction on all projects,
5593 no part of which is refundable. The agency may also collect a
5594 fee, not to exceed 1 percent of the estimated construction cost
5595 or the actual cost of review, whichever is less, for the portion
5596 of the review which encompasses initial review through the
5597 initial revised construction document review. The agency is

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5598 further authorized to collect its actual costs on all subsequent
5599 portions of the review and construction inspections. Initial fee
5600 payment shall accompany the initial submission of plans and
5601 specifications. Any subsequent payment that is due is payable
5602 upon receipt of the invoice from the agency. Notwithstanding any
5603 other ~~provisions of~~ law to the contrary, all money received by
5604 the agency pursuant to ~~the provisions of~~ this section shall be
5605 ~~deemed to be~~ trust funds, to be held and applied solely for the
5606 operations required under this section.

5607 Section 137. Section 400.915, Florida Statutes, is amended
5608 to read:

5609 400.915 Construction and renovation; requirements.—The
5610 requirements for the construction or renovation of a PPEC center
5611 shall comply with:

5612 (1) The provisions of chapter 553, which pertain to
5613 building construction standards, including plumbing, electrical
5614 code, glass, manufactured buildings, accessibility for the
5615 physically disabled;

5616 (2) Section 633.206 ~~The provisions of s. 633.022~~ and
5617 applicable rules pertaining to physical standards for
5618 nonresidential child care facilities; and

5619 (3) The standards or rules adopted pursuant to this part
5620 and part II of chapter 408.

5621 Section 138. Paragraph (a) of subsection (1) of section
5622 429.41, Florida Statutes, is amended to read:

5623 429.41 Rules establishing standards.—

5624 (1) It is the intent of the Legislature that rules
5625 published and enforced pursuant to this section shall include
5626 criteria by which a reasonable and consistent quality of

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5627 resident care and quality of life may be ensured and the results
5628 of such resident care may be demonstrated. Such rules shall also
5629 ensure a safe and sanitary environment that is residential and
5630 noninstitutional in design or nature. It is further intended
5631 that reasonable efforts be made to accommodate the needs and
5632 preferences of residents to enhance the quality of life in a
5633 facility. The agency, in consultation with the department, may
5634 adopt rules to administer the requirements of part II of chapter
5635 408. In order to provide safe and sanitary facilities and the
5636 highest quality of resident care accommodating the needs and
5637 preferences of residents, the department, in consultation with
5638 the agency, the Department of Children and Family Services, and
5639 the Department of Health, shall adopt rules, policies, and
5640 procedures to administer this part, which must include
5641 reasonable and fair minimum standards in relation to:

5642 (a) The requirements for and maintenance of facilities, not
5643 in conflict with ~~the provisions of~~ chapter 553, relating to
5644 plumbing, heating, cooling, lighting, ventilation, living space,
5645 and other housing conditions, which will ensure the health,
5646 safety, and comfort of residents and protection from fire
5647 hazard, including adequate provisions for fire alarm and other
5648 fire protection suitable to the size of the structure. Uniform
5649 firesafety standards shall be established and enforced by the
5650 State Fire Marshal in cooperation with the agency, the
5651 department, and the Department of Health.

5652 1. Evacuation capability determination.—

5653 a. The ~~provisions of the~~ National Fire Protection
5654 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
5655 for determining the ability of the residents, with or without

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5656 staff assistance, to relocate from or within a licensed facility
5657 to a point of safety as provided in the fire codes adopted
5658 herein. An evacuation capability evaluation for initial
5659 licensure shall be conducted within 6 months after the date of
5660 licensure. For existing licensed facilities that are not
5661 equipped with an automatic fire sprinkler system, the
5662 administrator shall evaluate the evacuation capability of
5663 residents at least annually. The evacuation capability
5664 evaluation for each facility not equipped with an automatic fire
5665 sprinkler system shall be validated, without liability, by the
5666 State Fire Marshal, by the local fire marshal, or by the local
5667 authority having jurisdiction over firesafety, before the
5668 license renewal date. If the State Fire Marshal, local fire
5669 marshal, or local authority having jurisdiction over firesafety
5670 has reason to believe that the evacuation capability of a
5671 facility as reported by the administrator may have changed, it
5672 may, with assistance from the facility administrator, reevaluate
5673 the evacuation capability through timed exiting drills.
5674 Translation of timed fire exiting drills to evacuation
5675 capability may be determined:

5676 (I) Three minutes or less: prompt.

5677 (II) More than 3 minutes, but not more than 13 minutes:
5678 slow.

5679 (III) More than 13 minutes: impractical.

5680 b. The Office of the State Fire Marshal shall provide or
5681 cause the provision of training and education on the proper
5682 application of Chapter 5, NFPA 101A, 1995 edition, to its
5683 employees, to staff of the Agency for Health Care Administration
5684 who are responsible for regulating facilities under this part,

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5685 and to local governmental inspectors. The Office of the State
5686 Fire Marshal shall provide or cause the provision of this
5687 training within its existing budget, but may charge a fee for
5688 this training to offset its costs. The initial training must be
5689 delivered within 6 months after July 1, 1995, and as needed
5690 thereafter.

5691 c. The Office of the State Fire Marshal, in cooperation
5692 with provider associations, shall provide or cause the provision
5693 of a training program designed to inform facility operators on
5694 how to properly review bid documents relating to the
5695 installation of automatic fire sprinklers. The Office of the
5696 State Fire Marshal shall provide or cause the provision of this
5697 training within its existing budget, but may charge a fee for
5698 this training to offset its costs. The initial training must be
5699 delivered within 6 months after July 1, 1995, and as needed
5700 thereafter.

5701 d. The administrator of a licensed facility shall sign an
5702 affidavit verifying the number of residents occupying the
5703 facility at the time of the evacuation capability evaluation.

5704 2. Firesafety requirements.-

5705 a. Except for the special applications provided herein,
5706 effective January 1, 1996, the ~~provisions of the~~ National Fire
5707 Protection Association, Life Safety Code, NFPA 101, 1994
5708 edition, Chapter 22 for new facilities and Chapter 23 for
5709 existing facilities shall be the uniform fire code applied by
5710 the State Fire Marshal for assisted living facilities, pursuant
5711 to s. 633.206 ~~633.022~~.

5712 b. Any new facility, regardless of size, that applies for a
5713 license on or after January 1, 1996, must be equipped with an

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5714 automatic fire sprinkler system. The exceptions as provided in
5715 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
5716 to any new facility housing eight or fewer residents. On July 1,
5717 1995, local governmental entities responsible for the issuance
5718 of permits for construction shall inform, without liability, any
5719 facility whose permit for construction is obtained before ~~prior~~
5720 ~~to~~ January 1, 1996, of this automatic fire sprinkler
5721 requirement. As used in this part, the term "a new facility"
5722 does not mean an existing facility that has undergone change of
5723 ownership.

5724 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or
5725 of the National Fire Protection Association, NFPA 101A, Chapter
5726 5, 1995 edition, to the contrary, any existing facility housing
5727 eight or fewer residents is not required to install an automatic
5728 fire sprinkler system, nor to comply with any other requirement
5729 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
5730 firesafety requirements of NFPA 101, 1988 edition, that applies
5731 to this size facility, unless the facility has been classified
5732 as impractical to evacuate. Any existing facility housing eight
5733 or fewer residents that is classified as impractical to evacuate
5734 must install an automatic fire sprinkler system within the
5735 timeframes granted in this section.

5736 d. Any existing facility that is required to install an
5737 automatic fire sprinkler system under this paragraph need not
5738 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
5739 edition, which exceed the provisions of NFPA 101, 1988 edition.
5740 The mandate contained in this paragraph which requires certain
5741 facilities to install an automatic fire sprinkler system
5742 supersedes any other requirement.

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5743 e. This paragraph does not supersede the exceptions granted
5744 in NFPA 101, 1988 edition or 1994 edition.

5745 f. This paragraph does not exempt facilities from other
5746 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local
5747 building code requirements in effect before July 1, 1995.

5748 g. A local government may charge fees only in an amount not
5749 to exceed the actual expenses incurred by local government
5750 relating to the installation and maintenance of an automatic
5751 fire sprinkler system in an existing and properly licensed
5752 assisted living facility structure as of January 1, 1996.

5753 h. If a licensed facility undergoes major reconstruction or
5754 addition to an existing building on or after January 1, 1996,
5755 the entire building must be equipped with an automatic fire
5756 sprinkler system. Major reconstruction of a building means
5757 repair or restoration that costs in excess of 50 percent of the
5758 value of the building as reported on the tax rolls, excluding
5759 land, before reconstruction. Multiple reconstruction projects
5760 within a 5-year period the total costs of which exceed 50
5761 percent of the initial value of the building when ~~at the time~~
5762 the first reconstruction project was permitted are to be
5763 considered as major reconstruction. Application for a permit for
5764 an automatic fire sprinkler system is required upon application
5765 for a permit for a reconstruction project that creates costs
5766 that go over the 50-percent threshold.

5767 i. Any facility licensed before January 1, 1996, that is
5768 required to install an automatic fire sprinkler system shall
5769 ensure that the installation is completed within the following
5770 timeframes based upon evacuation capability of the facility as
5771 determined under subparagraph 1.:

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5772 (I) Impractical evacuation capability, 24 months.

5773 (II) Slow evacuation capability, 48 months.

5774 (III) Prompt evacuation capability, 60 months.

5775

5776 The beginning date from which the deadline for the automatic
5777 fire sprinkler installation requirement must be calculated is
5778 upon receipt of written notice from the local fire official that
5779 an automatic fire sprinkler system must be installed. The local
5780 fire official shall send a copy of the document indicating the
5781 requirement of a fire sprinkler system to the Agency for Health
5782 Care Administration.

5783 j. It is recognized that the installation of an automatic
5784 fire sprinkler system may create financial hardship for some
5785 facilities. The appropriate local fire official shall, without
5786 liability, grant two 1-year extensions to the timeframes for
5787 installation established herein, if an automatic fire sprinkler
5788 installation cost estimate and proof of denial from two
5789 financial institutions for a construction loan to install the
5790 automatic fire sprinkler system are submitted. However, for any
5791 facility with a class I or class II, or a history of uncorrected
5792 class III, firesafety deficiencies, an extension must not be
5793 granted. The local fire official shall send a copy of the
5794 document granting the time extension to the Agency for Health
5795 Care Administration.

5796 k. A facility owner whose facility is required to be
5797 equipped with an automatic fire sprinkler system under Chapter
5798 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
5799 any potential buyer of the facility that an installation of an
5800 automatic fire sprinkler requirement exists. The sale of the

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5801 facility does not alter the timeframe for the installation of
5802 the automatic fire sprinkler system.

5803 1. Existing facilities required to install an automatic
5804 fire sprinkler system as a result of construction-type
5805 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted
5806 herein, or evacuation capability requirements shall be notified
5807 by the local fire official in writing of the automatic fire
5808 sprinkler requirement, as well as the appropriate date for final
5809 compliance as provided in this subparagraph. The local fire
5810 official shall send a copy of the document to the Agency for
5811 Health Care Administration.

5812 m. Except in cases of life-threatening fire hazards, if an
5813 existing facility experiences a change in the evacuation
5814 capability, or if the local authority having jurisdiction
5815 identifies a construction-type restriction, such that an
5816 automatic fire sprinkler system is required, it shall be given
5817 ~~afforded~~ time for installation as provided in this subparagraph.

5818
5819 Facilities that are fully sprinkled and in compliance with other
5820 firesafety standards are not required to conduct more than one
5821 of the required fire drills between the hours of 11 p.m. and 7
5822 a.m., per year. In lieu of the remaining drills, staff
5823 responsible for residents during such hours may be required to
5824 participate in a mock drill that includes a review of evacuation
5825 procedures. Such standards must be included or referenced in the
5826 rules adopted by the State Fire Marshal. Pursuant to s.
5827 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final
5828 administrative authority for firesafety standards established
5829 and enforced pursuant to this section. All licensed facilities

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5830 must have an annual fire inspection conducted by the local fire
5831 marshal or authority having jurisdiction.

5832 3. Resident elopement requirements.—Facilities are required
5833 to conduct a minimum of two resident elopement prevention and
5834 response drills per year. All administrators and direct care
5835 staff must participate in the drills which shall include a
5836 review of procedures to address resident elopement. Facilities
5837 must document the implementation of the drills and ensure that
5838 the drills are conducted in a manner consistent with the
5839 facility's resident elopement policies and procedures.

5840 Section 139. Subsection (1) of section 429.44, Florida
5841 Statutes, is amended to read:

5842 429.44 Construction and renovation; requirements.—

5843 (1) The requirements for the construction and renovation of
5844 a facility shall comply with ~~the provisions of~~ chapter 553 which
5845 pertains ~~pertain~~ to building construction standards, including
5846 plumbing, electrical code, glass, manufactured buildings,
5847 accessibility for persons with disabilities, and the state
5848 minimum building code and with ~~the provisions of~~ s. 633.206
5849 ~~633.022~~, which pertains ~~pertain~~ to uniform firesafety standards.

5850 Section 140. Subsection (2) of section 429.73, Florida
5851 Statutes, is amended to read:

5852 429.73 Rules and standards relating to adult family-care
5853 homes.—

5854 (2) The department shall by rule provide minimum standards
5855 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,
5856 the State Fire Marshal, in consultation with the department and
5857 the agency, shall adopt uniform firesafety standards for adult
5858 family-care homes.

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5859 Section 141. Subsection (4) of section 447.203, Florida
5860 Statutes, is amended to read:

5861 447.203 Definitions.—As used in this part:

5862 (4) "Managerial employees" are those employees who:

5863 (a) Perform jobs that are not of a routine, clerical, or
5864 ministerial nature and require the exercise of independent
5865 judgment in the performance of such jobs and to whom one or more
5866 of the following applies:

5867 1. They formulate or assist in formulating policies which
5868 are applicable to bargaining unit employees.

5869 2. They may reasonably be required on behalf of the
5870 employer to assist in the preparation for the conduct of
5871 collective bargaining negotiations.

5872 3. They have a role in the administration of agreements
5873 resulting from collective bargaining negotiations.

5874 4. They have a significant role in personnel
5875 administration.

5876 5. They have a significant role in employee relations.

5877 6. They are included in the definition of administrative
5878 personnel contained in s. 1012.01(3).

5879 7. They have a significant role in the preparation or
5880 administration of budgets for any public agency or institution
5881 or subdivision thereof.

5882 (b) Serve as police chiefs, fire chiefs, or directors of
5883 public safety of any police, fire, or public safety department.
5884 Other police officers, as defined in s. 943.10(1), and
5885 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be
5886 determined by the commission to be managerial employees of such
5887 departments. In making such determinations, the commission shall

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5888 consider, in addition to the criteria established in paragraph
5889 (a), the paramilitary organizational structure of the department
5890 involved.

5891
5892 However, in determining whether an individual is a managerial
5893 employee pursuant to ~~either~~ paragraph (a) or paragraph (b),
5894 above, the commission may consider historic relationships of the
5895 employee to the public employer and to coemployees.

5896 Section 142. Subsection (1) of section 468.602, Florida
5897 Statutes, is amended to read:

5898 468.602 Exemptions.—This part does not apply to:

5899 (1) Persons who possess a valid certificate, issued
5900 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety
5901 inspections, when conducting firesafety inspections.

5902 Section 143. Paragraph (c) of subsection (2) of section
5903 468.609, Florida Statutes, is amended to read:

5904 468.609 Administration of this part; standards for
5905 certification; additional categories of certification.—

5906 (2) A person may take the examination for certification as
5907 a building code inspector or plans examiner pursuant to this
5908 part if the person:

5909 (c) Meets eligibility requirements according to one of the
5910 following criteria:

5911 1. Demonstrates 5 years' combined experience in the field
5912 of construction or a related field, building code inspection, or
5913 plans review corresponding to the certification category sought;

5914 2. Demonstrates a combination of postsecondary education in
5915 the field of construction or a related field and experience
5916 which totals 4 years, with at least 1 year of such total being

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5917 experience in construction, building code inspection, or plans
5918 review;

5919 3. Demonstrates a combination of technical education in the
5920 field of construction or a related field and experience which
5921 totals 4 years, with at least 1 year of such total being
5922 experience in construction, building code inspection, or plans
5923 review;

5924 4. Currently holds a standard certificate as issued by the
5925 board, or a fire safety inspector license issued pursuant to
5926 chapter 633, has a minimum of 5 years' verifiable full-time
5927 experience in inspection or plan review, and satisfactorily
5928 completes a building code inspector or plans examiner training
5929 program of not less than 200 hours in the certification category
5930 sought. The board shall establish by rule criteria for the
5931 development and implementation of the training programs; or

5932 5. Demonstrates a combination of the completion of an
5933 approved training program in the field of building code
5934 inspection or plan review and a minimum of 2 years' experience
5935 in the field of building code inspection, plan review, fire code
5936 inspections and fire plans review of new buildings as a
5937 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or
5938 construction. The approved training portion of this requirement
5939 shall include proof of satisfactory completion of a training
5940 program of not less than 300 hours which is approved by the
5941 board in the chosen category of building code inspection or plan
5942 review in the certification category sought with not less than
5943 20 hours of instruction in state laws, rules, and ethics
5944 relating to professional standards of practice, duties, and
5945 responsibilities of a certificateholder. The board shall

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5946 coordinate with the Building Officials Association of Florida,
5947 Inc., to establish by rule the development and implementation of
5948 the training program.

5949 Section 144. Subsection (22) of section 489.103, Florida
5950 Statutes, is amended to read:

5951 489.103 Exemptions.—This part does not apply to:

5952 (22) A person licensed pursuant to s. 633.304(1)(d)
5953 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such
5954 license.

5955 Section 145. Paragraph (n) of subsection (3) of section
5956 489.105, Florida Statutes, is amended to read:

5957 489.105 Definitions.—As used in this part:

5958 (3) "Contractor" means the person who is qualified for, and
5959 is only responsible for, the project contracted for and means,
5960 except as exempted in this part, the person who, for
5961 compensation, undertakes to, submits a bid to, or does himself
5962 or herself or by others construct, repair, alter, remodel, add
5963 to, demolish, subtract from, or improve any building or
5964 structure, including related improvements to real estate, for
5965 others or for resale to others; and whose job scope is
5966 substantially similar to the job scope described in one of the
5967 paragraphs of this subsection. For the purposes of regulation
5968 under this part, the term "demolish" applies only to demolition
5969 of steel tanks more than 50 feet in height; towers more than 50
5970 feet in height; other structures more than 50 feet in height;
5971 and all buildings or residences. Contractors are subdivided into
5972 two divisions, Division I, consisting of those contractors
5973 defined in paragraphs (a)-(c), and Division II, consisting of
5974 those contractors defined in paragraphs (d)-(q):

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5975 (n) "Underground utility and excavation contractor" means a
5976 contractor whose services are limited to the construction,
5977 installation, and repair, on public or private property, whether
5978 accomplished through open excavations or through other means,
5979 including, but not limited to, directional drilling, auger
5980 boring, jacking and boring, trenchless technologies, wet and dry
5981 taps, grouting, and slip lining, of main sanitary sewer
5982 collection systems, main water distribution systems, storm sewer
5983 collection systems, and the continuation of utility lines from
5984 the main systems to a point of termination up to and including
5985 the meter location for the individual occupancy, sewer
5986 collection systems at property line on residential or single-
5987 occupancy commercial properties, or on multioccupancy properties
5988 at manhole or wye lateral extended to an invert elevation as
5989 engineered to accommodate future building sewers, water
5990 distribution systems, or storm sewer collection systems at storm
5991 sewer structures. However, an underground utility and excavation
5992 contractor may install empty underground conduits in rights-of-
5993 way, easements, platted rights-of-way in new site development,
5994 and sleeves for parking lot crossings no smaller than 2 inches
5995 in diameter if each conduit system installed is designed by a
5996 licensed professional engineer or an authorized employee of a
5997 municipality, county, or public utility and the installation of
5998 such conduit does not include installation of any conductor
5999 wiring or connection to an energized electrical system. An
6000 underground utility and excavation contractor may not install
6001 piping that is an integral part of a fire protection system as
6002 defined in s. 633.102 ~~633.021~~ beginning at the point where the
6003 piping is used exclusively for such system.

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6004 Section 146. Subsection (9) of section 496.404, Florida
6005 Statutes, is amended to read:

6006 496.404 Definitions.—As used in ss. 496.401-496.424:

6007 (9) "Emergency service employee" means any employee who is
6008 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance
6009 driver, emergency medical technician, or paramedic, as defined
6010 in s. 401.23.

6011 Section 147. Paragraph (a) of subsection (7) of section
6012 509.032, Florida Statutes, is amended to read:

6013 509.032 Duties.—

6014 (7) PREEMPTION AUTHORITY.—

6015 (a) The regulation of public lodging establishments and
6016 public food service establishments, including, but not limited
6017 to, sanitation standards, inspections, training and testing of
6018 personnel, and matters related to the nutritional content and
6019 marketing of foods offered in such establishments, is preempted
6020 to the state. This paragraph does not preempt the authority of a
6021 local government or local enforcement district to conduct
6022 inspections of public lodging and public food service
6023 establishments for compliance with the Florida Building Code and
6024 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
6025 633.206 ~~633.022~~.

6026 Section 148. Section 513.05, Florida Statutes, is amended
6027 to read:

6028 513.05 Rules.—The department may adopt rules pertaining to
6029 the location, construction, modification, equipment, and
6030 operation of mobile home parks, lodging parks, recreational
6031 vehicle parks, and recreational camps, except as provided in s.
6032 633.206 ~~633.022~~, as necessary to administer this chapter. Such

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6033 rules may include definitions of terms; requirements for plan
6034 reviews of proposed and existing parks and camps; plan reviews
6035 of parks that consolidate space or change space size; water
6036 supply; sewage collection and disposal; plumbing and backflow
6037 prevention; garbage and refuse storage, collection, and
6038 disposal; insect and rodent control; space requirements; heating
6039 facilities; food service; lighting; sanitary facilities;
6040 bedding; an occupancy equivalency to spaces for permits for
6041 recreational camps; sanitary facilities in recreational vehicle
6042 parks; and the owners' responsibilities at recreational vehicle
6043 parks and recreational camps.

6044 Section 149. Paragraph (d) of subsection (1) and paragraph
6045 (f) of subsection (11) of section 553.73, Florida Statutes, are
6046 amended to read:

6047 553.73 Florida Building Code.—

6048 (1)

6049 (d) Conflicting requirements between the Florida Building
6050 Code and the Florida Fire Prevention Code and Life Safety Code
6051 of the state established pursuant to ss. 633.206 ~~633.022~~ and
6052 633.208 ~~633.025~~ shall be resolved by agreement between the
6053 commission and the State Fire Marshal in favor of the
6054 requirement that offers the greatest degree of lifesafety or
6055 alternatives that would provide an equivalent degree of
6056 lifesafety and an equivalent method of construction. If the
6057 commission and State Fire Marshal are unable to agree on a
6058 resolution, the question shall be referred to a mediator,
6059 mutually agreeable to both parties, to resolve the conflict in
6060 favor of the provision that offers the greatest lifesafety, or
6061 alternatives that would provide an equivalent degree of

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6062 lifesafety and an equivalent method of construction.

6063 (11)

6064 (f) All decisions of the local building official and local
6065 fire official and all decisions of the administrative board
6066 shall be in writing and shall be binding upon a person ~~all~~
6067 ~~persons~~ but do ~~shall~~ not limit the authority of the State Fire
6068 Marshal or the Florida Building Commission pursuant to paragraph
6069 (1) (d) and ss. 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of
6070 general application shall be indexed by building and fire code
6071 sections and shall be available for inspection during normal
6072 business hours.

6073 Section 150. Paragraph (e) of subsection (1) of section
6074 553.77, Florida Statutes, is amended to read:

6075 553.77 Specific powers of the commission.—

6076 (1) The commission shall:

6077 (e) Participate with the Florida Fire Code Advisory Council
6078 created under s. 633.204 ~~633.72~~, to provide assistance and
6079 recommendations relating to firesafety code interpretations. The
6080 administrative staff of the commission shall attend meetings of
6081 the Florida Fire Code Advisory Council and coordinate efforts to
6082 provide consistency between the Florida Building Code and the
6083 Florida Fire Prevention Code and the Life Safety Code.

6084 Section 151. Subsections (2) and (12) of section 553.79,
6085 Florida Statutes, are amended to read:

6086 553.79 Permits; applications; issuance; inspections.—

6087 (2) Except as provided in subsection (6), an enforcing
6088 agency may not issue any permit for construction, erection,
6089 alteration, modification, repair, or demolition of any building
6090 or structure until the local building code administrator or

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6091 inspector has reviewed the plans and specifications required by
6092 the Florida Building Code, or local amendment thereto, for such
6093 proposal and found the plans to be in compliance with the
6094 Florida Building Code. If the local building code administrator
6095 or inspector finds that the plans are not in compliance with the
6096 Florida Building Code, the local building code administrator or
6097 inspector shall identify the specific plan features that do not
6098 comply with the applicable codes, identify the specific code
6099 chapters and sections upon which the finding is based, and
6100 provide this information to the local enforcing agency. The
6101 local enforcing agency shall provide this information to the
6102 permit applicant. In addition, an enforcing agency may not issue
6103 any permit for construction, erection, alteration, modification,
6104 repair, or demolition of any building until the appropriate
6105 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~
6106 has reviewed the plans and specifications required by the
6107 Florida Building Code, or local amendment thereto, for such
6108 proposal and found that the plans comply with the Florida Fire
6109 Prevention Code and the Life Safety Code. Any building or
6110 structure which is not subject to a firesafety code shall not be
6111 required to have its plans reviewed by the firesafety inspector.
6112 Any building or structure that is exempt from the local building
6113 permit process may not be required to have its plans reviewed by
6114 the local building code administrator. Industrial construction
6115 on sites where design, construction, and firesafety are
6116 supervised by appropriate design and inspection professionals
6117 and which contain adequate in-house fire departments and rescue
6118 squads is exempt, subject to local government option, from
6119 review of plans and inspections, providing owners certify that

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6120 applicable codes and standards have been met and supply
6121 appropriate approved drawings to local building and firesafety
6122 inspectors. The enforcing agency shall issue a permit to
6123 construct, erect, alter, modify, repair, or demolish any
6124 building or structure when the plans and specifications for such
6125 proposal comply with ~~the provisions of~~ the Florida Building Code
6126 and the Florida Fire Prevention Code and the Life Safety Code as
6127 determined by the local authority in accordance with this
6128 chapter and chapter 633.

6129 (12) One-family and two-family detached residential
6130 dwelling units are not subject to plan review by the local fire
6131 official as described in this section or inspection by the local
6132 fire official as described in s. 633.216 ~~633.081~~, unless
6133 expressly made subject to the said plan review or inspection by
6134 local ordinance.

6135 Section 152. Paragraph (d) of subsection (1) of section
6136 590.02, Florida Statutes, is amended to read:

6137 590.02 Florida Forest Service; powers, authority, and
6138 duties; liability; building structures; Florida Center for
6139 Wildfire and Forest Resources Management Training.—

6140 (1) The Florida Forest Service has the following powers,
6141 authority, and duties:

6142 (d) To appoint center managers, forest area supervisors,
6143 forestry program administrators, a forest protection bureau
6144 chief, a forest protection assistant bureau chief, a field
6145 operations bureau chief, deputy chiefs of field operations,
6146 district managers, forest operations administrators, senior
6147 forest rangers, investigators, forest rangers, firefighter
6148 rotorcraft pilots, and other employees who may, at the Florida

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6149 Forest Service's discretion, be certified as forestry
6150 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other
6151 ~~provisions of~~ law notwithstanding, center managers, district
6152 managers, forest protection assistant bureau chief, and deputy
6153 chiefs of field operations shall have Selected Exempt Service
6154 status in the state personnel designation;

6155 Section 153. Section 627.4107, Florida Statutes, is amended
6156 to read:

6157 627.4107 Government employees exposed to toxic drug
6158 chemicals; cancellation of life or health policy or certificate
6159 prohibited.—No life or health insurer may cancel or nonrenew a
6160 life or health insurance policy or certificate of insurance
6161 providing coverage to a state or local law enforcement officer
6162 as defined in s. 943.10, firefighter as defined in s. 633.102
6163 ~~633.30~~, emergency medical technician as defined in s. 401.23, or
6164 paramedic as defined in s. 401.23, a volunteer firefighter as
6165 defined in 633.102 engaged by state or local government, a law
6166 enforcement officer employed by the Federal Government, or any
6167 other local, state, or Federal Government employee solely based
6168 on the fact that the individual has been exposed to toxic
6169 chemicals or suffered injury or disease as a result of the
6170 individual's lawful duties arising out of the commission of a
6171 violation of chapter 893 by another person. This section does
6172 not apply to a ~~any~~ person who commits an offense under chapter
6173 893. This section does not prohibit an insurer from canceling or
6174 nonrenewing an insurance policy or certificate, as permitted
6175 under the applicable state insurance code, based on an act or
6176 practice of the policyholder or certificateholder that
6177 constitutes fraud or intentional misrepresentation of material

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6178 fact by the policyholder or certificateholder.

6179 Section 154. Subsection (10) of section 893.13, Florida
6180 Statutes, is amended to read:

6181 893.13 Prohibited acts; penalties.—

6182 (10) If a person violates any provision of this chapter and
6183 the violation results in a serious injury to a state or local
6184 law enforcement officer as defined in s. 943.10, firefighter as
6185 defined in s. 633.102 ~~633.30~~, emergency medical technician as
6186 defined in s. 401.23, paramedic as defined in s. 401.23,
6187 employee of a public utility or an electric utility as defined
6188 in s. 366.02, animal control officer as defined in s. 828.27,
6189 volunteer firefighter engaged by state or local government, law
6190 enforcement officer employed by the Federal Government, or any
6191 other local, state, or Federal Government employee injured
6192 during the course and scope of his or her employment, the person
6193 commits a felony of the third degree, punishable as provided in
6194 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained
6195 results in death or great bodily harm, the person commits a
6196 felony of the second degree, punishable as provided in s.
6197 775.082, s. 775.083, or s. 775.084.

6198 Section 155. Paragraph (g) of subsection (2) of section
6199 934.03, Florida Statutes, is amended to read:

6200 934.03 Interception and disclosure of wire, oral, or
6201 electronic communications prohibited.—

6202 (2)

6203 (g) It is lawful under ss. 934.03-934.09 for an employee
6204 of:

6205 1. An ambulance service licensed pursuant to s. 401.25, a
6206 fire station employing firefighters as defined by s. 633.102

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6207 ~~633.30~~, a public utility, a law enforcement agency as defined by
6208 s. 934.02(10), or any other entity with published emergency
6209 telephone numbers;

6210 2. An agency operating an emergency telephone number "911"
6211 system established pursuant to s. 365.171; or

6212 3. The central abuse hotline operated pursuant to s. 39.201
6213

6214 to intercept and record incoming wire communications; however,
6215 such employee may intercept and record incoming wire
6216 communications on designated "911" telephone numbers and
6217 published nonemergency telephone numbers staffed by trained
6218 dispatchers at public safety answering points only. It is also
6219 lawful for such employee to intercept and record outgoing wire
6220 communications to the numbers from which such incoming wire
6221 communications were placed when necessary to obtain information
6222 required to provide the emergency services being requested. For
6223 the purpose of this paragraph, the term "public utility" has the
6224 same meaning as provided in s. 366.02 and includes a person,
6225 partnership, association, or corporation now or hereafter owning
6226 or operating equipment or facilities in the state for conveying
6227 or transmitting messages or communications by telephone or
6228 telegraph to the public for compensation.

6229 Section 156. Paragraph (b) of subsection (4) of section
6230 943.61, Florida Statutes, is amended to read:

6231 943.61 Powers and duties of the Capitol Police.—

6232 (4) The Capitol Police shall have the following
6233 responsibilities, powers, and duties:

6234 (b) To provide and maintain the security of all property
6235 located in the Capitol Complex in a manner consistent with the

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6236 security plans developed and approved under paragraph (a) and,
6237 in consultation with the State Fire Marshal, to provide for
6238 evacuations, information, and training required for firesafety
6239 on such property in a manner consistent with s. 633.218 ~~633.085~~.

6240 Section 157. Paragraph (b) of subsection (18) of section
6241 1002.33, Florida Statutes, is amended to read:

6242 1002.33 Charter schools.—

6243 (18) FACILITIES.—

6244 (b) A charter school shall use ~~utilize~~ facilities that
6245 comply with the Florida Fire Prevention Code, pursuant to s.
6246 633.208 ~~633.025~~, as adopted by the authority in whose
6247 jurisdiction the facility is located as provided in paragraph
6248 (a).

6249 Section 158. Subsection (9) of section 1002.34, Florida
6250 Statutes, is amended to read:

6251 1002.34 Charter technical career centers.—

6252 (9) FACILITIES.—A center may be located in any suitable
6253 location, including part of an existing public school or Florida
6254 College System institution building, space provided on a public
6255 worksite, or a public building. A center's facilities must
6256 comply with the State Uniform Building Code for Public
6257 Educational Facilities Construction adopted pursuant to s.
6258 1013.37, or with applicable state minimum building codes
6259 pursuant to chapter 553, and state minimum fire protection codes
6260 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in
6261 whose jurisdiction the facility is located. If K-12 public
6262 school funds are used for construction, the facility must remain
6263 on the local school district's Florida Inventory of School
6264 Houses (FISH) school building inventory of the district school

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6265 board and must revert to the district school board if the
6266 consortium dissolves and the program is discontinued. If Florida
6267 College System institution public school funds are used for
6268 construction, the facility must remain on the local Florida
6269 College System institution's facilities inventory and must
6270 revert to the local Florida College System institution board of
6271 trustees if the consortium dissolves and the program is
6272 discontinued. The additional student capacity created by the
6273 addition of the center to the local school district's FISH may
6274 not be calculated in the permanent student capacity for the
6275 purpose of determining need or eligibility for state capital
6276 outlay funds while the facility is used as a center. If the
6277 construction of the center is funded jointly by K-12 public
6278 school funds and Florida College System institution funds, the
6279 sponsoring entities must agree, before granting the charter, on
6280 the appropriate owner and terms of transfer of the facility if
6281 the charter is dissolved.

6282 Section 159. Subsection (1), paragraph (c) of subsection
6283 (2), and paragraphs (a) and (c) of subsection (6) of section
6284 1013.12, Florida Statutes, are amended to read:

6285 1013.12 Casualty, safety, sanitation, and firesafety
6286 standards and inspection of property.—

6287 (1) FIRESAFETY.—The State Board of Education shall adopt
6288 and administer rules prescribing standards for the safety and
6289 health of occupants of educational and ancillary plants as a
6290 part of State Requirements for Educational Facilities or the
6291 Florida Building Code for educational facilities construction as
6292 provided in s. 1013.37, except that the State Fire Marshal in
6293 consultation with the Department of Education shall adopt

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6294 uniform firesafety standards for educational and ancillary
6295 plants and educational facilities, as provided in s.
6296 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system
6297 to be used as an alternate firesafety inspection standard for
6298 existing educational and ancillary plants and educational
6299 facilities. The uniform firesafety standards and the alternate
6300 firesafety evaluation system shall be administered and enforced
6301 by fire officials certified by the State Fire Marshal under s.
6302 633.216 ~~633.081~~. These standards must be used by all public
6303 agencies when inspecting public educational and ancillary
6304 plants, and the firesafety standards must be used by county,
6305 municipal, or independent special fire control district
6306 inspectors when performing firesafety inspections of public
6307 educational and ancillary plants and educational facilities. In
6308 accordance with such standards, each board shall prescribe
6309 policies and procedures establishing a comprehensive program of
6310 safety and sanitation for the protection of occupants of public
6311 educational and ancillary plants. Such policies must contain
6312 procedures for periodic inspections as prescribed in this
6313 section or chapter 633 and for withdrawal of any educational and
6314 ancillary plant, or portion thereof, from use until unsafe or
6315 unsanitary conditions are corrected or removed.

6316 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6317 BOARDS.—

6318 (c) Under the direction of the fire official appointed by
6319 the board under s. 1013.371(2), firesafety inspections of each
6320 educational and ancillary plant located on property owned or
6321 leased by the board, or other educational facilities operated by
6322 the board, must be made no sooner than 1 year after issuance of

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6323 a certificate of occupancy and annually thereafter. Such
6324 inspections shall be made by persons certified by the Division
6325 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct
6326 firesafety inspections in public educational and ancillary
6327 plants. The board shall submit a copy of the firesafety
6328 inspection report to the county, municipality, or independent
6329 special fire control district providing fire protection services
6330 to the school facility within 10 business days after the date of
6331 the inspection. Alternate schedules for delivery of reports may
6332 be agreed upon between the school district and the county,
6333 municipality, or independent special fire control district
6334 providing fire protection services to the site in cases in which
6335 delivery is impossible due to hurricanes or other natural
6336 disasters. Regardless, if immediate life-threatening
6337 deficiencies are noted in the report, the report shall be
6338 delivered immediately. In addition, the board and any other
6339 authority conducting the fire safety inspection shall certify to
6340 the State Fire Marshal that the annual inspection has been
6341 completed. The certification shall be made electronically or by
6342 such other means as directed by the State Fire Marshal.

6343 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
6344 FACILITIES.—

6345 (a) Firesafety inspections of public college facilities,
6346 including charter schools located on board-owned or board-leased
6347 facilities or otherwise operated by public college boards, shall
6348 be made in accordance with the Florida Fire Prevention Code, as
6349 adopted by the State Fire Marshal. Notwithstanding s. 633.202
6350 ~~633.0215~~, provisions of the code relating to inspections of such
6351 facilities are not subject to any local amendments as provided

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6352 by s. 1013.371. Each public college facility shall be inspected
6353 annually by persons certified under s. 633.216 ~~633.081~~.

6354 (c) Firesafety inspections of state universities shall
6355 comply with the Florida Fire Prevention Code, as adopted by the
6356 State Fire Marshal under s. 633.202 ~~633.0215~~.

6357 Section 160. Paragraphs (a), (b), and (d) of subsection (2)
6358 and paragraph (a) of subsection (4) of section 1013.38, Florida
6359 Statutes, are amended to read:

6360 1013.38 Boards to ensure that facilities comply with
6361 building codes and life safety codes.—

6362 (2) In addition to the submission of site plans, boards may
6363 provide compliance as follows:

6364 (a) Boards or consortia may individually or cooperatively
6365 provide review services under the insurance risk management
6366 oversight through the use of board employees or consortia
6367 employees registered pursuant to chapter 471, chapter 481, or
6368 part XII of chapter 468 and firesafety inspectors certified
6369 under s. 633.216 ~~633.081~~.

6370 (b) Boards may elect to review construction documents using
6371 their own employees registered pursuant to chapter 471, chapter
6372 481, or part XII of chapter 468 and firesafety inspectors
6373 certified under s. 633.216 ~~633.081~~.

6374 (d) Boards or consortia may contract for plan review
6375 services directly with engineers and architects registered
6376 pursuant to chapter 471 or chapter 481 and firesafety inspectors
6377 certified under s. 633.216 ~~633.081~~.

6378 (4) (a) Before the commencement of any new construction,
6379 renovation, or remodeling, the board shall:

6380 1. Approve or cause to be approved the construction

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6381 documents and evaluate such documents for compliance with the
6382 Florida Building Code and the Florida Fire Prevention Code.

6383 2. Ensure compliance with all applicable firesafety codes
6384 and standards by contracting with a firesafety inspector
6385 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

6386 Section 161. This act shall take effect July 1, 2013.