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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.  
570 633.514, F.S., relating to Florida Fire Safety Board  
571 duties, meetings, officers, quorum, and compensation;  
572 repealing s. 633.517, F.S.; relating to the authority  
573 of the State Fire Marshal to adopt rules, administer  
574 oaths, and take testimony; repealing s. 633.524, F.S.,  
575 relating to certificate and permit fees assessed under  
576 ch. 633, F.S., and the use and deposit thereof;  
577 repealing s. 633.804, F.S., relating to the adoption  
578 of rules governing firefighter employer and  
579 firefighter employee safety inspections and  
580 consultations; repealing s. 633.808, F.S., relating to

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

603 conforming cross-references; updating terminology;  
604 providing an effective date.

605

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

607

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

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

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

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

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

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

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

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

626 ~~(3)(5)~~ (a) "Contractor I" means a contractor whose business  
627 includes the execution of contracts requiring the ability to lay  
628 out, fabricate, install, inspect, alter, repair, and service all  
629 types of fire protection systems, excluding preengineered  
630 systems.

631 (b) "Contractor II" means a contractor whose business is  
632 limited to the execution of contracts requiring the ability to  
633 lay out, fabricate, install, inspect, alter, repair, and service  
634 water sprinkler systems, water spray systems, foam-water  
635 sprinkler systems, foam-water spray systems, standpipes,  
636 combination standpipes and sprinkler risers, all piping that is  
637 an integral part of the system beginning at the point of service  
638 as defined in this section, sprinkler tank heaters, air lines,

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639 thermal systems used in connection with sprinklers, and tanks  
640 and pumps connected thereto, excluding preengineered systems.

641 (c) "Contractor III" means a contractor whose business is  
642 limited to the execution of contracts requiring the ability to  
643 fabricate, install, inspect, alter, repair, and service carbon  
644 dioxide CO<sub>2</sub> systems, foam extinguishing systems, dry chemical  
645 systems, and Halon and other chemical systems, excluding  
646 preengineered systems.

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

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

664  
665 The definitions in this subsection may ~~must~~ not be construed to  
666 include ~~fire-protection~~ engineers or architects and do not limit  
667 or prohibit a licensed fire protection engineer or architect

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

687 (4) "Department" means the Department of Financial  
688 Services.

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

691 (6) "Explosives" means any chemical compound or mixture  
692 that has the property of yielding readily to combustion or  
693 oxidation upon the application of heat, flame, or shock and is  
694 capable of producing an explosion and is commonly used for that  
695 purpose, including but not limited to dynamite, nitroglycerin,  
696 trinitrotoluene, ammonium nitrate when combined with other



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697 ingredients to form an explosive mixture, blasting caps, and  
698 detonators; but the term does not include cartridges for  
699 firearms or fireworks as defined in chapter 791.

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

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

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

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

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

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

723 (b) Is manually operated.

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

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726 (d) Is rechargeable or nonrechargeable.

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

731 (f) Is listed by a nationally recognized testing  
732 laboratory.

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

737 (10)~~(9)~~ A "Fire hydrant" means ~~is~~ a connection to a water  
738 main, elevated water tank, or other source of water for the  
739 purpose of supplying water to a fire hose or other fire  
740 protection apparatus for fire suppression operations. The term  
741 does not include a fire protection system.

742 (11)~~(10)~~ A "Fire protection system" means ~~is~~ a system  
743 individually designed to protect the interior or exterior of a  
744 specific building or buildings, structure, or other special  
745 hazard from fire. Such systems include, but are not limited to,  
746 water sprinkler systems, water spray systems, foam-water  
747 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~  
748 systems, foam extinguishing systems, dry chemical systems, and  
749 Halon and other chemical systems used for fire protection use.  
750 Such systems also include any overhead and underground fire  
751 mains, fire hydrants and hydrant mains, standpipes and hoses  
752 connected to sprinkler systems, sprinkler tank heaters, air  
753 lines, thermal systems used in connection with fire sprinkler  
754 systems, and tanks and pumps connected to fire sprinkler

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755 systems.

756 (12)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual  
757 who holds a current and valid Fire Safety Inspector Certificate  
758 of Compliance issued ~~certified~~ by the division ~~State Fire~~  
759 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned  
760 the duties of conducting firesafety inspections of buildings and  
761 facilities on a recurring or regular basis on behalf of the  
762 state or any county, municipality, or special district with fire  
763 safety responsibilities.

764 (13) "Fire service provider" means a municipality or  
765 county, the state, or any political subdivision of the state,  
766 including authorities and special districts, employing  
767 firefighters or utilizing volunteer firefighters to provide fire  
768 extinguishment or fire prevention services for the protection of  
769 life and property. The term includes any organization under  
770 contract or other agreement with such entity to provide such  
771 services.

772 (14) "Fire service support personnel" means an individual  
773 who does not hold a current and valid certificate issued by the  
774 division and who may only perform support services.

775 (15)~~(12)~~ "Handling" means touching, holding, taking up,  
776 moving, controlling, or otherwise affecting with the hand or by  
777 any other agency.

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

780 ~~1. That contains combustible or explosive matter or~~  
781 ~~flammable conditions dangerous to the safety of life or~~  
782 ~~property.~~

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

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

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

786  
787 ~~Such buildings or structures include, but are not limited to,~~  
788 ~~all hospitals and residential health care facilities, nursing~~  
789 ~~homes and other adult care facilities, correctional or detention~~  
790 ~~facilities, public schools, public lodging establishments,~~  
791 ~~migrant labor camps, residential child care facilities, and~~  
792 ~~self-service gasoline stations.~~

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

798 ~~(16)~~(14) "Highway" means every way or place of whatever  
799 nature within the state open to the use of the public, as a  
800 matter of right, for purposes of vehicular traffic and includes  
801 public streets, alleys, roadways, or driveways upon grounds of  
802 colleges, universities, and institutions and other ways open to  
803 travel by the public, notwithstanding that the same have been  
804 temporarily closed for the purpose of construction,  
805 reconstruction, maintenance, or repair. The term does not  
806 include a roadway or driveway upon grounds owned by a private  
807 person.

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

811 ~~(18)~~(15) "Keeping" means possessing, holding, retaining,  
812 maintaining, or having habitually in stock for sale.

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813        (19)~~(16)~~ "Layout" ~~as used in this chapter~~ means the layout  
814 of risers, cross mains, branch lines, sprinkler heads, sizing of  
815 pipe, hanger locations, and hydraulic calculations in accordance  
816 with the design concepts established through ~~the provisions of~~  
817 the Responsibility Rules adopted by the Board of Professional  
818 Engineers.

819        (20)~~(17)~~ "Manufacture" means the compounding, combining,  
820 producing, or making of anything or the working of anything by  
821 hand, by machinery, or by any other agency into forms suitable  
822 for use.

823        (21)~~(18)~~ A "Minimum firesafety standard" means ~~is~~ a  
824 requirement or group of requirements adopted pursuant to s.  
825 633.208 ~~633.025~~ by a county, municipality, or special district  
826 with firesafety responsibilities, or by the State Fire Marshal  
827 pursuant to s. 394.879, for the protection of life and property  
828 from loss by fire which shall be met, as a minimum, by every  
829 occupancy, facility, building, structure, premises, device, or  
830 activity to which it applies.

831        (22) "Minimum Standards Course" means training of at least  
832 360 hours as prescribed by rule adopted by the division which is  
833 required to obtain a Firefighter Certificate of Compliance under  
834 s. 633.408.

835        (23)~~(19)~~ "Motor vehicle" means any device propelled by  
836 power other than muscular power in, upon, or by which any  
837 individual ~~person~~ or property is or may be transported or drawn  
838 upon a highway, except a device moved or used exclusively upon  
839 stationary rails or tracks.

840        (24)~~(20)~~ "Point-of-service" means the point at which the  
841 underground piping for a fire protection system as defined in

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842 this section using water as the extinguishing agent becomes used  
843 exclusively for the fire protection system.

844 (25)~~(21)~~(a) A "Preengineered system" means ~~is~~ a fire  
845 suppression system which:

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

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

867 (26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,  
868 aircraft, or vessel operating intrastate in which there is  
869 identity of ownership between freight and carrier.

870 (27)~~(23)~~ "Sale" means the act of selling; the act whereby

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871 the ownership of property is transferred from one person to  
872 another for a sum of money or, loosely, for any consideration.  
873 The term includes the delivery of merchandise with or without  
874 consideration.

875 (28)~~(24)~~ "Special state firesafety inspector" means an  
876 individual officially assigned to the duties of conducting  
877 firesafety inspections required by law on behalf of or by an  
878 agency of the state having authority for inspections other than  
879 the division of State Fire Marshal.

880 (29)~~(25)~~ A "Sprinkler system" means is a type of fire  
881 protection system, ~~either~~ manual or automatic, using water as an  
882 extinguishing agent and installed in accordance with applicable  
883 National Fire Protection Association standards.

884 (30)~~(26)~~ "Storing" means accumulating, laying away, or  
885 depositing for preservation or as a reserve fund in a store,  
886 warehouse, or other source from which supplies may be drawn or  
887 within which they may be deposited. The term is limited in  
888 meaning and application to storage having a direct relationship  
889 to transportation.

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

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

899 (33)~~(27)~~ "Transportation" means the conveying or carrying

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

906 ~~(34)(28)~~ A "Uniform firesafety standard" means ~~is~~ a  
907 requirement or group of requirements for the protection of life  
908 and property from loss by fire which shall be met by every  
909 building and structure specified in s. 633.206 ~~633.022(1)~~, and  
910 is not ~~neither~~ weakened or ~~nor~~ exceeded by law, rule, or  
911 ordinance of any other state agency or political subdivision or  
912 county, municipality, or special district with firesafety  
913 responsibilities.

914 ~~(35)(29)~~ "Use" means application, employment; that  
915 enjoyment of property which consists of its employment,  
916 occupation, exercise, or practice.

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

920 Section 3. Section 633.01, Florida Statutes, is transferred  
921 and renumbered as section 633.104, Florida Statutes, subsections  
922 (1), (3), (5), (6), and (7) of that section are amended, and  
923 subsections (8) and (9) are added to that section, to read:

924 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~  
925 duties; rules.—

926 (1) The Chief Financial Officer is designated as "State  
927 Fire Marshal." The State Fire Marshal has authority to adopt  
928 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~



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929 ~~provisions of this chapter conferring powers or duties upon the~~  
930 ~~department.~~ Rules must ~~shall~~ be in substantial conformity with  
931 generally accepted standards of firesafety; must ~~shall~~ take into  
932 consideration the direct supervision of children in  
933 nonresidential child care facilities; and must ~~shall~~ balance and  
934 temper the need of the State Fire Marshal to protect all  
935 Floridians from fire hazards with the social and economic  
936 inconveniences that may be caused or created by the rules. The  
937 department shall adopt the Florida Fire Prevention Code ~~and the~~  
938 ~~Life Safety Code.~~

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

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

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

955 (7) The State Fire Marshal, in consultation with the  
956 Department of Education, shall adopt and administer rules  
957 prescribing standards for the safety and health of occupants of

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

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

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

980 Section 4. Section 633.163, Florida Statutes, is  
981 transferred, renumbered as section 633.106, Florida Statutes,  
982 and amended to read:

983 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;  
984 administrative fine and probation in lieu of suspension,  
985 revocation, or refusal to issue a license, permit, or  
986 certificate.-

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

992       (2)~~(1)~~ If the State Fire Marshal finds that one or more  
993 grounds exist for the suspension, revocation, or refusal to  
994 issue, renew, or continue any license, certificate, or permit  
995 issued under this chapter, the State Fire Marshal may, in its  
996 discretion, in lieu of the suspension, revocation, or refusal to  
997 issue, renew, or continue, and, except on a second offense or  
998 when the suspension, revocation, or refusal to issue, renew, or  
999 continue is mandatory, impose upon the licensee,  
1000 certificateholder, or permittee one or more of the following:

1001       (a) An administrative fine not to exceed \$1,000 for each  
1002 violation, and not to exceed a total of \$10,000 in any one  
1003 proceeding.

1004       (b) Probation for a period not to exceed 2 years, as  
1005 specified by the State Fire Marshal in her or his order.

1006       (3)~~(2)~~ The State Fire Marshal may allow the licensee,  
1007 certificateholder, or permittee a reasonable period, not to  
1008 exceed 30 days, within which to pay to the State Fire Marshal  
1009 the amount of the fine. If the licensee, certificateholder, or  
1010 permittee fails to pay the administrative fine in its entirety  
1011 to the State Fire Marshal within such period, the license,  
1012 permit, or certificate shall stand suspended until payment of  
1013 the administrative fine.

1014       (4) As a condition to probation or in connection therewith,  
1015 the State Fire Marshal may specify in her or his order

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1016 reasonable terms and conditions to be fulfilled by the  
1017 probationer during the probation period. If during the probation  
1018 period the State Fire Marshal has good cause to believe that the  
1019 probationer has violated any of the terms and conditions, she or  
1020 he shall suspend, revoke, or refuse to issue, renew, or continue  
1021 the license, certificate, or permit of the probationer, as upon  
1022 the original ground or grounds referred to in subsection (2).

1023 Section 5. Section 633.15, Florida Statutes, is transferred  
1024 and renumbered as section 633.108, Florida Statutes.

1025 Section 6. Section 633.101, Florida Statutes, is  
1026 transferred, renumbered as section 633.112, Florida Statutes,  
1027 and amended to read:

1028 633.112 ~~633.101~~ State Fire Marshal; hearings;  
1029 investigations; recordkeeping and reports; subpoenas of  
1030 witnesses; orders of circuit court investigatory powers of State  
1031 Fire Marshal; costs of service and witness fees.-

1032 (1) The State Fire Marshal may in his or her discretion  
1033 take or cause to be taken the testimony on oath of a person ~~all~~  
1034 ~~persons~~ whom he or she believes to be cognizant of any facts in  
1035 relation to matters under investigation.

1036 (2) If the State Fire Marshal is ~~shall be~~ of the opinion  
1037 that there is sufficient evidence to charge a ~~any~~ person with an  
1038 offense, he or she must ~~shall~~ cause the arrest of such person  
1039 and must ~~shall~~ furnish to the prosecuting officer of any court  
1040 having jurisdiction of the ~~said~~ offense all information obtained  
1041 by him or her, including a copy of all pertinent and material  
1042 testimony taken, together with the names and addresses of all  
1043 witnesses. In the conduct of such investigations, the State Fire  
1044 Marshal may request such assistance as may reasonably be given

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1045 by such prosecuting officers and other local officials.

1046 (3) The State Fire Marshal may summon and compel the  
1047 attendance of witnesses before him or her to testify in relation  
1048 to any matter ~~manner~~ which is, by ~~the provisions of~~ this  
1049 chapter, a subject of inquiry and investigation, and he or she  
1050 may require the production of any book, paper, or document  
1051 deemed pertinent thereto by him or her, and may seize furniture  
1052 and other personal property to be held for evidence.

1053 (4) A person ~~All persons~~ so summoned and so testifying  
1054 shall be entitled to the same witness fees and mileage as  
1055 provided for witnesses testifying in the circuit courts of this  
1056 state, and officers serving subpoenas or orders of the State  
1057 Fire Marshal shall be paid in like manner for like services in  
1058 such courts, from the funds herein provided.

1059 (5) Any agent designated by the State Fire Marshal for such  
1060 purposes may hold hearings, sign and issue subpoenas, administer  
1061 oaths, examine witnesses, receive evidence, and require by  
1062 subpoena the attendance and testimony of witnesses and the  
1063 production of such accounts, records, memoranda, or other  
1064 evidence, as may be material for the determination of any  
1065 complaint or conducting any inquiry or investigation under this  
1066 chapter. In the case of disobedience to a subpoena, the State  
1067 Fire Marshal or her or his agent may invoke the aid of any court  
1068 of competent jurisdiction in requiring the attendance and  
1069 testimony of witnesses and the production of accounts, records,  
1070 memoranda, or other evidence and any such court may in case of  
1071 refusal to obey a subpoena issued to a person, issue an order  
1072 requiring the person to appear before the State Fire Marshal's  
1073 agent or produce accounts, records, memoranda, or other

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1074 evidence, as so ordered, or to give evidence touching any matter  
1075 pertinent to any complaint or the subject of any inquiry or  
1076 investigation, and any failure to obey such order of the court  
1077 shall be punished by the court as contempt.

1078 (6) Upon request, the State Fire Marshal shall investigate  
1079 the cause, origin, and circumstances of fires and explosions  
1080 occurring in this state wherein property has been damaged or  
1081 destroyed and there is probable cause to believe that the fire  
1082 or explosion was the result of carelessness or design.

1083 (a) Any time a fire or explosion has occurred which results  
1084 in property damage or destruction in any municipality, county,  
1085 or special district having an organized fire department, any  
1086 local fire official whose intent is to request the State Fire  
1087 Marshal to perform an investigation shall make or shall cause to  
1088 be made an initial investigation of the circumstances  
1089 surrounding the cause and origin of the fire or explosion. Law  
1090 enforcement officers may conduct such initial investigation.

1091 (b) If the fire or explosion occurs in a municipality,  
1092 county, or special district that does not have an organized fire  
1093 department or designated arson investigations unit within its  
1094 law enforcement providers, the municipality, county, or special  
1095 district may request the State Fire Marshal to conduct the  
1096 initial investigation.

1097 (c) The division shall adopt rules to assist local fire  
1098 officials and law enforcement officers in determining the  
1099 established responsibilities with respect to the initial or  
1100 preliminary assessment of fire and explosion scenes, and the  
1101 determination of whether probable cause exists to refer such  
1102 scenes to the State Fire Marshal for an investigation.

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1103 Section 7. Section 633.111, Florida Statutes, is  
1104 transferred, renumbered as subsections (7) and (8) of section  
1105 633.112, Florida Statutes, and amended to read:

1106 633.112 State Fire Marshal; hearings; investigations;  
1107 recordkeeping and reports; subpoenas of witnesses; orders of  
1108 circuit court investigatory powers of State Fire Marshal; costs  
1109 of service and witness fees.-

1110 (7) The State Fire Marshal shall keep ~~in her or his office~~  
1111 a record of all fires and explosions occurring in this state  
1112 upon which she or he had caused an investigation to be made and  
1113 all facts concerning the same. These records, obtained or  
1114 prepared by the State Fire Marshal pursuant to her or his  
1115 investigation, include documents, papers, letters, maps,  
1116 diagrams, tapes, photographs, films, sound recordings, and  
1117 evidence. These records are confidential and exempt from the  
1118 provisions of s. 119.07(1) until the investigation is completed  
1119 or ceases to be active. For purposes of this section, an  
1120 investigation is considered "active" while such investigation is  
1121 being conducted by the department with a reasonable, good faith  
1122 belief that it may lead to the filing of administrative, civil,  
1123 or criminal proceedings. An investigation does not cease to be  
1124 active if the department is proceeding with reasonable dispatch,  
1125 and there is a good faith belief that action may be initiated by  
1126 the department or other administrative or law enforcement  
1127 agency. Further, these documents, papers, letters, maps,  
1128 diagrams, tapes, photographs, films, sound recordings, and  
1129 evidence relative to the subject of an investigation shall not  
1130 be subject to subpoena until the investigation is completed or  
1131 ceases to be active, unless the State Fire Marshal consents.

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1132 These records shall be made daily from the reports furnished the  
1133 State Fire Marshal by her or his agents or others.

1134 (8) Whenever the State Fire Marshal releases an  
1135 investigative report, any person requesting a copy of the report  
1136 shall pay in advance, and the State Fire Marshal shall collect  
1137 in advance, notwithstanding the provisions of s. 624.501(19) (a)  
1138 and (b), a fee of \$10 for the copy of the report, which fee  
1139 shall be deposited into the Insurance Regulatory Trust Fund. The  
1140 State Fire Marshal may release the report without charge to any  
1141 state attorney or to any law enforcement agency or fire  
1142 department assisting in the investigation.

1143 Section 8. Section 633.02, Florida Statutes, is  
1144 transferred, renumbered as section 633.114, Florida Statutes,  
1145 and amended to read:

1146 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents; authority;~~  
1147 ~~powers and~~ duties; compensation.-

1148 (1) The State Fire Marshal shall appoint such agents as may  
1149 be necessary to carry out effectively ~~the provisions of~~ this  
1150 chapter, who shall be reimbursed for travel expenses as provided  
1151 in s. 112.061, in addition to their salary, when traveling or  
1152 making investigations in the performance of their duties. Such  
1153 agents shall be at all times under the direction and control of  
1154 the State Fire Marshal, who shall fix their compensation, and  
1155 all orders shall be issued in the State Fire Marshal's name and  
1156 by her or his authority.

1157 (2) The authority given the State Fire Marshal under this  
1158 chapter may be exercised by her or his agents, individually or  
1159 in conjunction with any other state or local official charged  
1160 with similar responsibilities.



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1161 Section 9. Section 633.14, Florida Statutes, is transferred  
1162 and renumbered as section 633.116, Florida Statutes.

1163 Section 10. Section 633.121, Florida Statutes, is  
1164 transferred, renumbered as section 633.118, Florida Statutes,  
1165 and amended to read:

1166 633.118 ~~633.121~~ Persons authorized to enforce laws and  
1167 rules of State Fire Marshal.—The chiefs of county, municipal,  
1168 and special-district fire service providers ~~departments~~; other  
1169 fire service provider ~~department~~ personnel designated by their  
1170 respective chiefs; and personnel designated by local governments  
1171 having no organized fire service providers ~~departments~~ are  
1172 authorized to enforce this chapter law and all rules prescribed  
1173 by the State Fire Marshal within their respective jurisdictions.  
1174 Such personnel acting under the authority of this section shall  
1175 be ~~deemed to be~~ agents of their respective jurisdictions, not  
1176 agents of the State Fire Marshal.

1177 Section 11. Section 633.151, Florida Statutes, is  
1178 transferred, renumbered as section 633.122, Florida Statutes,  
1179 and amended to read:

1180 633.122 ~~633.151~~ Impersonating State Fire Marshal,  
1181 firefighter ~~firefighters~~, volunteer firefighter, or firesafety  
1182 inspector; criminal penalties.—A person who falsely assumes or  
1183 pretends to be the State Fire Marshal, an agent of the division  
1184 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a  
1185 volunteer firefighter, or a firesafety inspector by identifying  
1186 herself or himself as the State Fire Marshal, an agent of the  
1187 division, a firefighter, a volunteer firefighter, or a  
1188 firesafety inspector by wearing a uniform or presenting or  
1189 displaying a badge as credentials that would cause a reasonable

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

1201 Section 12. Section 633.171, Florida Statutes, is  
1202 transferred and renumbered as section 633.124, Florida Statutes,  
1203 and subsections (1) and (2) and paragraph (b) of subsection (3)  
1204 of that section are amended, to read:

1205 633.124 ~~633.171~~ Penalty for violation of law, rule, or  
1206 order to cease and desist or for failure to comply with  
1207 corrective order.—

1208 (1) A ~~Any~~ person who violates any provision of this chapter  
1209 ~~law~~, any order or rule of the State Fire Marshal, or any order  
1210 to cease and desist or to correct conditions issued under this  
1211 chapter commits a misdemeanor of the second degree, punishable  
1212 as provided in s. 775.082 or s. 775.083.

1213 (2) It is a misdemeanor of the first degree, punishable as  
1214 provided in s. 775.082 or s. 775.083, to intentionally or  
1215 willfully:

1216 (a) Render a fire protection system, fire extinguisher, or  
1217 preengineered system required by statute or by rule inoperative  
1218 except while ~~during such time as~~ the fire protection system,

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1219 fire extinguisher, or preengineered system is being serviced,  
1220 hydrotested, tested, repaired, or recharged, except pursuant to  
1221 court order.

1222 (b) Obliterate the serial number on a fire extinguisher for  
1223 purposes of falsifying service records.

1224 (c) Improperly service, recharge, repair, hydrotest, test,  
1225 or inspect a fire extinguisher or preengineered system.

1226 (d) Use the license, certificate, or permit ~~number~~ of  
1227 another person.

1228 (e) Hold a license, certificate, or permit and allow  
1229 another person to use the license, certificate, or ~~said~~ permit  
1230 ~~number~~.

1231 (f) Use, or allow ~~permit~~ the use of, any license,  
1232 certificate, or permit by any individual or organization other  
1233 than the one to whom the license, certificate, or permit is  
1234 issued.

1235 (3)

1236 (b) A person who initiates a pyrotechnic display within any  
1237 structure commits a felony of the third degree, punishable as  
1238 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1239 1. The structure has a fire protection system installed in  
1240 compliance with s. 633.334 ~~633.065~~.

1241 2. The owner of the structure has authorized in writing the  
1242 pyrotechnic display.

1243 3. If the local jurisdiction requires a permit for the use  
1244 of a pyrotechnic display in an occupied structure, such permit  
1245 has been obtained and all conditions of the permit complied with  
1246 or, if the local jurisdiction does not require a permit for the  
1247 use of a pyrotechnic display in an occupied structure, the

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1248 person initiating the display has complied with National Fire  
1249 Protection Association, Inc., Standard 1126, 2001 Edition,  
1250 Standard for the Use of Pyrotechnics before a Proximate  
1251 Audience.

1252 Section 13. Section 633.175, Florida Statutes, is  
1253 transferred and renumbered as section 633.126, Florida Statutes,  
1254 and subsections (1), (2), (3), (6), and (9) of that section are  
1255 amended, to read:

1256 633.126 ~~633.175~~ Investigation of fraudulent insurance  
1257 claims and crimes; immunity of insurance companies supplying  
1258 information.—

1259 (1) (a) As used in this section, the term “consultant” means  
1260 any individual or entity, or employee of the individual or  
1261 entity, retained by an insurer to assist in the investigation of  
1262 a fire, explosion, or suspected fraudulent insurance act.

1263 (b) The State Fire Marshal or an agent appointed pursuant  
1264 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in  
1265 s. 111.065, any law enforcement officer of a federal agency, or  
1266 any fire service provider ~~department~~ official who is engaged in  
1267 the investigation of a fire or explosion loss may request any  
1268 insurance company or its agent, adjuster, employee, or attorney,  
1269 investigating a claim under an insurance policy or contract with  
1270 respect to a fire or explosion to release any information  
1271 whatsoever in the possession of the insurance company or its  
1272 agent, adjuster, employee, or attorney relative to a loss from  
1273 that fire or explosion. The insurance company shall release the  
1274 available information to and cooperate with any official  
1275 authorized to request such information pursuant to this section.  
1276 The information shall include, but shall not be limited to:

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1277        1.~~(a)~~ Any insurance policy relevant to a loss under  
1278 investigation and any application for such a policy.

1279        2.~~(b)~~ Any policy premium payment records.

1280        3.~~(c)~~ The records, reports, and all material pertaining to  
1281 any previous claims made by the insured with the reporting  
1282 company.

1283        4.~~(d)~~ Material relating to the investigation of the loss,  
1284 including statements of a ~~any~~ person, proof of loss, and other  
1285 relevant evidence.

1286        5.~~(e)~~ Memoranda, notes, and correspondence relating to the  
1287 investigation of the loss in the possession of the insurance  
1288 company or its agents, adjusters, employees, or attorneys.

1289        (2) If an insurance company has reason to suspect that a  
1290 fire or explosion loss to its insured's real or personal  
1291 property was caused by intentional ~~incendiary~~ means, the company  
1292 shall notify the State Fire Marshal and shall furnish her or him  
1293 with all material acquired by the company during ~~the course of~~  
1294 its investigation. The State Fire Marshal may adopt rules to  
1295 implement this subsection.

1296        (3) In the absence of fraud, bad faith, or malice, a ~~no~~  
1297 representative of or consultant to an insurance company or of  
1298 the National Insurance Crime Bureau employed to adjust or  
1299 investigate losses caused by fire or explosion is not ~~shall be~~  
1300 liable for damages in a civil action for furnishing information  
1301 concerning fires or explosion suspected to be other than  
1302 accidental to investigators employed by other insurance  
1303 companies or the National Insurance Crime Bureau.

1304        (6) The actions of an insurance company or of its agents,  
1305 employees, adjusters, consultants, or attorneys, in complying

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1306 with the statutory obligation of this section may not ~~shall in~~  
1307 ~~no way~~ be construed by a court as a waiver or abandonment of any  
1308 privilege or confidentiality of attorney work product, attorney-  
1309 client communication, or such other privilege or immunity as is  
1310 provided by law.

1311 (9) A ~~Any~~ person who willfully violates ~~the provisions of~~  
1312 this section commits ~~is guilty of~~ a misdemeanor of the first  
1313 degree, punishable as provided in s. 775.082 or s. 775.083.

1314 Section 14. Section 633.45, Florida Statutes, is  
1315 transferred, renumbered as section 633.128, Florida Statutes,  
1316 and amended to read:

1317 633.128 ~~633.45~~ Division of State Fire Marshal; powers,  
1318 duties.-

1319 (1) The division shall:

1320 (a) Establish, by rule, uniform minimum standards for the  
1321 ~~employment and~~ training of firefighters and volunteer  
1322 firefighters.

1323 (b) Establish, by rule, minimum curriculum requirements and  
1324 criteria used to approve education or training providers,  
1325 including for schools operated by or for any fire service  
1326 provider, employing agency for the specific purpose of training  
1327 individuals seeking to become a firefighter recruits or  
1328 volunteer firefighter ~~firefighters.~~

1329 (c) Specify, by rule, standards for the approval, denial of  
1330 approval, probation, suspension, and revocation of approval of  
1331 education or training providers and facilities for training  
1332 firefighters and volunteer firefighters ~~Approve institutions,~~  
1333 ~~instructors, and facilities for school operation by or for any~~  
1334 ~~employing agency for the specific purpose of training~~

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1335 ~~firefighters and firefighter recruits.~~

1336 (d) Specify, by rule, standards for the certification,  
1337 denial of certification, probation, and revocation of  
1338 certification for instructors, approval, denial of approval,  
1339 probation, and revocation of approval of institutions,  
1340 instructors, and facilities for training firefighters and  
1341 firefighter recruits; including a rule requiring each that an  
1342 instructor to ~~must~~ complete 40 hours of continuing education  
1343 every 4 ~~3~~ years in order to maintain her or his certification  
1344 ~~the approval of the department.~~

1345 (e) Issue certificates of competency to persons who, by  
1346 reason of experience and completion of basic inservice training,  
1347 advanced education, or specialized training, are especially  
1348 qualified for particular aspects or classes of firefighting  
1349 ~~firefighter~~ duties.

1350 (f) Establish, by rule, minimum training qualifications for  
1351 persons serving as firesafety coordinators for their respective  
1352 departments of state government and certify ~~all~~ persons who  
1353 satisfy such qualifications.

1354 (g) Establish a uniform lesson plan to be followed by  
1355 firesafety instructors in the training of state employees in  
1356 firesafety and emergency evacuation procedures.

1357 (h) Have complete jurisdiction over, and complete  
1358 management and control of, the Florida State Fire College and be  
1359 invested with full power and authority to make all rules ~~and~~  
1360 ~~regulations~~ necessary for the governance of the said  
1361 institution.

1362 (i) Appoint a superintendent of the Florida State Fire  
1363 College and such other instructors, experimental helpers, and

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1364 laborers as may be necessary and remove the same as in the  
1365 division's ~~its~~ judgment and discretion may be best, fix their  
1366 compensation, and provide for their payment.

1367 (j) Have full management, possession, and control of the  
1368 lands, buildings, structures, and property belonging to the  
1369 Florida State Fire College.

1370 (k) Provide for the courses of study and curriculum of the  
1371 Florida State Fire College.

1372 (l) Make rules ~~and regulations~~ for the admission of  
1373 trainees to the Florida State Fire College.

1374 (m) Visit and inspect the Florida State Fire College ~~and~~  
1375 ~~every department thereof~~ and provide for the proper keeping of  
1376 accounts and records thereof.

1377 (n) Make and prepare all necessary budgets of expenditures  
1378 for the enlargement, proper furnishing, maintenance, support,  
1379 and conduct of the Florida State Fire College.

1380 (o) Select and purchase all property, furniture, fixtures,  
1381 and paraphernalia necessary for the Florida State Fire College.

1382 (p) Build, construct, change, enlarge, repair, and maintain  
1383 any and all buildings or structures of the Florida State Fire  
1384 College that may at any time be necessary for the said  
1385 institution and purchase and acquire all lands and property  
1386 necessary for same, of every nature and description whatsoever.

1387 (q) Care for and maintain the Florida State Fire College  
1388 and do and perform every other matter or thing requisite to the  
1389 proper management, maintenance, support, and control of the said  
1390 institution, necessary or requisite to carry out fully the  
1391 purpose of this chapter ~~act~~ and for raising it to, and  
1392 maintaining it at, the proper efficiency and standard as



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1393 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

1394 (r) Issue a license, certificate, or permit of a specific  
1395 class to an individual who successfully completes the training,  
1396 education, and examination required under this chapter or by  
1397 rule for such class of license, certificate, or permit.

1398 (2) The division, subject to the limitations and  
1399 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1400 (a) Adopt rules ~~and regulations~~ for the administration of  
1401 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1402 (b) Adopt a seal and alter the same at its pleasure.

1403 (c) Sue and be sued.

1404 (d) Acquire any real or personal property by purchase,  
1405 gift, or donation, and have water rights.

1406 (e) Exercise the right of eminent domain to acquire any  
1407 property and lands necessary to the establishment, operation,  
1408 and expansion of the Florida State Fire College.

1409 (f) Make contracts and execute necessary or convenient  
1410 instruments.

1411 (g) Undertake by contract or contracts, or by its own agent  
1412 and employees, and otherwise than by contract, any project or  
1413 projects, and operate and maintain such projects.

1414 (h) Accept grants of money, materials, or property of any  
1415 kind from a federal agency, private agency, county,  
1416 municipality, city, town, corporation, partnership, or  
1417 individual upon such terms and conditions as the grantor may  
1418 impose.

1419 (i) Perform all acts and do all things necessary or  
1420 convenient to carry out the powers granted herein and the  
1421 purposes of this chapter ~~ss. 633.30-633.49.~~

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1422 (3) The title to all property referred to in part IV ss.  
1423 ~~633.43-633.49~~, however acquired, shall be vested in the  
1424 department and shall only be transferred and conveyed by it.

1425 Section 15. Section 633.132, Florida Statutes, is created  
1426 to read:

1427 633.132 Fees.—

1428 (1) The division shall collect in advance the following  
1429 fees that it deems necessary to be charged:

1430 (a) Pursuant to part III of this chapter:

1431 1. Contractor certificate initial application: \$300 for  
1432 each class of certificate.

1433 2. Contractor biennial renewal fee: \$150 for each class of  
1434 certificate.

1435 3. Contractor permit initial application fee: \$100 for each  
1436 class of permit.

1437 4. Contractor permit biennial renewal fee: \$50 for each  
1438 class of permit.

1439 5. Contractor examination or reexamination fee: \$100 for  
1440 each class of certificate.

1441 6. Fire equipment dealer license:

1442 a. Class A: \$250.

1443 b. Class B: \$150.

1444 c. Class C: \$150.

1445 d. Class D: \$200.

1446 7. Fire equipment dealer or contractor application and  
1447 renewal fee for an inactive license: \$75.

1448 8. Fire equipment dealer license or permit exam or  
1449 reexamination: \$50.

1450 9. Reinspection fee for a dealer equipment inspection

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1451 conducted by the State Fire Marshal under s. 633.304(1): \$50 for  
1452 each reinspection.

1453 10. Permit for a portable fire extinguisher  
1454 installer/repairer/inspector: \$90.

1455 11. Permit for a preengineered fire extinguishing system  
1456 installer/repairer/inspector: \$120.

1457 12. Conversion of a fire equipment dealer's license to a  
1458 different category: \$10 for each permit and license.

1459 (b) Pursuant to part IV of this chapter:

1460 1. Certificate of compliance: \$30.

1461 2. Certificate of competency: \$30.

1462 3. Renewal fee for a certificate of compliance, competency,  
1463 or instruction: \$15.

1464 (c) Duplicate or change of address for any license, permit,  
1465 or certificate: \$10.

1466 (2) All moneys collected by the State Fire Marshal pursuant  
1467 to this chapter shall be deposited into the Insurance Regulatory  
1468 Trust Fund.

1469 Section 16. Section 633.39, Florida Statutes, is  
1470 transferred and renumbered as section 633.134, Florida Statutes.

1471 Section 17. Section 633.115, Florida Statutes, is  
1472 transferred, renumbered as section 633.136, Florida Statutes,  
1473 and amended to read:

1474 633.136 ~~633.115~~ Fire and Emergency Incident Information  
1475 Reporting Program; duties; fire reports.—

1476 (1) (a) The Fire and Emergency Incident Information  
1477 Reporting Program is created within the division ~~of State Fire~~  
1478 ~~Marshal~~. The program shall:

1479 1. Establish and maintain an electronic communication

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1480 system capable of transmitting fire and emergency incident  
1481 information to and between fire protection agencies.

1482 2. Initiate a Fire and Emergency Incident Information  
1483 Reporting System that shall be responsible for:

1484 a. Receiving fire and emergency incident information from  
1485 fire protection agencies.

1486 b. Preparing and disseminating annual reports to the  
1487 Governor, the President of the Senate, the Speaker of the House  
1488 of Representatives, fire protection agencies, and, upon request,  
1489 the public. Each report shall include, but not be limited to,  
1490 the information listed in the National Fire Incident Reporting  
1491 System.

1492 c. Upon request, providing other states and federal  
1493 agencies with fire and emergency incident data of this state.

1494 3. Adopt rules to effectively and efficiently implement,  
1495 administer, manage, maintain, and use the Fire and Emergency  
1496 Incident Information Reporting Program. The rules shall be  
1497 considered minimum requirements and shall not preclude a fire  
1498 protection agency from implementing its own requirements which  
1499 may ~~shall~~ not conflict with the rules of the division ~~of State~~  
1500 ~~Fire Marshal~~.

1501 4. By rule, establish procedures and a format for each fire  
1502 protection agency to voluntarily monitor its records and submit  
1503 reports to the program.

1504 5. Establish an electronic information database that ~~which~~  
1505 is accessible and searchable by fire protection agencies.

1506 (b) The division ~~of State Fire Marshal~~ shall consult with  
1507 the Florida Forest Service of the Department of Agriculture and  
1508 Consumer Services and the State Surgeon General of the

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1509 Department of Health to coordinate data, ensure accuracy of the  
1510 data, and limit duplication of efforts in data collection,  
1511 analysis, and reporting.

1512 (2) The Fire and Emergency Incident Information System  
1513 Technical Advisory Panel is created within the division ~~of State~~  
1514 ~~Fire Marshal~~. The panel shall advise, review, and recommend to  
1515 the State Fire Marshal with respect to the requirements of this  
1516 section. The membership of the panel shall consist of the  
1517 following 15 members:

1518 (a) The current 13 members of the Firefighters Employment,  
1519 Standards, and Training Council as established in s. 633.402  
1520 ~~633.31~~.

1521 (b) One member from the Florida Forest Service of the  
1522 Department of Agriculture and Consumer Services, appointed by  
1523 the director of the Florida Forest Service.

1524 (c) One member from the Department of Health, appointed by  
1525 the State Surgeon General.

1526 (3) For the purpose of this section, the term "fire  
1527 protection agency" shall be defined by rule by the division ~~of~~  
1528 ~~State Fire Marshal~~.

1529 Section 18. Section 633.138, Florida Statutes, is created  
1530 to read:

1531 633.138 Notice of change of address of record; notice of  
1532 felony actions.-

1533 (1) Any individual issued a license, permit, or certificate  
1534 under this chapter shall notify the division in writing of any  
1535 changes to her or his current mailing address, e-mail address,  
1536 and place of practice as specified in rule adopted by the  
1537 division.

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1538 (2) Notwithstanding any other provision of law, delivery by  
1539 regular mail or e-mail to a licensee, permittee, or  
1540 certificateholder, using the last known mailing address or e-  
1541 mail address on record with the division, constitutes adequate  
1542 and sufficient notice to the licensee, permittee, or  
1543 certificateholder of any official communication by the division.

1544 (3) Any individual issued a license, permit, or certificate  
1545 under this chapter shall notify the division in writing within  
1546 30 days after pleading guilty or nolo contendere to, or being  
1547 convicted or found guilty of, any felony or a crime punishable  
1548 by imprisonment of 1 year or more under the law of the United  
1549 States or of any state thereof, or under the law of any other  
1550 country, without regard to whether a judgment of conviction has  
1551 been entered by the court having jurisdiction of the case.

1552 Section 19. Section 633.042, Florida Statutes, is  
1553 transferred and renumbered as section 633.142, Florida Statutes,  
1554 and subsection (11) of that section is amended, to read:

1555 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity  
1556 Standard and Firefighter Protection Act; preemption.-

1557 (11) PREEMPTION.-

1558 (a) This section shall be repealed if a federal reduced  
1559 cigarette ignition propensity standard that preempts this  
1560 section is adopted and becomes effective.

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

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1567 subject from this act.

1568 Section 20. The Division of Law Revision and Information is  
1569 requested to create part II of chapter 633, Florida Statutes,  
1570 consisting of sections 633.202, 633.204, 633.206, 633.208,  
1571 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,  
1572 and 633.228, Florida Statutes, to be entitled "Fire Safety and  
1573 Prevention."

1574 Section 21. Section 633.0215, Florida Statutes, is  
1575 transferred and renumbered as section 633.202, Florida Statutes,  
1576 and subsections (2), (4), (7), (9), (10), and (12) through (15)  
1577 of that section are amended, to read:

1578 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

1579 (2) The State Fire Marshal shall adopt the current edition  
1580 of the National Fire Protection Association's Standard 1, Fire  
1581 Prevention Code but may ~~shall~~ not adopt a building, mechanical,  
1582 or plumbing code. The State Fire Marshal shall adopt the current  
1583 edition of the Life Safety Code, NFPA Pamphlet 101, current  
1584 editions, by reference. The State Fire Marshal may modify the  
1585 selected codes and standards as needed to accommodate the  
1586 specific needs of the state. Standards or criteria in the  
1587 selected codes shall be similarly incorporated by reference. The  
1588 State Fire Marshal shall incorporate within sections of the  
1589 Florida Fire Prevention Code provisions that address uniform  
1590 firesafety standards as established in s. 633.206 ~~633.022~~. The  
1591 State Fire Marshal shall incorporate within sections of the  
1592 Florida Fire Prevention Code provisions addressing regional and  
1593 local concerns and variations.

1594 (4) The State Fire Marshal shall update, by rule adopted  
1595 pursuant to ss. 120.536(1) and 120.54, the Florida Fire

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1596 Prevention Code every 3 years. Once initially adopted and  
1597 subsequently updated, the Florida Fire Prevention Code ~~and the~~  
1598 ~~Life Safety Code~~ shall be adopted for use statewide without  
1599 adoptions by local governments. When updating the Florida Fire  
1600 Prevention Code ~~and the most recent edition of the Life Safety~~  
1601 ~~Code~~, the State Fire Marshal shall consider changes made by the  
1602 national model fire codes incorporated into the Florida Fire  
1603 Prevention Code, the State Fire Marshal's own interpretations,  
1604 declaratory statements, appellate decisions, and approved  
1605 statewide and local technical amendments.

1606 (7) Any local amendment adopted by a local government must  
1607 strengthen the Fire Prevention Code requirements of the minimum  
1608 firesafety code.

1609 (9) The State Fire Marshal shall make rules that implement  
1610 this section and ss. 633.104 and 633.208 ~~633.01 and 633.025~~ for  
1611 the purpose of accomplishing the objectives set forth in those  
1612 sections.

1613 (10) Notwithstanding other provisions of this chapter, if a  
1614 county or a municipality within that county adopts an ordinance  
1615 providing for a local amendment to the Florida Fire Prevention  
1616 Code and that amendment provides a higher level of protection to  
1617 the public than the level specified in the Florida Fire  
1618 Prevention Code, the local amendment becomes effective without  
1619 approval of the State Fire Marshal and is not rescinded pursuant  
1620 to ~~the provisions of~~ this section, provided that the ordinance  
1621 meets one or more of the following criteria:

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



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1625 improvement needs of the local authority related to the specific  
1626 amendment for the next 5 years;

1627 (b) The local authority has adopted, by ordinance, a  
1628 provision requiring proportionate reduction in, or rebate or  
1629 waivers of, impact or other fees or assessments levied on  
1630 buildings that are built or modified in compliance with the more  
1631 stringent firesafety standards required by the local amendment;  
1632 or

1633 (c) The local authority has adopted, by ordinance, a growth  
1634 management plan that requires buildings and structures to be  
1635 equipped with more stringent firesafety requirements required by  
1636 the local amendment when these firesafety requirements are used  
1637 as the basis for planning infrastructure development, uses, or  
1638 housing densities.

1639  
1640 Except as provided in s. 633.206 ~~633.022~~, the local appeals  
1641 process shall be the venue if there is a dispute between parties  
1642 affected by the provisions of the more stringent local  
1643 firesafety amendment adopted as part of the Florida Fire  
1644 Prevention Code pursuant to the authority in this subsection.  
1645 Local amendments adopted pursuant to this subsection shall be  
1646 deemed local or regional variations and published as such in the  
1647 Florida Fire Prevention Code. The act of publishing locally  
1648 adopted firesafety amendments to the Florida Fire Prevention  
1649 Code may ~~shall~~ not be construed to mean that the State Fire  
1650 Marshal approves or denies the authenticity or appropriateness  
1651 of the locally adopted firesafety provision, and the burden of  
1652 protecting the local firesafety amendment remains solely with  
1653 the adopting local governmental authority.

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1654 ~~(12) Notwithstanding other provisions of this section, the~~  
1655 ~~State Fire Marshal shall study the use of managed, facilities-~~  
1656 ~~based, voice-over-Internet-protocol telephone service for~~  
1657 ~~monitoring fire alarm signals. If the study determines that~~  
1658 ~~voice-over-Internet-protocol telephone service technology~~  
1659 ~~provides a level of protection equivalent to that required by~~  
1660 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~  
1661 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~  
1662 ~~December 1, 2008, to allow the use of this technology as an~~  
1663 ~~additional method of monitoring fire alarm systems.~~

1664 (12)~~(13)~~ (a) The State Fire Marshal shall issue an expedited  
1665 declaratory statement relating to interpretations of ~~provisions~~  
1666 ~~of~~ the Florida Fire Prevention Code according to the following  
1667 guidelines:

1668 1. The declaratory statement shall be rendered in  
1669 accordance with s. 120.565, except that a final decision must be  
1670 issued by the State Fire Marshal within 45 days after the  
1671 division's receipt of a petition seeking an expedited  
1672 declaratory statement. The State Fire Marshal shall give notice  
1673 of the petition and the expedited declaratory statement or the  
1674 denial of the petition in the next available issue of the  
1675 Florida Administrative Register ~~Weekly~~ after the petition is  
1676 filed and after the statement or denial is rendered.

1677 2. The petitioner must be the owner of the disputed project  
1678 or the owner's representative.

1679 3. The petition for an expedited declaratory statement must  
1680 be:

1681 a. Related to an active project that is under construction  
1682 or must have been submitted for a permit.

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1683           b. The subject of a written notice citing a specific  
1684 provision of the Florida Fire Prevention Code which is in  
1685 dispute.

1686           c. Limited to a single question that is capable of being  
1687 answered with a "yes" or "no" response.

1688           (b) A petition for a declaratory statement which does not  
1689 meet all of the requirements of this subsection must be denied  
1690 without prejudice. This subsection does not affect the right of  
1691 the petitioner as a substantially affected person to seek a  
1692 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1693           ~~(13)~~(14) A condominium, cooperative, or multifamily  
1694 residential building that is less than four stories in height  
1695 and has an exterior corridor providing a means of egress is  
1696 exempt from installing a manual fire alarm system as required in  
1697 s. 9.6 of the most recent edition of the Life Safety Code  
1698 adopted in the Florida Fire Prevention Code. ~~This is intended to~~  
1699 ~~clarify existing law.~~

1700           ~~(14)~~(15) The Legislature finds that the electronic filing  
1701 of construction plans will increase governmental efficiency,  
1702 reduce costs, and increase timeliness of processing permits. If  
1703 the fire code administrator or fire official provides for  
1704 electronic filing, any construction plans, drawings,  
1705 specifications, reports, final documents, or documents prepared  
1706 or issued by a licensee may be dated and electronically signed  
1707 and sealed by the licensee in accordance with part I of chapter  
1708 668, and may be transmitted electronically to the fire code  
1709 administrator or fire official for approval.

1710           Section 22. Section 633.72, Florida Statutes, is  
1711 transferred, renumbered as section 633.204, Florida Statutes,

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1712 and amended to read:

1713 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1714 (1) There is created within the department the Florida Fire  
1715 Code Advisory Council with 11 members appointed by the State  
1716 Fire Marshal. The council shall advise and recommend to the  
1717 State Fire Marshal changes to and interpretation of the uniform  
1718 firesafety standards adopted under s. 633.206 ~~633.022~~, the  
1719 Florida Fire Prevention Code, and those portions of the Florida  
1720 Fire Prevention Code that have the effect of conflicting with  
1721 building construction standards that are adopted pursuant to ss.  
1722 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of the  
1723 council shall represent the following groups and professions:

1724 (a) One member shall be the State Fire Marshal, or his or  
1725 her designated appointee who shall be an administrative employee  
1726 of the marshal.†

1727 (b) One member shall be an administrative officer from a  
1728 fire department representing a municipality, ~~or~~ a county, or a  
1729 special district selected from a list of persons submitted by  
1730 the Florida Fire Chiefs Association.†

1731 (c) One member shall be an architect licensed in the state  
1732 selected from a list of persons submitted by the Florida  
1733 Association/American Institute of Architects.†

1734 (d) One member shall be an engineer with fire protection  
1735 design experience registered to practice in the state selected  
1736 from a list of persons submitted by the Florida Engineering  
1737 Society.†

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

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1741 of Florida.~~†~~

1742 (f) One member shall be a contractor licensed in the state  
1743 selected from a list submitted by the Florida Home Builders  
1744 Association.~~†~~

1745 (g) One member shall be a Florida ~~certified~~ firefighter  
1746 selected from a list submitted by the Florida Professional  
1747 Firefighters' Association.~~†~~

1748 (h) One member shall be a Florida certified firesafety  
1749 ~~municipal fire~~ inspector selected from a list submitted by the  
1750 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.~~†~~

1751 (i) One member shall be selected from a list submitted by  
1752 the Department of Education.~~†~~

1753 (j) One member shall be selected from a list submitted by  
1754 the Chancellor of the State University System.~~†~~ ~~and~~

1755 (k) One member shall be representative of the general  
1756 public.

1757 (2) The State Fire Marshal and the Florida Building  
1758 Commission shall coordinate efforts to provide consistency  
1759 between the Florida Building Code and the Florida Fire  
1760 Prevention Code ~~and the Life Safety Code~~.

1761 (3) The council shall meet at least semiannually to advise  
1762 the State Fire Marshal's Office on matters subject to this  
1763 section.

1764 (4) The council may review proposed changes to the Florida  
1765 Fire Prevention Code and the uniform firesafety standards  
1766 pursuant to s. 633.202(4).

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

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1770 updating, and interpretation.

1771 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member  
1772 shall serve more than two consecutive terms. A ~~No~~ member of the  
1773 council may not ~~shall~~ be paid a salary as such member, but each  
1774 shall receive travel and expense reimbursement as provided in s.  
1775 112.061.

1776 Section 23. Section 633.022, Florida Statutes, is  
1777 transferred and renumbered as section 633.206, Florida Statutes,  
1778 and subsection (1) and paragraph (a) of subsection (4) of that  
1779 section are amended, to read:

1780 633.206 ~~633.022~~ Uniform firesafety standards.—The  
1781 Legislature hereby determines that to protect the public health,  
1782 safety, and welfare it is necessary to provide for firesafety  
1783 standards governing the construction and utilization of certain  
1784 buildings and structures. The Legislature further determines  
1785 that certain buildings or structures, due to their specialized  
1786 use or to the special characteristics of the person utilizing or  
1787 occupying these buildings or structures, should be subject to  
1788 firesafety standards reflecting these special needs as may be  
1789 appropriate.

1790 (1) The department shall establish uniform firesafety  
1791 standards that apply to:

1792 (a) All new, existing, and proposed state-owned and state-  
1793 leased buildings.

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

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

1805

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1902

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

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1915 of chapter 553, when evaluating building code enforcement.

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

1928 ~~(5)~~<sup>(6)</sup> With regard to existing buildings, the Legislature  
1929 recognizes that it is not always practical to apply any or all  
1930 of the provisions of the Florida Fire Prevention Code ~~minimum~~  
1931 ~~firesafety code~~ and that physical limitations may require  
1932 disproportionate effort or expense with little increase in fire  
1933 or life safety ~~lifesafety~~. Prior to applying the minimum  
1934 firesafety code to an existing building, the local fire official  
1935 shall determine that a threat to lifesafety or property exists.  
1936 If a threat to lifesafety or property exists, the fire official  
1937 shall apply the applicable firesafety code for existing  
1938 buildings to the extent practical to assure a reasonable degree  
1939 of lifesafety and safety of property or the fire official shall  
1940 fashion a reasonable alternative which affords an equivalent  
1941 degree of lifesafety and safety of property. The decision of the  
1942 local fire official may be appealed to the local administrative  
1943 board described in s. 553.73.

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1944        (6)~~(7)~~ Nothing herein shall preclude a municipality,  
1945 county, or special district from requiring a structure to be  
1946 maintained in accordance with the Florida Fire Prevention Code  
1947 ~~applicable firesafety code.~~

1948        (7)~~(8)~~ Electrically operated single station smoke detectors  
1949 required for residential buildings are not required to be  
1950 interconnected within individual living units in all buildings  
1951 having direct access to the outside from each living unit and  
1952 having three stories or less. This subsection does not apply to  
1953 any residential building required to have a manual or an  
1954 automatic fire alarm system.

1955        (8)~~(9)~~ The provisions of the Life Safety Code, as contained  
1956 in the Florida Fire Prevention Code, do ~~shall~~ not apply to newly  
1957 constructed one-family and two-family dwellings. However, fire  
1958 sprinkler protection may be permitted by local government in  
1959 lieu of other fire protection-related development requirements  
1960 for such structures. While local governments may adopt fire  
1961 sprinkler requirements for one- and two-family dwellings under  
1962 this subsection, it is the intent of the Legislature that the  
1963 economic consequences of the fire sprinkler mandate on home  
1964 owners be studied before the enactment of such a requirement.  
1965 After the effective date of this act, any local government that  
1966 desires to adopt a fire sprinkler requirement on one- or two-  
1967 family dwellings must prepare an economic cost and benefit  
1968 report that analyzes the application of fire sprinklers to one-  
1969 or two-family dwellings or any proposed residential subdivision.  
1970 The report must consider the tradeoffs and specific cost savings  
1971 and benefits of fire sprinklers for future owners of property.  
1972 The report must include an assessment of the cost savings from

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

1987 (9) ~~(10)~~ Before imposing a fire sprinkler requirement on any  
1988 one- or two-family dwelling, a local government must provide the  
1989 owner of any one- or two-family dwelling a letter documenting  
1990 specific infrastructure or other tax or fee allowances and  
1991 waivers that are listed in but not limited to those described in  
1992 subsection (8) ~~(9)~~ for the dwelling. The documentation must show  
1993 that the cost savings reasonably approximate the cost of the  
1994 purchase and installation of a fire protection system.

1995 (10) ~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)  
1996 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire  
1997 sprinklers in any residential property based upon the use of  
1998 such property as a rental property or any change in or  
1999 reclassification of the property's primary use to a rental  
2000 property.

2001 Section 25. Section 633.026, Florida Statutes, is

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2002 transferred, renumbered as section 633.212, Florida Statutes,  
2003 and amended to read:

2004 633.212 ~~633.026~~ Legislative intent; informal  
2005 interpretations of the Florida Fire Prevention Code.—It is the  
2006 intent of the Legislature that the Florida Fire Prevention Code  
2007 be interpreted by fire officials and local enforcement agencies  
2008 in a manner that reasonably and cost-effectively protects the  
2009 public safety, health, and welfare; ensures uniform  
2010 interpretations throughout this state; and provides just and  
2011 expeditious processes for resolving disputes regarding such  
2012 interpretations. It is the further intent of the Legislature  
2013 that such processes provide for the expeditious resolution of  
2014 the issues presented and that the resulting interpretation of  
2015 such issues be published on the website of the division ~~of State~~  
2016 ~~Fire Marshal~~.

2017 (1) The division ~~of State Fire Marshal~~ shall by rule  
2018 establish an informal process of rendering nonbinding  
2019 interpretations of the Florida Fire Prevention Code. The  
2020 division ~~of State Fire Marshal~~ may contract with and refer  
2021 interpretive issues to a third party, selected based upon cost  
2022 effectiveness, quality of services to be performed, and other  
2023 performance-based criteria, which has experience in interpreting  
2024 and enforcing the Florida Fire Prevention Code. It is the intent  
2025 of the Legislature that the division ~~of State Fire Marshal~~  
2026 establish a Fire Code Interpretation Committee composed of seven  
2027 persons and seven alternates, equally representing each area of  
2028 the state, to which a party can pose questions regarding the  
2029 interpretation of the Florida Fire Prevention Code provisions.  
2030 The alternate member may respond to a nonbinding interpretation

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2031 if the member notifies the Fire Code Interpretation Committee  
2032 that he or she is unable to respond.

2033 (2) Each member and alternate member of the Fire Code  
2034 Interpretation Committee must be certified as a firesafety  
2035 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a  
2036 minimum of 5 years of experience interpreting and enforcing the  
2037 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each  
2038 member and alternate member must be approved by the division ~~of~~  
2039 ~~State Fire Marshal~~ and deemed by the division to have met these  
2040 requirements for at least 30 days before participating in a  
2041 review of a nonbinding interpretation.

2042 (3) Each nonbinding interpretation of code provisions must  
2043 be provided within 15 ~~10~~ business days after receipt of a  
2044 request for interpretation. The response period established in  
2045 this subsection may be waived only with the written consent of  
2046 the party requesting the nonbinding interpretation and the  
2047 division ~~of State Fire Marshal~~. Nonbinding interpretations shall  
2048 be advisory only and nonbinding on the parties or the State Fire  
2049 Marshal.

2050 (4) In order to administer this section, the division ~~of~~  
2051 ~~State Fire Marshal~~ shall charge a fee for nonbinding  
2052 interpretations. The fee may not exceed \$150 for each request  
2053 for a review or interpretation. The division may authorize  
2054 payment of fees directly to the nonprofit organization under  
2055 contract pursuant to subsection (1).

2056 (5) A party requesting a nonbinding interpretation who  
2057 disagrees with the interpretation issued under this section may  
2058 apply for a declaratory statement ~~formal interpretation~~ from the  
2059 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

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2060 (6) The division ~~of State Fire Marshal~~ shall issue or cause  
2061 to be issued a nonbinding interpretation of the Florida Fire  
2062 Prevention Code pursuant to this section when requested to do so  
2063 upon submission of a petition by a fire official or by the owner  
2064 or owner's representative or the contractor or contractor's  
2065 representative of a project in dispute. The division shall adopt  
2066 a petition form by rule, and the petition form must be published  
2067 on the State Fire Marshal's website. The form must ~~shall~~, at a  
2068 minimum, require:

2069 (a) The name and address of the local fire official,  
2070 including the address of the county, municipality, or special  
2071 district.

2072 (b) The name and address of the owner or owner's  
2073 representative or the contractor or contractor's representative.

2074 (c) A statement of the specific sections of the Florida  
2075 Fire Prevention Code being interpreted by the local fire  
2076 official.

2077 (d) An explanation of how the petitioner's substantial  
2078 interests are being affected by the local interpretation of the  
2079 Florida Fire Prevention Code.

2080 (e) A statement of the interpretation of the specific  
2081 sections of the Florida Fire Prevention Code by the local fire  
2082 official.

2083 (f) A statement of the interpretation that the petitioner  
2084 contends should be given to the specific sections of the Florida  
2085 Fire Prevention Code and a statement supporting the petitioner's  
2086 interpretation.

2087 (g) A single question that is capable of being answered  
2088 with a "yes" or "no" response.



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2089 (7) Upon receipt of a petition that meets the requirements  
2090 of subsection (6), the division ~~of State Fire Marshal~~ shall  
2091 immediately provide copies of the petition to the Fire Code  
2092 Interpretation Committee, and shall publish the petition and any  
2093 response submitted by the local fire official on the State Fire  
2094 Marshal's website.

2095 (8) The committee shall conduct proceedings as necessary to  
2096 resolve the issues and give due regard to the petition, the  
2097 facts of the matter at issue, specific code sections cited, and  
2098 any statutory implications affecting the Florida Fire Prevention  
2099 Code. The committee shall issue an interpretation regarding the  
2100 provisions of the Florida Fire Prevention Code within 15 ~~10~~ days  
2101 after the filing of a petition. The committee shall issue an  
2102 interpretation based upon the Florida Fire Prevention Code or,  
2103 if the code is ambiguous, the intent of the code. The  
2104 committee's interpretation shall be provided to the petitioner  
2105 and shall include a notice that if the petitioner disagrees with  
2106 the interpretation, the petitioner may file a request for a  
2107 declaratory statement ~~formal interpretation~~ by the State Fire  
2108 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's  
2109 interpretation shall be provided to the State Fire Marshal, and  
2110 the division shall publish the declaratory statement  
2111 ~~interpretation~~ on the State Fire Marshal's website and in the  
2112 Florida Administrative Register ~~Weekly~~.

2113 Section 26. Section 633.052, Florida Statutes, is  
2114 transferred and renumbered as section 633.214, Florida Statutes,  
2115 and paragraphs (a) and (b) of subsection (1), paragraph (d) of  
2116 subsection (2), and subsections (3) and (4) of that section are  
2117 amended, to read:

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2118 633.214 ~~633.052~~ Ordinances relating to firesafety;  
2119 definitions; penalties.-

2120 (1) As used in this section:

2121 (a) A "firesafety inspector" is an individual certified by  
2122 the division of ~~State Fire Marshal~~, officially assigned the  
2123 duties of conducting firesafety inspections of buildings and  
2124 facilities on a recurring or regular basis, investigating civil  
2125 infractions relating to firesafety, and issuing citations  
2126 pursuant to this section on behalf of the state or any county,  
2127 municipality, or special district with firesafety  
2128 responsibilities.

2129 (b) "Citation" means a written notice, issued only after a  
2130 written warning has been previously issued and a minimum time  
2131 period of 45 days, except for major structural changes, which  
2132 may be corrected within an extended adequate period of time,  
2133 from the date of the issuance of the warning whereby the party  
2134 warned may correct the alleged violation, issued to a person by  
2135 a firesafety inspector, that the firesafety inspector has  
2136 probable cause to believe that the person has committed a civil  
2137 infraction in violation of a duly enacted ordinance and that the  
2138 county court will hear the charge. The citation must ~~shall~~  
2139 contain:

- 2140 1. The date and time of issuance.
- 2141 2. The name and address of the person.
- 2142 3. The date and time the civil infraction was committed.
- 2143 4. The facts constituting probable cause.
- 2144 5. The Florida Fire Prevention Code ordinance violated.
- 2145 6. The name and authority of the firesafety inspector  
2146 ~~officer~~.

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2147 7. The procedure for the person to follow in order to pay  
2148 the civil penalty or to contest the citation.

2149 8. The applicable civil penalty if the person elects to  
2150 contest the citation.

2151 9. The applicable civil penalty if the person elects not to  
2152 contest the citation.

2153 10. A conspicuous statement that if the person fails to pay  
2154 the civil penalty within the time allowed or fails to appear in  
2155 court to contest the citation, then she or he shall be deemed to  
2156 have waived her or his right to contest the citation and that,  
2157 in such case, judgment may be entered against the person for an  
2158 amount up to the maximum civil penalty.

2159 (2) A county or municipality that has created a code  
2160 enforcement board or special magistrate system pursuant to  
2161 chapter 162 may enforce firesafety code violations as provided  
2162 in chapter 162. The governing body of a county or municipality  
2163 which has not created a code enforcement board or special  
2164 magistrate system for firesafety under chapter 162 may ~~is~~  
2165 ~~authorized to~~ enact ordinances relating to firesafety codes,  
2166 which ordinances shall provide:

2167 (d) For the issuance of a citation by an officer who has  
2168 probable cause to believe that a person has committed a  
2169 violation of an ordinance relating to firesafety or the Florida  
2170 Fire Prevention Code.

2171 (3) A person ~~Any person~~ who willfully refuses to sign and  
2172 accept a citation issued by a firesafety inspector commits ~~shall~~  
2173 ~~be guilty of~~ a misdemeanor of the second degree, punishable as  
2174 provided in s. 775.082 or s. 775.083.

2175 (4) ~~Nothing contained in~~ This section does not ~~shall~~

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2176 prevent any county, ~~or~~ municipality, or special district from  
2177 enacting any ordinance relating to firesafety codes which is  
2178 identical to ~~the provisions of~~ this chapter or any state law,  
2179 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or  
2180 special district ordinance relating to firesafety codes may not  
2181 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other  
2182 state law.

2183 Section 27. Section 633.081, Florida Statutes, is  
2184 transferred, renumbered as section 633.216, Florida Statutes,  
2185 and amended to read:

2186 633.216 ~~633.081~~ Inspection of buildings and equipment;  
2187 orders; firesafety inspection training requirements;  
2188 certification; disciplinary action.—The State Fire Marshal and  
2189 her or his agents or persons authorized to enforce laws and  
2190 rules of the State Fire Marshal shall, at any reasonable hour,  
2191 when the State Fire Marshal has reasonable cause to believe that  
2192 a violation of this chapter or s. 509.215, or a rule adopted  
2193 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by  
2194 the State Fire Marshal or a local authority, may exist, inspect  
2195 any and all buildings and structures which are subject to the  
2196 requirements of this chapter or s. 509.215 and rules adopted  
2197 ~~promulgated~~ thereunder. The authority to inspect shall extend to  
2198 all equipment, vehicles, and chemicals which are located on or  
2199 within the premises of any such building or structure.

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

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2205 governing body of a county, municipality, or special district  
2206 that has firesafety enforcement responsibilities may provide a  
2207 schedule of fees to pay only the costs of inspections conducted  
2208 pursuant to this subsection and related administrative expenses.  
2209 Two or more counties, municipalities, or special districts that  
2210 have firesafety enforcement responsibilities may jointly employ  
2211 or contract with a firesafety inspector.

2212 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every  
2213 firesafety inspection conducted pursuant to state or local  
2214 firesafety requirements shall be by a person certified as having  
2215 met the inspection training requirements set by the State Fire  
2216 Marshal. Such person shall meet the requirements of s.  
2217 633.412(1)(a)-(d), and:

2218 ~~(a) Be a high school graduate or the equivalent as~~  
2219 ~~determined by the department;~~

2220 ~~(b) Not have been found guilty of, or having pleaded guilty~~  
2221 ~~or nolo contendere to, a felony or a crime punishable by~~  
2222 ~~imprisonment of 1 year or more under the law of the United~~  
2223 ~~States, or of any state thereof, which involves moral turpitude,~~  
2224 ~~without regard to whether a judgment of conviction has been~~  
2225 ~~entered by the court having jurisdiction of such cases;~~

2226 ~~(c) Have her or his fingerprints on file with the~~  
2227 ~~department or with an agency designated by the department;~~

2228 ~~(d) Have good moral character as determined by the~~  
2229 ~~department;~~

2230 ~~(e) Be at least 18 years of age;~~

2231 ~~(f) Have satisfactorily completed the firesafety inspector~~  
2232 ~~certification examination as prescribed by division rule ~~the~~~~  
2233 ~~department; and~~

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2234        (b)~~(g)~~1. Have satisfactorily completed, as determined by  
2235 division rule ~~the department~~, a firesafety inspector training  
2236 program of at least ~~not less than~~ 200 hours established by the  
2237 department and administered by education or training providers  
2238 ~~agencies and institutions~~ approved by the department for the  
2239 purpose of providing basic certification training for firesafety  
2240 inspectors; or

2241        2. Have received ~~in another state~~ training in another state  
2242 which is determined by the division ~~department~~ to be at least  
2243 equivalent to that required by the department for approved  
2244 firesafety inspector education and training programs in this  
2245 state.

2246        (3) (a)1. Effective July 1, 2013, the classification of  
2247 special state firesafety inspector is abolished, and all special  
2248 state firesafety inspector certifications ~~shall~~ expire at  
2249 midnight June 30, 2013.

2250        2. Any person who is a special state firesafety inspector  
2251 on June 30, 2013, and who has failed to comply with paragraph  
2252 (b) or paragraph (c) may not perform any firesafety inspection  
2253 required by law.

2254        3. A special state firesafety inspector certificate may not  
2255 be issued after June 30, 2011.

2256        (b)1. Any person who is a special state firesafety  
2257 inspector on July 1, 2011, and who has at least 5 years of  
2258 experience as a special state firesafety inspector as of July 1,  
2259 2011, may take the firesafety inspection examination as provided  
2260 in paragraph (2) (a) ~~(2) (f)~~ for firesafety inspectors before July  
2261 1, 2013, to be certified as a firesafety inspector under this  
2262 section.

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2263           2. Upon passing the examination, the person shall be  
2264 certified as a firesafety inspector as provided in this section.

2265           3. A person who fails to become certified must comply with  
2266 paragraph (c) to be certified as a firesafety inspector under  
2267 this section.

2268           (c)1. To be certified as a firesafety inspector under this  
2269 section, a ~~any~~ person who:

2270           a. Is a special state firesafety inspector on July 1, 2011,  
2271 and who does not have 5 years of experience as a special state  
2272 firesafety inspector as of July 1, 2011; or

2273           b. Has 5 years of experience as a special state firesafety  
2274 inspector but has failed the examination taken as provided in  
2275 paragraph (2) (a) ~~(2) (f)~~,

2276  
2277 must take an additional 80 hours of the courses described in  
2278 paragraph (2) (b) ~~(2) (g)~~.

2279           2. After successfully completing the courses described in  
2280 this paragraph, such person may take the firesafety inspection  
2281 examination as provided in paragraph (2) (a) ~~(2) (f)~~, if such  
2282 examination is taken before July 1, 2013.

2283           3. Upon passing the examination, the person shall be  
2284 certified as a firesafety inspector as provided in this section.

2285           4. A person who fails the course of study or the  
2286 examination described in this paragraph may not perform any  
2287 firesafety inspection required by law on or after July 1, 2013.

2288           (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~  
2289 may conduct firesafety inspections, under the supervision of a  
2290 certified firesafety inspector, while on duty as a member of a  
2291 fire department company conducting inservice firesafety

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2292 inspections without being certified as a firesafety inspector,  
2293 if such firefighter has satisfactorily completed an inservice  
2294 fire department company inspector training program of at least  
2295 24 hours' duration as provided by rule of the department.

2296 (5) Every firesafety inspector certificate is valid for a  
2297 period of 4 ~~3~~ years from the date of issuance. Renewal of  
2298 certification is subject to the affected person's completing  
2299 proper application for renewal and meeting all of the  
2300 requirements for renewal as established under this chapter or by  
2301 rule adopted under this chapter, which must ~~shall~~ include  
2302 completion of at least 54 ~~40~~ hours during the preceding 4-year  
2303 ~~3-year~~ period of continuing education as required by the rule of  
2304 the department or, in lieu thereof, successful passage of an  
2305 examination as established by the department.

2306 (6) A previously certified firesafety inspector whose  
2307 certification has lapsed for 8 years or more must repeat the  
2308 fire safety inspector training as specified by the division.

2309 ~~(7)-(6)~~ The State Fire Marshal may deny, refuse to renew,  
2310 suspend, or revoke the certificate of a firesafety inspector if  
2311 the State Fire Marshal finds that any of the following grounds  
2312 exist:

2313 (a) Any cause for which issuance of a certificate could  
2314 have been refused had it then existed and been known to the  
2315 division ~~State Fire Marshal~~.

2316 (b) Violation of this chapter or any rule or order of the  
2317 State Fire Marshal.

2318 (c) Falsification of records relating to the certificate.

2319 ~~(d) Having been found guilty of or having pleaded guilty or~~  
2320 ~~nolo contendere to a felony, whether or not a judgment of~~



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2321 ~~conviction has been entered.~~

2322 (d)~~(e)~~ Failure to meet any of the renewal requirements.

2323 ~~(f) Having been convicted of a crime in any jurisdiction~~  
2324 ~~which directly relates to the practice of fire code inspection,~~  
2325 ~~plan review, or administration.~~

2326 (e)~~(g)~~ Making or filing a report or record that the  
2327 certificateholder knows to be false, or knowingly inducing  
2328 another to file a false report or record, or knowingly failing  
2329 to file a report or record required by state or local law, or  
2330 knowingly impeding or obstructing such filing, or knowingly  
2331 inducing another person to impede or obstruct such filing.

2332 (f)~~(h)~~ Failing to properly enforce applicable fire codes or  
2333 permit requirements within this state which the  
2334 certificateholder knows are applicable by committing willful  
2335 misconduct, gross negligence, gross misconduct, repeated  
2336 negligence, or negligence resulting in a significant danger to  
2337 life or property.

2338 (g)~~(i)~~ Accepting labor, services, or materials at no charge  
2339 or at a noncompetitive rate from a ~~any~~ person who performs work  
2340 that is under the enforcement authority of the certificateholder  
2341 and who is not an immediate family member of the  
2342 certificateholder. For the purpose of this paragraph, the term  
2343 "immediate family member" means a spouse, child, parent,  
2344 sibling, grandparent, aunt, uncle, or first cousin of the person  
2345 or the person's spouse or a ~~any~~ person who resides in the  
2346 primary residence of the certificateholder.

2347 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida  
2348 Building Code Administrators and Inspectors Board, established  
2349 pursuant to s. 468.605, shall enter into a reciprocity agreement

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2350 to facilitate joint recognition of continuing education  
2351 recertification hours for certificateholders licensed under s.  
2352 468.609 and firesafety inspectors certified under subsection  
2353 (2).

2354 (9)~~(8)~~ The State Fire Marshal shall develop by rule an  
2355 advanced training and certification program for firesafety  
2356 inspectors having fire code management responsibilities. The  
2357 program must be consistent with the appropriate provisions of  
2358 NFPA 1037, or similar standards adopted by the division, and  
2359 establish minimum training, education, and experience levels for  
2360 firesafety inspectors having fire code management  
2361 responsibilities.

2362 (10)~~(9)~~ The department shall provide by rule for the  
2363 certification of firesafety inspectors and Fire Code  
2364 Administrators.

2365 Section 28. Section 633.085, Florida Statutes, is  
2366 transferred and renumbered as section 633.218, Florida Statutes,  
2367 paragraph (a) of subsection (1) and subsections (2) through (5)  
2368 of that section are amended, and paragraphs (e) and (f) are  
2369 added to subsection (1) of that section, to read:

2370 633.218 ~~633.085~~ Inspections of state buildings and  
2371 premises; tests of firesafety equipment; building plans to be  
2372 approved.—

2373 (1) (a) It is the duty of the State Fire Marshal and her or  
2374 his agents to inspect, or cause to be inspected, each state-  
2375 owned building on a recurring basis established by rule, and to  
2376 ensure that high-hazard occupancies are inspected at least  
2377 annually, for the purpose of ascertaining and causing to be  
2378 corrected any conditions liable to cause fire or endanger life

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2379 from fire and any violation of the firesafety standards for  
2380 state-owned buildings, ~~the provisions of this chapter, or the~~  
2381 ~~rules or regulations adopted and promulgated~~ pursuant hereto.  
2382 The State Fire Marshal shall, within 7 days following an  
2383 inspection, submit a report of such inspection to the head of  
2384 the ~~department of state agency government~~ responsible for the  
2385 building.

2386 (e) For purposes of this section:

2387 1.a. The term "high-hazard occupancy" means any building or  
2388 structure:

2389 (I) That contains combustible or explosive matter or  
2390 flammable conditions dangerous to the safety of life or  
2391 property;

2392 (II) At which persons receive educational instruction;

2393 (III) At which persons reside, excluding private dwellings;

2394 or

2395 (IV) Containing three or more floor levels.

2396 b. As used in this subparagraph, the phrase "building or  
2397 structure":

2398 (I) Includes, but is not limited to, all hospitals and  
2399 residential health care facilities, nursing homes and other  
2400 adult care facilities, correctional or detention facilities,  
2401 public schools, public lodging establishments, migrant labor  
2402 camps, residential child care facilities, and self-service  
2403 gasoline stations.

2404 (II) Does not include any residential condominium where the  
2405 declaration of condominium or the bylaws provide that the rental  
2406 of units shall not be permitted for less than 90 days.

2407 2. The term "state-owned building" includes private

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2408 correctional facilities as defined under s. 944.710(3).

2409 (f) A state-owned building or state-leased building or  
2410 space shall be identified through use of the United States  
2411 National Grid Coordinate System.

2412 (2) The State Fire Marshal and her or his agents may ~~shall~~  
2413 conduct performance tests on any electronic fire warning and  
2414 smoke detection system, and any pressurized air-handling unit,  
2415 in any state-owned building or state-leased building or space on  
2416 a recurring basis as provided in subsection (1). The State Fire  
2417 Marshal and her or his agents shall also ensure that fire drills  
2418 are conducted in all high-hazard state-owned buildings or high-  
2419 hazard state-leased ~~high-hazard~~ occupancies at least annually.

2420 (3) All construction of any new state-owned building or  
2421 state-leased building or space, or any renovation, alteration,  
2422 or change of occupancy of any existing, state-owned building or  
2423 state-leased building or space must ~~shall~~ comply with the  
2424 uniform firesafety standards of the State Fire Marshal.

2425 (a) For all new construction or renovation, alteration, or  
2426 change of occupancy of state-leased space, compliance with the  
2427 uniform firesafety standards shall be determined by reviewing  
2428 the plans for the proposed construction or occupancy submitted  
2429 by the lessor to the division ~~of State Fire Marshal~~ for review  
2430 and approval before ~~prior to~~ commencement of construction or  
2431 occupancy, which review shall be completed within 10 working  
2432 days after receipt of the plans by the division ~~of State Fire~~  
2433 ~~Marshal~~.

2434 (b) The plans for all construction of any new, or  
2435 renovation or alteration of any existing, state-owned building  
2436 are subject to the review and approval of the division ~~of State~~

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2437 ~~Fire Marshal~~ for compliance with the uniform firesafety  
2438 standards before ~~prior to~~ commencement of construction or change  
2439 of occupancy, which review shall be completed within 30 calendar  
2440 days of receipt of the plans by the division ~~of State Fire~~  
2441 ~~Marshal~~.

2442 (4) The division ~~of State Fire Marshal~~ may inspect state-  
2443 owned buildings and space and state-leased buildings and space  
2444 as necessary before ~~prior to~~ occupancy or during construction,  
2445 renovation, or alteration to ascertain compliance with the  
2446 uniform firesafety standards. Whenever the division ~~of State~~  
2447 ~~Fire Marshal~~ determines by virtue of such inspection or by  
2448 review of plans that construction, renovation, or alteration of  
2449 state-owned buildings and state-leased buildings or space is not  
2450 in compliance with the uniform firesafety standards, the  
2451 division ~~of State Fire Marshal~~ shall issue an order to cease  
2452 construction, renovation, or alteration, or to preclude  
2453 occupancy, of a building until compliance is obtained, except  
2454 for those activities required to achieve such compliance.

2455 (5) The division ~~of State Fire Marshal~~ shall by rule  
2456 provide a schedule of fees to pay for the costs of the  
2457 inspections, whether recurring or high hazard, any firesafety  
2458 review or plans for proposed construction, renovations, or  
2459 occupancy, and related administrative expenses.

2460 Section 29. Section 633.027, Florida Statutes, is  
2461 transferred and renumbered as section 633.222, Florida Statutes,  
2462 and subsection (3) of that section is amended, to read:

2463 633.222 ~~633.027~~ Buildings with light-frame truss-type  
2464 construction; notice requirements; enforcement.-

2465 (3) The State Fire Marshal, and local fire officials in

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2466 accordance with s. 633.118 ~~633.121~~, shall enforce the provisions  
2467 of this section. An ~~Any~~ owner who fails to comply with the  
2468 requirements of this section is subject to penalties as provided  
2469 in s. 633.228 ~~633.161~~.

2470 Section 30. Section 633.60, Florida Statutes, is  
2471 transferred and renumbered as section 633.224, Florida Statutes,  
2472 and subsection (1) of that section is amended, to read:

2473 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-  
2474 family dwellings, two-family dwellings, and mobile homes.—

2475 (1) It is unlawful for a ~~any~~ person to engage in the  
2476 business or act in the capacity of a contractor of automatic  
2477 fire sprinkler systems for one-family dwellings, two-family  
2478 dwellings, and mobile homes without having been duly certified  
2479 and holding a current certificate as a Contractor I, Contractor  
2480 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

2481 Section 31. Section 633.557, Florida Statutes, is  
2482 transferred and renumbered as section 633.226, Florida Statutes.

2483 Section 32. Section 633.161, Florida Statutes, is  
2484 transferred and renumbered as section 633.228, Florida Statutes,  
2485 and paragraphs (a) and (b) of subsection (1), paragraph (a) of  
2486 subsection (2), and subsection (3) of that section are amended,  
2487 to read:

2488 633.228 ~~633.161~~ Violations; orders to cease and desist,  
2489 correct hazardous conditions, preclude occupancy, or vacate;  
2490 enforcement; penalties.—

2491 (1) If it is determined by the department that a violation  
2492 specified in this subsection exists, the State Fire Marshal or  
2493 her or his deputy may issue and deliver to the person committing  
2494 the violation an order to cease and desist from such violation,

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2495 to correct any hazardous condition, to preclude occupancy of the  
2496 affected building or structure, or to vacate the premises of the  
2497 affected building or structure. Such violations are:

2498 (a) Except as set forth in paragraph (b), a violation of  
2499 any provision of this chapter, of any rule adopted pursuant  
2500 thereto, of any applicable uniform firesafety standard adopted  
2501 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed  
2502 by any alternative requirements adopted on a local level, or of  
2503 any minimum firesafety standard adopted pursuant to s. 394.879.

2504 (b) A substantial violation of an applicable minimum  
2505 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which  
2506 is not reasonably addressed by any alternative requirement  
2507 imposed at the local level, or an unreasonable interpretation of  
2508 an applicable minimum firesafety standard, and which violation  
2509 or interpretation clearly constitutes a danger to lifesafety.

2510 (2) (a) If, during the conduct of a firesafety inspection  
2511 authorized by ss. 633.216 and 633.218 ~~633.081~~ and ~~633.085~~, it is  
2512 determined that a violation described in this section exists  
2513 which poses an immediate danger to the public health, safety, or  
2514 welfare, the State Fire Marshal may issue an order to vacate the  
2515 building in question, which order shall be immediately effective  
2516 and shall be an immediate final order under s. 120.569(2) (n).  
2517 With respect to a facility under the jurisdiction of a district  
2518 school board or community college board of trustees, the order  
2519 to vacate shall be issued jointly by the district superintendent  
2520 or college president and the State Fire Marshal.

2521 (3) A ~~Any~~ person who violates or fails to comply with any  
2522 order under subsection (1) or subsection (2) commits ~~is guilty~~  
2523 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

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2524           Section 33. The Division of Law Revision and Information is  
2525 directed to create part III of chapter 633, Florida Statutes,  
2526 consisting of sections 633.302, 633.304, 633.306, 633.308,  
2527 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,  
2528 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,  
2529 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled  
2530 "Fire Protection and Suppression."

2531           Section 34. Section 633.511, Florida Statutes, is  
2532 transferred, renumbered as section 633.302, Florida Statutes,  
2533 and amended to read:

2534           633.302 ~~633.511~~ Florida Fire Safety Board; membership;  
2535 duties; meetings; officers; quorum; compensation; seal.-

2536           (1) The Florida Fire Safety Board is created consisting of  
2537 seven members who are ~~citizens and~~ residents of this state. One  
2538 shall be the State Fire Marshal, or her or his designee  
2539 ~~designated appointee~~ who shall be an administrative employee of  
2540 the marshal; one shall be an administrative officer from a  
2541 building department representing an incorporated municipality or  
2542 a county; one shall be an administrative officer from a fire  
2543 department representing an incorporated municipality or a  
2544 county; two shall be contractors licensed pursuant to s. 633.318  
2545 ~~633.521~~; and two shall be persons who hold valid licenses under  
2546 s. 633.304 ~~633.061~~.

2547           (2) (a) To be eligible for appointment, each contractor must  
2548 ~~shall~~ personally hold a current certificate of competency and a  
2549 current license issued by the division ~~State Fire Marshal~~,  
2550 together with an unexpired occupational license to operate as a  
2551 contractor issued by an incorporated municipality or a county;  
2552 be actively engaged in such business and have been so engaged



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2553 for a period of not less than 5 consecutive years before the  
2554 date of her or his appointment; and be a ~~citizen and~~ resident of  
2555 the state.

2556 (b) To be eligible for appointment, each fire equipment  
2557 dealer must ~~shall~~ personally hold a current Class A, B, or C and  
2558 Class D fire equipment dealer license issued by the division  
2559 ~~State Fire Marshal~~, together with an unexpired occupational  
2560 license to operate as a fire equipment dealer issued by an  
2561 incorporated municipality or a county; must ~~shall~~ be actively  
2562 engaged in such business and have been so engaged for a period  
2563 of not less than 5 consecutive years before the date of  
2564 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this  
2565 state.

2566 (3) The State Fire Marshal's term on the board, or that of  
2567 her or his designee ~~designated administrative employee~~, shall  
2568 coincide with the State Fire Marshal's term of office. Of the  
2569 other six members of the board, one member shall be appointed  
2570 for a term of 1 year, one member for a term of 2 years, two  
2571 members for terms of 3 years, and two members for terms of 4  
2572 years. All terms expire on June 30 of the last year of the term.  
2573 When Effective July 1, 1997, as the term of a ~~each~~ member  
2574 expires, the State Fire Marshal shall appoint a member to fill  
2575 the vacancy for a term of 4 years. The State Fire Marshal may  
2576 remove any appointed member for cause. A vacancy in the  
2577 membership of the board for any cause shall be filled by  
2578 appointment by the State Fire Marshal for the balance of the  
2579 unexpired term.

2580 (4) The board shall act in an advisory capacity to the  
2581 State Fire Marshal and shall meet regularly as the need presents

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2582 itself. The board shall have the authority to review complaints  
2583 and disputed administrative action and make recommendations for  
2584 disciplinary action to the division at the request of the  
2585 licenseholder, permitholder, or certificateholder. The board  
2586 will serve in an advisory capacity to the division regarding  
2587 rules, codes, standards, interpretations, and training. As soon  
2588 as practicable after July 1, 2013, the board shall meet to elect  
2589 officers from its membership, whose terms shall expire on June  
2590 30 and annually thereafter. A majority of the board shall  
2591 constitute a quorum. A member of the advisory board may not be  
2592 paid a salary as such member, but shall be reimbursed for  
2593 necessary expenses while attending advisory board meetings,  
2594 including travel in the performance of her or his duties, as  
2595 provided in s. 112.061.

2596 (5) The board shall adopt a seal for its use containing the  
2597 words "Florida Fire Safety Board."

2598 Section 35. Section 633.061, Florida Statutes, is  
2599 transferred and renumbered as section 633.304, Florida Statutes,  
2600 and subsections (1) through (4) and subsection (9) of that  
2601 section are amended, to read:

2602 633.304 ~~633.061~~ Fire suppression equipment; license to  
2603 install or maintain.—

2604 (1) It is unlawful for any organization or individual to  
2605 engage in the business of servicing, repairing, recharging,  
2606 testing, marking, inspecting, installing, or hydrotesting any  
2607 fire extinguisher or preengineered system in this state except  
2608 in conformity with ~~the provisions of~~ this chapter. Each  
2609 organization or individual that engages in such activity must  
2610 possess a valid and subsisting license issued by the division

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2611 ~~State Fire Marshal~~. All fire extinguishers and preengineered  
2612 systems required by statute or by rule must be serviced by an  
2613 organization or individual licensed under ~~the provisions of this~~  
2614 chapter. A licensee who receives appropriate training shall not  
2615 be prohibited by a manufacturer from servicing any particular  
2616 brand of fire extinguisher or preengineered system. The licensee  
2617 is legally qualified to act for the business organization in all  
2618 matters connected with its business, and the licensee must  
2619 supervise all activities undertaken by such business  
2620 organization. Each licensee shall maintain a specific business  
2621 location. A further requirement, in the case of multiple  
2622 locations where such servicing or recharging is taking place, is  
2623 that each licensee who maintains more than one place of business  
2624 where actual work is carried on must possess an additional  
2625 license, as set forth in this section, for each location, except  
2626 that a licensed individual may not qualify for more than five  
2627 locations. A licensee is limited to a specific type of work  
2628 performed depending upon the class of license held. Licenses ~~and~~  
2629 ~~license fees~~ are required for the following:

2630 (a) Class A: ~~—\$250~~

2631 To service, recharge, repair, install, or inspect all types of  
2632 fire extinguishers and to conduct hydrostatic tests on all types  
2633 of fire extinguishers.

2634 (b) Class B: ~~—\$150~~

2635 To service, recharge, repair, install, or inspect all types of  
2636 fire extinguishers, including recharging carbon dioxide units  
2637 and conducting hydrostatic tests on all types of fire  
2638 extinguishers, except carbon dioxide units.

2639 (c) Class C: ~~—\$150~~

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2640 To service, recharge, repair, install, or inspect all types of  
2641 fire extinguishers, except recharging carbon dioxide units, and  
2642 to conduct hydrostatic tests on all types of fire extinguishers,  
2643 except carbon dioxide units.

2644 (d) Class D: ~~—\$200~~

2645 To service, repair, recharge, hydrotest, install, or inspect all  
2646 types of preengineered fire extinguishing systems.

2647 ~~(e) Licenses issued as duplicates or to reflect a change of~~  
2648 ~~address—\$10~~

2649

2650 Any fire equipment dealer licensed pursuant to this subsection  
2651 who does not want to engage in the business of servicing,  
2652 inspecting, recharging, repairing, hydrotesting, or installing  
2653 halon equipment must file an affidavit on a form provided by the  
2654 division so stating. Licenses will be issued by the division to  
2655 show ~~reflect~~ the work authorized thereunder. It is unlawful,  
2656 unlicensed activity for a ~~any~~ person or firm to falsely hold  
2657 himself or herself or a business organization out to perform any  
2658 service, inspection, recharge, repair, hydrotest, or  
2659 installation except as specifically described in the license. A  
2660 fire equipment dealer licensed pursuant to this subsection who  
2661 wishes to withdraw a previously filed halon equipment exemption  
2662 affidavit and engage in the business of servicing, inspecting,  
2663 recharging, repairing, hydrotesting, or installing halon  
2664 equipment must submit a written statement requesting the  
2665 withdrawal to the division. The dealer must also submit to an  
2666 inspection by the State Fire Marshal or her or his designee in  
2667 order to determine that the dealer possesses the equipment  
2668 required to service, inspect, recharge, repair, hydrotest, or

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2669 install halon equipment.

2670 (2) A person who holds a valid fire equipment dealer  
2671 license may maintain such license in an inactive status during  
2672 which time he or she may not engage in any work under the  
2673 definition of the license held. An inactive status license shall  
2674 be void after 4 2 years or when ~~at the time that~~ the license is  
2675 renewed, whichever comes first. ~~The biennial renewal fee for an~~  
2676 ~~inactive status license shall be \$75.~~ An inactive status license  
2677 may not be reactivated unless the continuing education  
2678 requirements of this chapter have been fulfilled.

2679 (3) Each individual actually performing the work of  
2680 servicing, recharging, repairing, hydrotesting, installing,  
2681 testing, or inspecting fire extinguishers or preengineered  
2682 systems must possess a valid and subsisting permit issued by the  
2683 division ~~State Fire Marshal~~. Permittees are limited as to  
2684 specific type of work performed to allow work no more extensive  
2685 than the class of license held by the licensee under whom the  
2686 permittee is working. Permits will be issued by the division ~~and~~  
2687 ~~the fees required are~~ as follows:

2688 (a) Portable permit: ~~\_\_\_\_\_ \$90~~ "Portable permittee" means a  
2689 person who is limited to performing work no more extensive than  
2690 the employing licensee in the servicing, recharging, repairing,  
2691 installing, or inspecting all types of portable fire  
2692 extinguishers.

2693 (b) Preengineered permit: ~~\_\_\_\_\_ \$120~~ "Preengineered  
2694 permittee" means a person who is limited to the servicing,  
2695 recharging, repairing, installing, or inspecting of all types of  
2696 preengineered fire extinguishing systems.

2697 ~~(c) Permits issued as duplicates or to reflect a change of~~

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2698 address ~~—\$10~~

2699

2700 Any fire equipment permittee licensed pursuant to this  
2701 subsection who does not want to engage in servicing, inspecting,  
2702 recharging, repairing, hydrotesting, or installing halon  
2703 equipment must file an affidavit on a form provided by the  
2704 division so stating. Permits will be issued by the division to  
2705 show ~~reflect~~ the work authorized thereunder. It is unlawful,  
2706 unlicensed activity for a ~~any~~ person or firm to falsely hold  
2707 himself or herself out to perform any service, inspection,  
2708 recharge, repair, hydrotest, or installation except as  
2709 specifically described in the permit.

2710 (4) (a) Such licenses and permits shall be issued by the  
2711 division ~~State Fire Marshal~~ for 2 years beginning January 1,  
2712 2000, and each 2-year period thereafter and expiring December 31  
2713 of the second year. All licenses or permits issued will expire  
2714 on December 31 of each odd-numbered year. The failure to renew a  
2715 license or permit by December 31 of the second year will cause  
2716 the license or permit to become inoperative. The holder of an  
2717 inoperative license or permit may ~~shall~~ not engage in any  
2718 activities for which a license or permit is required by this  
2719 section. A license or permit which is inoperative because of the  
2720 failure to renew it shall be restored upon payment of the  
2721 applicable fee plus a penalty equal to the applicable fee, if  
2722 the application for renewal is filed no later than the following  
2723 March 31. If the application for restoration is not made before  
2724 the March 31st deadline, the fee for restoration shall be equal  
2725 to the original application fee and the penalty provided for  
2726 herein, and, in addition, the State Fire Marshal shall require

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2727 reexamination of the applicant. The fee for a license or permit  
2728 issued for 1 year or less shall be prorated at 50 percent of the  
2729 applicable fee for a biennial license or permit.

2730 (b) After initial licensure, each licensee or permittee  
2731 must successfully complete a course or courses of continuing  
2732 education for fire equipment technicians of at least 16 hours. A  
2733 license or permit may not be renewed unless the licensee or  
2734 permittee produces documentation of the completion of at least  
2735 16 hours of continuing education for fire equipment technicians  
2736 during the biennial licensure period. A person who is both a  
2737 licensee and a permittee shall be required to complete 16 hours  
2738 of continuing education during each renewal period. Each  
2739 licensee shall ensure that all permittees in his or her  
2740 employment meet their continuing education requirements. The  
2741 State Fire Marshal shall adopt rules describing the continuing  
2742 education requirements and shall have the authority upon  
2743 reasonable belief, to audit a fire equipment dealer to determine  
2744 compliance with continuing education requirements.

2745 (c) ~~(b)~~ The forms of such licenses and permits and  
2746 applications therefor shall be prescribed by the State Fire  
2747 Marshal; in addition to such other information and data as that  
2748 officer determines is appropriate and required for such forms,  
2749 there shall be included in such forms the following matters.  
2750 Each such application must ~~shall~~ be in such form as to provide  
2751 that the data and other information set forth therein shall be  
2752 sworn to by the applicant or, if a corporation, by an officer  
2753 thereof. An application for a permit must ~~shall~~ include the name  
2754 of the licensee employing such permittee, and the permit issued  
2755 in pursuance of such application must ~~shall~~ also set forth the

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2756 name of such licensee. A permit is valid solely for use by the  
2757 holder thereof in his or her employment by the licensee named in  
2758 the permit.

2759 (d)~~(e)~~ A license of any class may ~~shall~~ not be issued or  
2760 renewed by the division ~~State Fire Marshal~~ and a license of any  
2761 class does ~~shall~~ not remain operative unless:

2762 1. The applicant has submitted to the State Fire Marshal  
2763 evidence of registration as a Florida corporation or evidence of  
2764 compliance with s. 865.09.

2765 2. The State Fire Marshal or his or her designee has by  
2766 inspection determined that the applicant possesses the equipment  
2767 required for the class of license sought. The State Fire Marshal  
2768 shall give an applicant a reasonable opportunity to correct any  
2769 deficiencies discovered by inspection. To obtain such  
2770 inspection, an applicant with facilities located outside this  
2771 state must:

2772 a. Provide a notarized statement from a professional  
2773 engineer licensed by the applicant's state of domicile  
2774 certifying that the applicant possesses the equipment required  
2775 for the class of license sought and that all such equipment is  
2776 operable; or

2777 b. Allow the State Fire Marshal or her or his designee to  
2778 inspect the facility. All costs associated with the State Fire  
2779 Marshal's inspection shall be paid by the applicant. The State  
2780 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
2781 establish standards for the calculation and establishment of the  
2782 amount of costs associated with any inspection conducted by the  
2783 State Fire Marshal under this section. Such rules shall include  
2784 procedures for invoicing and receiving funds in advance of the



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2785 inspection ~~A fee of \$50, payable to the State Fire Marshal,~~  
2786 ~~shall be required for any subsequent reinspection.~~

2787 3. The applicant has submitted to the State Fire Marshal  
2788 proof of insurance providing coverage for comprehensive general  
2789 liability for bodily injury and property damage, products  
2790 liability, completed operations, and contractual liability. The  
2791 State Fire Marshal shall adopt rules providing for the amounts  
2792 of such coverage, but such amounts shall not be less than  
2793 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
2794 licenses, and \$100,000 for Class C licenses; and the total  
2795 coverage for any class of license held in conjunction with a  
2796 Class D license may ~~shall~~ not be less than \$300,000. The State  
2797 Fire Marshal may, at any time after the issuance of a license or  
2798 its renewal, require upon demand, and in no event more than 30  
2799 days after notice of such demand, the licensee to provide proof  
2800 of insurance, on a form provided by the State Fire Marshal,  
2801 containing confirmation of insurance coverage as required by  
2802 this chapter. Failure, for any length of time, to provide proof  
2803 of insurance coverage as required shall result in the immediate  
2804 suspension of the license until proof of proper insurance is  
2805 provided to the State Fire Marshal. An insurer which provides  
2806 such coverage shall notify the State Fire Marshal of any change  
2807 in coverage or of any termination, cancellation, or nonrenewal  
2808 of any coverage.

2809 4. The applicant applies to the State Fire Marshal,  
2810 provides proof of experience, and successfully completes a  
2811 prescribed training course offered by the State Fire College or  
2812 an equivalent course approved by the State Fire Marshal. This  
2813 subparagraph does not apply to any holder of or applicant for a

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2814 permit under paragraph (g) ~~(f)~~ or to a business organization or  
2815 a governmental entity seeking initial licensure or renewal of an  
2816 existing license solely for the purpose of inspecting,  
2817 servicing, repairing, marking, recharging, and maintaining fire  
2818 extinguishers used and located on the premises of and owned by  
2819 such organization or entity.

2820 5. The applicant has a current retestor identification  
2821 number that is appropriate for the license for which the  
2822 applicant is applying and that is listed with the United States  
2823 Department of Transportation.

2824 6. The applicant has passed, with a grade of at least 70  
2825 percent, a written examination testing his or her knowledge of  
2826 the rules and statutes governing ~~regulating~~ the activities  
2827 authorized by the license and demonstrating his or her knowledge  
2828 and ability to perform those tasks in a competent, lawful, and  
2829 safe manner. Such examination shall be developed and  
2830 administered by the State Fire Marshal, or his or her designee  
2831 in accordance with policies and procedures of the State Fire  
2832 Marshal. An applicant shall pay a nonrefundable examination fee  
2833 of \$50 for each examination or reexamination scheduled. A ~~No~~  
2834 reexamination may not ~~shall~~ be scheduled sooner than 30 days  
2835 after any administration of an examination to an applicant. An  
2836 ~~No~~ applicant may not ~~shall~~ be permitted to take an examination  
2837 for any level of license more than a total of four times during  
2838 1 year, regardless of the number of applications submitted. As a  
2839 prerequisite to licensure of the applicant, he or she:

- 2840 a. Must be at least 18 years of age.  
2841 b. Must have 4 years of proven experience as a fire  
2842 equipment permittee at a level equal to or greater than the

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2843 level of license applied for or have a combination of education  
2844 and experience determined to be equivalent thereto by the State  
2845 Fire Marshal. Having held a permit at the appropriate level for  
2846 the required period constitutes the required experience.

2847 c. Must not have been convicted of a felony or a crime  
2848 punishable by imprisonment of 1 year or more under the law of  
2849 the United States or of any state thereof or under the law of  
2850 any other country, ~~or pled nolo contendere to,~~ any felony.  
2851 "Convicted" means a finding of guilt or the acceptance of a plea  
2852 of guilty or nolo contendere in any federal or state court or a  
2853 court in any other country, without regard to whether a judgment  
2854 of conviction has been entered by the court having jurisdiction  
2855 of the case. If an applicant has been convicted of any such  
2856 felony, the applicant shall be excluded from licensure for a  
2857 period of 4 years after expiration of sentence or final release  
2858 by the Parole Commission unless the applicant, before the  
2859 expiration of the 4-year period, has received a full pardon or  
2860 has had her or his civil rights restored ~~must comply with s.~~  
2861 ~~112.011(1)(b).~~

2862  
2863 This subparagraph does not apply to any holder of or applicant  
2864 for a permit under paragraph (g) ~~(f)~~ or to a business  
2865 organization or a governmental entity seeking initial licensure  
2866 or renewal of an existing license solely for the purpose of  
2867 inspecting, servicing, repairing, marking, recharging,  
2868 hydrotesting, and maintaining fire extinguishers used and  
2869 located on the premises of and owned by such organization or  
2870 entity.

2871 ~~(d) An applicant who fails the examination may take it~~

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2872 ~~three more times during the 1 year period after he or she~~  
2873 ~~originally filed an application for the examination. If the~~  
2874 ~~applicant fails the examination within 1 year after the~~  
2875 ~~application date and seeks to retake the examination, he or she~~  
2876 ~~must file a new application, pay the application and examination~~  
2877 ~~fees, and successfully complete a prescribed training course~~  
2878 ~~approved by the State Fire College or an equivalent course~~  
2879 ~~approved by the State Fire Marshal. An applicant may not submit~~  
2880 ~~a new application within 6 months after the date of his or her~~  
2881 ~~last reexamination.~~

2882 (e) A fire equipment dealer licensed under this section may  
2883 apply to convert ~~upgrade~~ the license currently held to a higher  
2884 licensing category, if the licensed dealer:

2885 1. Submits an application for the license on a form in  
2886 conformance with paragraph (c) ~~(b)~~. The application must be  
2887 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~  
2888 for the type of license requested.

2889 2. Provides evidence of 2 years' experience as a licensed  
2890 dealer and meets such relevant educational requirements as are  
2891 established by rule by the State Fire Marshal for purposes of  
2892 upgrading a license.

2893 3. Meets the requirements of paragraph (d) ~~(e)~~.

2894 (f) A fire equipment dealer licensed under this section may  
2895 apply to convert the license currently held to a lower licensing  
2896 category, if the licensed dealer:

2897 1. Submits an application for the license on a form in  
2898 conformance with paragraph (c). The application must be  
2899 accompanied by a fee as prescribed in s. 633.132 for the type of  
2900 license requested.

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2901           2. Submits proof of insurance providing coverage meeting  
2902 the requirements prescribed in subparagraph (d)3.

2903           3. Submits to an inspection of the facility to ensure all  
2904 equipment associated with the higher class of license has been  
2905 removed and submits the required reinspection fee.

2906           (g) A ~~Ne~~ permit of any class may not ~~shall~~ be issued or  
2907 renewed to a person by the division ~~State Fire Marshal~~, and a ne  
2908 permit of any class does not ~~shall~~ remain operative, unless the  
2909 person has:

2910           1. Submitted a nonrefundable examination fee in the amount  
2911 of \$50.~~7~~

2912           2. Successfully completed a training course offered by the  
2913 State Fire College or an equivalent course approved by the State  
2914 Fire Marshal.~~7~~ ~~and~~

2915           3. Passed, with a grade of at least 70 percent, a written  
2916 examination testing his or her knowledge of the rules and  
2917 statutes governing ~~regulating~~ the activities authorized by the  
2918 permit and demonstrating his or her knowledge and ability to  
2919 perform those tasks in a competent, lawful, and safe manner.  
2920 Such examination must ~~shall~~ be developed and administered by the  
2921 State Fire Marshal in accordance with the policies and  
2922 procedures of the State Fire Marshal. An examination fee must  
2923 ~~shall~~ be paid for each examination scheduled. A ~~Ne~~ reexamination  
2924 may not ~~shall~~ be scheduled sooner than 30 days after any  
2925 administration of an examination to an applicant. An ~~Ne~~  
2926 applicant may not ~~shall~~ be permitted to take an examination for  
2927 any level of permit more than four times during 1 year,  
2928 regardless of the number of applications submitted. As a  
2929 prerequisite to taking the permit examination, the applicant

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2930 must be at least 16 years of age.

2931 (h)~~(g)~~ An applicant for a license or permit under this  
2932 section who fails the examination may take it three more times  
2933 during the 1-year period after he or she originally filed an  
2934 application for the examination. If the applicant fails the  
2935 examination within 1 year after the application date and he or  
2936 she seeks to retake the examination, he or she must file a new  
2937 application, pay the application and examination fees, and  
2938 successfully complete a prescribed training course offered by  
2939 the State Fire College or an equivalent course approved by the  
2940 State Fire Marshal. The applicant may not submit a new  
2941 application within 6 months after the date of his or her fourth  
2942 ~~last~~ reexamination. An applicant who passes the examination but  
2943 does not meet the remaining qualifications prescribed by law and  
2944 rule within 1 year after the application date must file a new  
2945 application, pay the application and examination fee,  
2946 successfully complete a prescribed training course approved by  
2947 the State Fire College or an equivalent course approved by the  
2948 State Fire Marshal, and pass the written examination.

2949 (9) ~~The provisions of This section does chapter do~~ not  
2950 apply to inspections by fire chiefs, fire inspectors, fire  
2951 marshals, or insurance company inspectors.

2952 Section 36. Section 633.065, Florida Statutes, is  
2953 transferred and renumbered as section 633.306, Florida Statutes,  
2954 and paragraph (a) of subsection (1) of that section is amended,  
2955 to read:

2956 633.306 ~~633.065~~ Requirements for installation, inspection,  
2957 and maintenance of fire suppression equipment.—

2958 (1) The requirements for installation of fire extinguishers

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2959 and preengineered systems are as follows:

2960 (a) Fire equipment dealers shall be licensed under s.  
2961 633.304 ~~633.061~~.

2962 Section 37. Section 633.071, Florida Statutes, is  
2963 transferred and renumbered as section 633.308, Florida Statutes,  
2964 and subsection (2) of that section is amended, to read:

2965 633.308 ~~633.071~~ Standard service tag required on all fire  
2966 extinguishers and preengineered systems; serial number required  
2967 on all portable fire extinguishers; standard inspection tags  
2968 required on all fire protection systems.—

2969 (2) All portable fire extinguishers required by statute or  
2970 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,  
2971 or approved by Factory Mutual Laboratories, Inc., or listed by a  
2972 nationally recognized testing laboratory in accordance with  
2973 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and  
2974 carry an Underwriters Laboratories, Inc., or manufacturer's  
2975 serial number. These listings, approvals, and serial numbers may  
2976 be stamped on the manufacturer's identification and instructions  
2977 plate or on a separate Underwriters Laboratories, Inc., or  
2978 Factory Mutual Laboratories, Inc., plate soldered or attached to  
2979 the extinguisher shell in some permanent manner.

2980 Section 38. Section 633.082, Florida Statutes, is  
2981 transferred and renumbered as section 633.312, Florida Statutes,  
2982 and subsections (2) and (3) of that section are amended, to  
2983 read:

2984 633.312 ~~633.082~~ Inspection of fire control systems, fire  
2985 hydrants, and fire protection systems.—

2986 (2) Fire hydrants and fire protection systems installed in  
2987 public and private properties, except one-family or two-family

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2988 dwellings, shall be inspected following procedures established  
2989 in the nationally recognized inspection, testing, and  
2990 maintenance standards publications NFPA-24 and NFPA-25 as set  
2991 forth in the edition adopted by the State Fire Marshal.  
2992 Quarterly, annual, 3-year, and 5-year inspections consistent  
2993 with the contractual provisions with the owner shall be  
2994 conducted by the certificateholder or permittees employed by the  
2995 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

2996 (a) Public fire hydrants owned by a governmental entity  
2997 shall be inspected following procedures established in the  
2998 inspection, testing, and maintenance standards adopted by the  
2999 State Fire Marshal or equivalent standards such as those  
3000 contained in the latest edition of the American Water Works  
3001 Association's Manual M17, "Installation, Field Testing, and  
3002 Maintenance of Fire Hydrants."

3003 (b) County, municipal, and special district utilities may  
3004 perform fire hydrant inspections required by this section using  
3005 designated employees. Such designated employees need not be  
3006 certified under this chapter. However, counties, municipalities,  
3007 or special districts that use designated employees are  
3008 responsible for ensuring that the designated employees are  
3009 qualified to perform such inspections.

3010 (3) The inspecting contractor shall provide to the building  
3011 owner or hydrant owner and the local authority having  
3012 jurisdiction a copy of the applicable inspection report  
3013 established under this chapter. The maintenance of fire hydrant  
3014 and fire protection systems as well as corrective actions on  
3015 deficient systems is the responsibility of the owner of the  
3016 system or hydrant. Equipment requiring periodic testing or



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3017 operation to ensure its maintenance shall be tested or operated  
3018 as specified in the Fire Prevention Code, Life Safety Code,  
3019 National Fire Protection Association standards, or as directed  
3020 by the appropriate authority ~~agency having jurisdiction~~,  
3021 provided that such appropriate authority ~~may~~ ~~agency shall~~ not  
3022 require a sprinkler system not required by the Fire Prevention  
3023 Code, Life Safety Code, or National Fire Protection Association  
3024 standards to be removed regardless of its condition. This  
3025 section does not prohibit governmental entities from inspecting  
3026 and enforcing firesafety codes.

3027 Section 39. Section 633.083, Florida Statutes, is  
3028 transferred and renumbered as section 633.314, Florida Statutes,  
3029 and subsection (3) of that section is amended, to read:

3030 633.314 ~~633.083~~ Sale or use of certain types of fire  
3031 extinguishers prohibited; penalty.—

3032 (3) A person who violates ~~any of the provisions of~~ this  
3033 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
3034 punishable as provided in s. 775.082 or s. 775.083.

3035 Section 40. Section 633.162, Florida Statutes, is  
3036 transferred and renumbered as section 633.316, Florida Statutes,  
3037 and subsection (1) and paragraph (e) of subsection (4) of that  
3038 section are amended, to read:

3039 633.316 ~~633.162~~ Fire suppression system contractors;  
3040 disciplinary action.—

3041 (1) The violation of any provision of this chapter or any  
3042 rule adopted and adopted ~~promulgated~~ pursuant hereto or the  
3043 failure or refusal to comply with any notice or order to correct  
3044 a violation or any cease and desist order by a ~~any~~ person who  
3045 possesses a license or permit issued pursuant to s. 633.304

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3046 ~~633.061~~ is cause for denial, nonrenewal, revocation, or  
3047 suspension of such license or permit by the State Fire Marshal  
3048 after such officer has determined that the person committed ~~is~~  
3049 ~~guilty of~~ such violation. An order of suspension must ~~shall~~  
3050 state the period ~~of time~~ of such suspension, which period may  
3051 not be in excess of 2 years from the date of such order. An  
3052 order of revocation may be entered for a period not exceeding 5  
3053 years. Such orders shall effect suspension or revocation of all  
3054 licenses or permits issued by the division to ~~then held by~~ the  
3055 person, and during such period a ~~of time~~ ~~no~~ license or permit  
3056 may not ~~shall~~ be issued by the division to such person. During  
3057 the suspension or revocation of any license or permit, the  
3058 former licensee or permittee may ~~shall~~ not engage in or attempt  
3059 or profess to engage in any transaction or business for which a  
3060 license or permit is required under this chapter or directly or  
3061 indirectly own, control, or be employed in any manner by any  
3062 firm, business, or corporation for which a license or permit  
3063 under this chapter is required. If, during the period between  
3064 the beginning of proceedings and the entry of an order of  
3065 suspension or revocation by the State Fire Marshal, a new  
3066 license or permit has been issued by the division to the person  
3067 so charged, the order of suspension or revocation shall operate  
3068 to suspend or revoke such new license or permit held by such  
3069 person.

3070 (4) In addition to the grounds set forth in subsection (1),  
3071 it is cause for denial, nonrenewal, revocation, or suspension of  
3072 a license or permit by the State Fire Marshal if she or he  
3073 determines that the licensee or permittee has:

3074 (e) Failed to provide proof of insurance to the State Fire

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3075 Marshal or failed to maintain in force the insurance coverage  
3076 required by s. 633.304 ~~633.061~~.

3077 Section 41. Section 633.521, Florida Statutes, is  
3078 transferred and renumbered as section 633.318, Florida Statutes,  
3079 and subsection (1), paragraph (a) of subsection (2), paragraphs  
3080 (c) and (g) of subsection (3), and subsections (4), (8), and  
3081 (11) of that section are amended, to read:

3082 633.318 ~~633.521~~ Certificate application and issuance;  
3083 permit issuance; examination and investigation of applicant.—

3084 (1) To obtain a fire protection system contractor's  
3085 certificate, an applicant shall submit to the division ~~State~~  
3086 ~~Fire Marshal~~ an application in writing, on a form provided by  
3087 the division ~~State Fire Marshal~~ containing the information  
3088 prescribed, which shall be accompanied by the fee fixed herein,  
3089 containing a statement that the applicant desires the issuance  
3090 of a certificate and stating the class of certificate requested.

3091 (2) (a) Examinations shall be administered by the division  
3092 ~~State Fire Marshal~~ and held at times and places within the state  
3093 as the division ~~State Fire Marshal~~ determines, but there shall  
3094 be at least two examinations a year. Each applicant shall take  
3095 and pass an objective, written examination of her or his fitness  
3096 for a certificate in the class for which the application is  
3097 requested. There shall be a type of examination for each class  
3098 of certificate for contractors as of the classes of certificates  
3099 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~  
3100 test the applicant's ability to lay out, fabricate, install,  
3101 alter, repair, and inspect fire protection systems and their  
3102 appurtenances and must ~~shall~~ test the applicant's fitness in  
3103 business and financial management. The test must ~~shall~~ be based

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3104 on applicable standards of the National Fire Protection  
3105 Association and on relevant Florida and federal laws pertaining  
3106 to the construction industry, safety standards, administrative  
3107 procedures, and pertinent technical data.

3108 (3)

3109 (c) Required education and experience for certification as  
3110 a Contractor I, Contractor II, Contractor III, or Contractor IV  
3111 includes training and experience in both installation and system  
3112 layout as defined in s. 633.102 ~~633.021~~.

3113 (g) Within 30 days after the date of the examination, the  
3114 division ~~State Fire Marshal~~ shall inform the applicant in  
3115 writing whether she or he has qualified or not and, if the  
3116 applicant has qualified, that she or he is eligible ~~ready~~ to be  
3117 issued ~~issue~~ a certificate of competency, subject to compliance  
3118 with the requirements of subsection (4).

3119 (4) As a prerequisite to issuance of a certificate, the  
3120 division must ~~State Fire Marshal shall~~ require the applicant to  
3121 submit satisfactory evidence that she or he has obtained  
3122 insurance providing coverage for comprehensive general liability  
3123 for bodily injury and property damages, products liability,  
3124 completed operations, and contractual liability. The division  
3125 ~~State Fire Marshal~~ may adopt rules providing for the amount of  
3126 insurance, but such amount shall not be less than \$500,000 for a  
3127 Contractor I, Contractor II, Contractor III, or Contractor V and  
3128 shall not be less than \$250,000 for a Contractor IV. An insurer  
3129 which provides such coverage shall notify ~~within 30 days~~ the  
3130 division within 30 days ~~State Fire Marshal~~ of any material  
3131 change in coverage or any termination, cancellation, or  
3132 nonrenewal of such coverage. An insurer which fails to so notify

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3133 the division ~~State Fire Marshal's office~~ shall be subject to the  
3134 penalties provided under s. 624.4211.

3135 (8) An individual employed by a Contractor I or Contractor  
3136 II certificateholder, as established in this section, who will  
3137 be inspecting water-based fire protection systems as required  
3138 under s. 633.312 ~~633.082~~, must be issued a permit by the  
3139 division ~~State Fire Marshal~~ to conduct such work. The permit is  
3140 valid solely for use by the holder thereof in his or her  
3141 employment by the certificateholder named in the permit. A  
3142 permittee must have a valid and subsisting permit upon his or  
3143 her person at all times while engaging in inspecting fire  
3144 protection systems, and a permitholder must be able to produce  
3145 such a permit upon demand. In addition, a permittee shall, at  
3146 all times while performing inspections, carry an identification  
3147 card containing his or her photograph and other identifying  
3148 information as prescribed by the State Fire Marshal, and the  
3149 permittee must produce the identification card and information  
3150 upon demand. The permit and the identification may be one and  
3151 the same. A permittee is limited as to the specific type of work  
3152 performed, depending upon the class of certificate held by the  
3153 certificateholder under whom the permittee is working. The  
3154 permit class shall be known as a Water-Based Fire Protection  
3155 Inspector whose permit allows the holder to inspect water  
3156 sprinkler systems, water spray systems, foam-water sprinkler  
3157 systems, foam-water spray systems, standpipes, combination  
3158 standpipes and sprinkler systems, all piping that is an integral  
3159 part of the system beginning at the point where the piping is  
3160 used exclusively for fire protection, sprinkler tank heaters,  
3161 air lines, thermal systems used in connection with sprinklers,

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3162 and tanks and pumps connected thereto, excluding preengineered  
3163 systems.

3164 (11) It is intended that a certificateholder, or a  
3165 permitholder who is employed by a certificateholder, conduct  
3166 inspections required by this chapter. It is understood that  
3167 after July 1, 2008, employee turnover may result in a depletion  
3168 of personnel who are certified under the NICET Sub-field of  
3169 Inspection and Testing of Fire Protection Systems Level II or  
3170 equivalent training and education as required by the division of  
3171 ~~State Fire Marshal~~. A certificateholder may obtain a provisional  
3172 permit with an endorsement for inspection, testing, and  
3173 maintenance of water-based fire extinguishing systems for an  
3174 employee if the employee has initiated procedures for obtaining  
3175 Level II certification from the National Institute for  
3176 Certification in Engineering Technologies Sub-field of  
3177 Inspection and Testing of Fire Protection Systems and achieved  
3178 Level I certification or an equivalent level as determined by  
3179 the State Fire Marshal through verification of experience,  
3180 training, and examination. The division ~~State Fire Marshal~~ may  
3181 establish rules to administer this subsection. After 2 years of  
3182 provisional certification, the employee must have achieved NICET  
3183 Level II certification or obtain equivalent training and  
3184 education as determined by the division, or cease performing  
3185 inspections requiring Level II certification. The provisional  
3186 permit is valid only for the 2 calendar years after the date of  
3187 issuance, may not be extended, and is not renewable. After the  
3188 initial 2-year provisional permit expires, the certificateholder  
3189 must wait 2 additional years before a new provisional permit may  
3190 be issued. The intent is to prohibit the certificateholder from

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3191 using employees who never reach NICET Level II status, or  
3192 equivalent training and education as determined by the division,  
3193 by continuously obtaining provisional permits.

3194 Section 42. Section 633.551, Florida Statutes, is  
3195 transferred and renumbered as section 633.322, Florida Statutes,  
3196 and subsections (1) through (3) of that section are amended, to  
3197 read:

3198 633.322 ~~633.551~~ County, ~~and~~ municipal, ~~and~~ special district  
3199 powers; effect of ch. 75-240.—

3200 (1) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the  
3201 power of a municipality, ~~or~~ county, or special district to  
3202 regulate the quality and character of work performed by  
3203 contractors through a system of permits, fees, and inspections  
3204 which are designed to secure compliance with, and aid in the  
3205 implementation of, state and local building laws or to enforce  
3206 other local laws for the protection of the public health and  
3207 safety.

3208 (2) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the  
3209 power of a municipality, ~~or~~ county, or special district to adopt  
3210 any system of permits requiring submission to and approval by  
3211 the municipality, ~~or~~ county, or special district of plans and  
3212 specifications for work to be performed by contractors before  
3213 commencement of the work, except that a ~~no~~ municipality, ~~or~~  
3214 county, or special district may not ~~shall~~ require a fire  
3215 protection system contractor's shop drawings to be sealed by a  
3216 professional engineer.

3217 (3) An ~~Any~~ official authorized to issue building or other  
3218 related permits shall ascertain that the applicant contractor is  
3219 duly certified before issuing the permit. The evidence shall

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3220 consist only of the exhibition to him or her of ~~current~~ evidence  
3221 of current certification.

3222 Section 43. Section 633.527, Florida Statutes, is  
3223 transferred and renumbered as section 633.324, Florida Statutes.

3224 Section 44. Section 633.531, Florida Statutes, is  
3225 transferred and renumbered as section 633.326, Florida Statutes.

3226 Section 45. Section 633.534, Florida Statutes, is  
3227 transferred and renumbered as section 633.328, Florida Statutes,  
3228 and subsection (4) of that section is amended, to read:

3229 633.328 ~~633.534~~ Issuance of certificate to individuals and  
3230 business organizations.—

3231 (4) ~~If~~ When the certified business organization makes  
3232 application for an occupational license in any municipality or  
3233 county of this state, the application must ~~shall~~ be made with  
3234 the tax collector in the name of the business organization, and  
3235 the license, when issued, shall be issued to the business  
3236 organization upon payment of the appropriate licensing fee and  
3237 exhibition to the tax collector of a valid certificate issued by  
3238 the division ~~State Fire Marshal~~.

3239 Section 46. Section 633.537, Florida Statutes, is  
3240 transferred and renumbered as section 633.332, Florida Statutes,  
3241 and subsections (1) and (2) and paragraph (a) of subsection (3)  
3242 of that section are amended, to read:

3243 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive  
3244 certificate; continuing education.—

3245 (1) Certificates shall expire every 2 years at midnight on  
3246 June 30. ~~Effective with the June 30, 1998, renewal,~~ All  
3247 certificates must be renewed every 2 years. The failure to renew  
3248 a certificate before ~~during~~ June 30, shall cause the certificate



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3249 to become inoperative, and it is unlawful thereafter for a ~~any~~  
3250 person to engage, offer to engage, or hold herself or himself  
3251 out as engaging in contracting under the certificate unless the  
3252 certificate is restored or reissued. A certificate which is  
3253 inoperative because of failure to renew shall be restored on  
3254 payment of the proper renewal fee if the application for  
3255 restoration is made within 90 days after June 30. If the  
3256 application for restoration is not made within the 90-day  
3257 period, the fee for restoration must ~~shall~~ be equal to the  
3258 original application fee, and, in addition, the State Fire  
3259 Marshal must ~~shall~~ require examination or reexamination of the  
3260 applicant.

3261 (2) A person who holds a valid certificate may maintain  
3262 such certificate in an inactive status during which time she or  
3263 he may not engage in contracting. An inactive status certificate  
3264 shall be void after a 2-year period. ~~The biennial renewal fee~~  
3265 ~~for an inactive status certificate shall be \$75.~~ An inactive  
3266 status certificate may be reactivated upon application to the  
3267 State Fire Marshal and payment of the initial application fee.

3268 (3) (a) A certificate for the Contractor I, II, and III  
3269 classifications as defined in this chapter may ~~shall~~ not be  
3270 renewed unless the certificateholder produces documentation of  
3271 at least 32 contact hours of continuing education in the fire  
3272 protection discipline during the biennial licensure period.  
3273 Holders of Contractor IV certificates are required to obtain 14  
3274 contact hours of continuing education encompassing the  
3275 appropriate National Fire Protection Association fire sprinkler  
3276 documents before ~~prior to~~ renewal. Holders of Contractor V  
3277 certificates are required to obtain 14 contact hours of

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3278 continuing education before ~~prior to~~ renewal, at least 1 hour of  
3279 which is in the fire protection discipline. Any continuing  
3280 education hours approved pursuant to chapter 489 by the  
3281 Construction Industry Licensing Board for underground utility  
3282 and excavation contractors shall be considered as also approved  
3283 to comply with Contractor V continuing education requirements. A  
3284 Contractor V certificateholder shall provide to the State Fire  
3285 Marshal evidence of approval of such coursework by the  
3286 Construction Industry Licensing Board.

3287 Section 47. Section 633.539, Florida Statutes, is  
3288 transferred and renumbered as section 633.334, Florida Statutes,  
3289 and paragraph (a) of subsection (1) and subsections (2) and (4)  
3290 of that section are amended, to read:

3291 633.334 ~~633.539~~ Requirements for installation, inspection,  
3292 and maintenance of fire protection systems.—

3293 (1) The requirements for installation of fire protection  
3294 systems are as follows:

3295 (a) Contractors of fire protection systems shall be  
3296 certified under s. 633.318 ~~633.521~~.

3297 (2) Equipment shall be inspected, serviced, and maintained  
3298 in accordance with the manufacturer's maintenance procedures and  
3299 with applicable National Fire Protection Association standards.  
3300 The inspection of fire protection systems shall be conducted by  
3301 a certificateholder or holder of a permit issued by the division  
3302 ~~State Fire Marshal~~. The permitholder may perform inspections on  
3303 fire protection systems only while employed by the  
3304 certificateholder. This section does not prohibit the authority  
3305 having jurisdiction or insurance company representatives from  
3306 reviewing the system in accordance with acceptable oversight

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3307 standards.

3308 (4) The Contractor V may install the cross-connection  
3309 backflow prevention device as defined in this chapter on new  
3310 installations following the engineer of record's direction on  
3311 the type and size of the device. The retrofitting of a backflow  
3312 device on an existing fire protection system will cause a  
3313 reduction in available water pressure and probable system  
3314 malfunction. The development of aboveground fire protection  
3315 system hydraulic calculations is a task of the Contractor I and  
3316 II, as defined in this chapter. Accordingly, a Contractor V is  
3317 expressly prohibited from retrofitting cross-connection backflow  
3318 prevention devices on an existing fire protection system, and  
3319 only a Contractor I or Contractor II who is tasked to  
3320 recalculate the system and take corrective actions to ensure  
3321 that the system will function with the available water supply  
3322 may retroactively install these backflow devices on existing  
3323 fire protection systems.

3324 Section 48. Section 633.541, Florida Statutes, is  
3325 transferred and renumbered as section 633.336, Florida Statutes,  
3326 and subsections (1), (3), and (4) of that section are amended,  
3327 to read:

3328 633.336 ~~633.541~~ Contracting without certificate prohibited;  
3329 violations; penalty.—

3330 (1) It is unlawful for any organization or individual to  
3331 engage in the business of layout, fabrication, installation,  
3332 inspection, alteration, repair, or service of a fire protection  
3333 system, other than a preengineered system, act in the capacity  
3334 of a fire protection contractor, or advertise itself as being a  
3335 fire protection contractor without having been duly certified

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3336 and holding a valid and existing certificate, except as  
3337 hereinafter provided. The holder of a certificate used to  
3338 qualify an organization must be a full-time employee of the  
3339 qualified organization or business. A certificateholder who is  
3340 employed by more than one fire protection contractor during the  
3341 same ~~period of~~ time is deemed not to be a full-time employee of  
3342 either contractor. The State Fire Marshal shall revoke, for a  
3343 period ~~of time~~ determined by the State Fire Marshal, the  
3344 certificate of a certificateholder who allows the use of the  
3345 certificate to qualify a company of which the certificateholder  
3346 is not a full-time employee. A contractor who maintains more  
3347 than one place of business must employ a certificateholder at  
3348 each location. ~~Nothing in~~ This subsection does not prohibit  
3349 ~~prohibits~~ an employee acting on behalf of governmental entities  
3350 from inspecting and enforcing firesafety codes, provided such  
3351 employee is certified under s. 633.216 ~~633.081~~.

3352 (3) ~~A~~ Any person who violates any provision of this act or  
3353 commits any of the acts constituting cause for disciplinary  
3354 action as herein set forth commits ~~is guilty of~~ a misdemeanor of  
3355 the second degree, punishable as provided in s. 775.082 or s.  
3356 775.083.

3357 (4) In addition to the penalties provided in subsection  
3358 (3), a fire protection contractor certified under this chapter  
3359 who violates any provision of this section or who commits any  
3360 act constituting cause for disciplinary action is subject to  
3361 suspension or revocation of the certificate and administrative  
3362 fines pursuant to s. 633.338 ~~633.547~~.

3363 Section 49. Section 633.547, Florida Statutes, is  
3364 transferred and renumbered as section 633.338, Florida Statutes,

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3365 and paragraphs (d) and (h) of subsection (2) and subsection (3)  
3366 of that section are amended, to read:

3367 633.338 ~~633.547~~ Disciplinary action; fire protection system  
3368 contractors; grounds for denial, nonrenewal, suspension, or  
3369 revocation of certificate or permit.—

3370 (2) The following acts constitute cause for disciplinary  
3371 action:

3372 (d) Disciplinary action by any municipality, ~~or~~ county, or  
3373 special district, which action shall be reviewed by the State  
3374 Fire Marshal before taking any disciplinary action.

3375 (h) Failing to provide proof of insurance to the State Fire  
3376 Marshal or failing to maintain in force the insurance coverage  
3377 required by s. 633.318 ~~633.521~~.

3378 (3) The State Fire Marshal ~~is authorized to take the~~  
3379 ~~following disciplinary action:~~

3380 ~~(a) She or he may suspend the contractor's certificate~~  
3381 ~~certificateholder for a period of up to not to exceed 2 years.~~  
3382 ~~During that period, the contractor must cease all operations as~~  
3383 ~~a contractor, but the State Fire Marshal may authorize the~~  
3384 ~~certificateholder from all operations as a contractor during the~~  
3385 ~~period fixed by the State Fire Marshal, but she or he may permit~~  
3386 ~~the certificateholder to complete any contracts then incomplete.~~

3387 ~~(b) She or he may revoke a certificate for a period not to~~  
3388 ~~exceed 5 years.~~

3389 Section 50. Section 633.549, Florida Statutes, is  
3390 transferred, renumbered as section 633.342, Florida Statutes,  
3391 and amended to read:

3392 633.342 ~~633.549~~ Violations subject to injunction.—A ~~Any~~  
3393 person who operates as a contractor without a current

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3394 certificate or who violates any part of this chapter or any  
3395 rule, decision, order, direction, demand, or requirement of the  
3396 State Fire Marshal in relation thereto, or any part or provision  
3397 thereof, may be enjoined by the courts of the state from any  
3398 such violation or such unauthorized or unlawful contracting at  
3399 the request ~~instance~~ of the State Fire Marshal, the board, or  
3400 any resident ~~citizen~~ or taxpayer of the state.

3401 Section 51. Section 633.554, Florida Statutes, is  
3402 transferred and renumbered as section 633.344, Florida Statutes.

3403 Section 52. Section 633.70, Florida Statutes, is  
3404 transferred and renumbered as section 633.346, Florida Statutes,  
3405 and subsection (1) of that section is amended, to read:

3406 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over  
3407 alarm system contractors and certified unlimited electrical  
3408 contractors.-

3409 (1) If ~~When~~ the State Fire Marshal, in the course of its  
3410 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that  
3411 an alarm system contractor or a certified unlimited electrical  
3412 contractor working with an alarm system has violated any  
3413 provision of this chapter or the rules of the State Fire  
3414 Marshal, the State Fire Marshal shall have jurisdiction,  
3415 notwithstanding any other provision of this chapter, to order  
3416 corrective action by the alarm system contractor or the  
3417 certified unlimited electrical contractor to bring the alarm  
3418 system into compliance with applicable standards set forth in  
3419 this chapter and the rules of the State Fire Marshal.

3420 Section 53. Section 633.701, Florida Statutes, is  
3421 transferred and renumbered as section 633.348, Florida Statutes.

3422 Section 54. Section 633.702, Florida Statutes, is

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3423 transferred and renumbered as section 633.3482, Florida  
3424 Statutes, and subsection (2) and paragraph (c) of subsection (3)  
3425 of that section are amended, to read:

3426 633.3482 ~~633.702~~ Prohibited acts regarding alarm system  
3427 contractors or certified unlimited electrical contractors;  
3428 penalties.—

3429 (2) A ~~Any~~ person who violates this section commits is  
3430 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
3431 provided in s. 775.082 or s. 775.083.

3432 (3) It is a misdemeanor of the first degree, punishable as  
3433 provided in s. 775.082 or s. 775.083, for any fire alarm system  
3434 contractor or certified unlimited electrical contractor to  
3435 intentionally or willfully:

3436 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with  
3437 a ~~any~~ person by allowing one's certificate to be used by an ~~any~~  
3438 uncertified person with intent to evade ~~the provisions of~~ this  
3439 act. When a licensee allows his or her license to be used by one  
3440 or more companies without having any active participation in the  
3441 operation or management of the ~~said~~ companies, such act  
3442 constitutes prima facie evidence of any intent to evade ~~the~~  
3443 ~~provisions of~~ this chapter ~~act~~.

3444 Section 55. The Division of Law Revision and Information is  
3445 directed to create part IV of chapter 633, Florida Statutes,  
3446 consisting of sections 633.402, 633.404, 633.406, 633.408,  
3447 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,  
3448 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,  
3449 and 633.446, Florida Statutes, to be entitled "Fire Standards  
3450 and Training."

3451 Section 56. Section 633.31, Florida Statutes, is

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3452 transferred and renumbered as section 633.402, Florida Statutes,  
3453 subsection (1) of that section is amended, and new subsections  
3454 (5) through (9) are added to that section, to read:

3455 633.402 ~~633.31~~ Firefighters Employment, Standards, and  
3456 Training Council; organization; meetings; quorum; compensation;  
3457 seal; special powers; firefighter training.—

3458 (1) There is created within the department a Firefighters  
3459 Employment, Standards, and Training Council of 14 ~~13~~ members.

3460 (a) The members shall be appointed as follows:

3461 1. Two members shall be fire chiefs appointed by the  
3462 Florida Fire Chiefs Association.₪

3463 2. Two members shall be firefighters, who are not officers,  
3464 appointed by the Florida Professional Firefighters Association.₪

3465 3. Two members shall be firefighter officers, who are not  
3466 fire chiefs, appointed by the State Fire Marshal.₪

3467 4. One individual member appointed by the Florida League of  
3468 Cities.₪

3469 5. One individual member appointed by the Florida  
3470 Association of Counties.₪

3471 6. One individual member appointed by the Florida  
3472 Association of Special Districts.₪

3473 7. One individual member appointed by the Florida Fire  
3474 Marshals' and Inspectors' Association.₪ ~~and~~

3475 8. One employee of the Florida Forest Service of the  
3476 Department of Agriculture and Consumer Services appointed by the  
3477 director of the Florida Forest Service.

3478 9. One individual member appointed by the State Fire  
3479 Marshal.₪ ~~and~~

3480 10. One member shall be a director or instructor of a



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3481 state-certified firefighting training facility appointed by the  
3482 State Fire Marshal.

3483 11. The remaining member, who shall be appointed by the  
3484 State Fire Marshal, may not be a member or representative of the  
3485 firefighting profession or of any local government.

3486 (b) To be eligible for appointment as a member under  
3487 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,  
3488 subparagraph (a)8., or subparagraph (a)10. ~~fire chief member,~~  
3489 ~~firefighter officer member, firefighter member, or a director or~~  
3490 ~~instructor of a state-certified firefighting facility,~~ a person  
3491 must ~~shall~~ have had at least 4 years' experience in the  
3492 firefighting profession. ~~The remaining member, who shall be~~  
3493 ~~appointed by the State Fire Marshal, shall not be a member or~~  
3494 ~~representative of the firefighting profession or of any local~~  
3495 ~~government.~~ Members shall serve only as long as they continue to  
3496 meet the criteria under which they were appointed, or unless a  
3497 member has failed to appear at three consecutive and properly  
3498 noticed meetings unless excused by the chair.

3499 (5) The council shall elect to 1-year terms a chair and a  
3500 vice chair. A person may not serve more than two consecutive  
3501 terms in either office.

3502 (6) The council shall meet at the call of the chair, at the  
3503 request of a majority of its membership, at the request of the  
3504 department, or at such times as are prescribed by its rules, and  
3505 a majority of the council shall constitute a quorum.

3506 (7) Members of the council shall serve without compensation  
3507 but shall be entitled to be reimbursed for per diem and travel  
3508 expenses as provided by s. 112.061.

3509 (8) The council may adopt a seal for its use containing the

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3510 words "Firefighters Employment, Standards, and Training  
3511 Council."

3512 (9) The council shall have special powers in connection  
3513 with the employment and training of firefighters to:

3514 (a) Recommend, for adoption by the division, uniform  
3515 minimum standards for the employment and training of  
3516 firefighters and training of volunteer firefighters.

3517 (b) Recommend, for adoption by the division, minimum  
3518 curriculum requirements for schools operated by or for any fire  
3519 service provider for the specific purpose of training  
3520 firefighter trainees, firefighters, and volunteer firefighters.

3521 (c) Recommend, for adoption by the division, on matters  
3522 relating to the funding, general operation, and administration  
3523 of the Bureau of Fire Standards and Training (Florida State Fire  
3524 College), including, but not limited to, all standards,  
3525 training, curriculum, and the issuance of any certificate of  
3526 competency required by this chapter.

3527 (d) Make or support studies on any aspect of firefighting  
3528 employment, education, and training or recruitment.

3529 (e) Make recommendations concerning any matter within its  
3530 purview pursuant to this section.

3531 Section 57. Section 633.42, Florida Statutes, is  
3532 transferred, renumbered as section 633.404, Florida Statutes,  
3533 and amended to read:

3534 633.404 ~~633.42~~ Additional standards authorized.—Nothing  
3535 herein shall be construed to preclude a fire service provider ~~an~~  
3536 ~~employing agency~~ from establishing qualifications and standards  
3537 for hiring, training, or promoting firefighters that exceed the  
3538 minimum set by the division ~~department~~.

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3539 Section 58. Section 633.406, Florida Statutes, is created  
3540 to read:

3541 633.406 Classes of certification.—

3542 (1) The division may award one or more of the following  
3543 certificates:

3544 (a) Firefighter Certificate of Compliance.—A Firefighter  
3545 Certificate of Compliance may be awarded to a person who meets  
3546 the requirements established in s. 633.408(4).

3547 (b) Fire Safety Inspector Certificate of Compliance.—A Fire  
3548 Safety Inspector Certificate of Compliance may be awarded to a  
3549 person who meets the requirements established in s. 633.216(2).

3550 (c) Special Certificate of Compliance.—A Special  
3551 Certificate of Compliance may be awarded to a person who  
3552 qualifies under s. 633.408(6).

3553 (d) Forestry Certificate of Compliance.—A Forestry  
3554 Certificate of Compliance may be awarded to a person who has  
3555 satisfactorily complied with a training program and successfully  
3556 passed an examination as prescribed by rule, and who possesses  
3557 the qualifications established in s. 590.02(1)(e).

3558 (e) Fire Service Instructor Certificate.—A Fire Service  
3559 Instructor Certificate may be awarded to a person who  
3560 demonstrates general or specialized knowledge, skills, and  
3561 abilities in firefighting service and meets the qualification  
3562 requirements prescribed by rule.

3563 (f) Certificate of Competency.—A Certificate of Competency  
3564 may be awarded to a person who meets the experience, training,  
3565 advanced education, or examination requirements as prescribed by  
3566 rule, and is especially qualified for particular aspects of  
3567 firefighting service.

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3568 (g) Volunteer Firefighter Certificate of Completion.—A  
3569 Volunteer Firefighter Certificate of Completion may be awarded  
3570 to a person who has satisfactorily completed the training  
3571 requirements as prescribed by rule for a volunteer firefighter.

3572 (2) The division may establish by rule certificates, in  
3573 addition to those provided in subsection (1), that the division  
3574 may award in recognition of special training or education  
3575 received by an individual, authorizing that individual to  
3576 perform specialized firefighting services or provide specialized  
3577 firefighting instruction, such as hazardous materials and urban  
3578 search and rescue.

3579 Section 59. Section 633.35, Florida Statutes, is  
3580 transferred, renumbered as section 633.408, Florida Statutes,  
3581 and amended to read:

3582 633.408 ~~633.35~~ Firefighter and volunteer firefighter  
3583 training and certification.—

3584 (1) The division shall establish by rule:

3585 (a) A Minimum Standards Course and course examination to  
3586 provide the training required to obtain a Firefighter  
3587 Certificate of Compliance.

3588 (b) Courses and course examinations to provide training  
3589 required to obtain a Volunteer Firefighter Certificate of  
3590 Completion or a Special Certificate of Compliance.

3591 (c) Courses to provide continuing training for firefighters  
3592 and volunteer firefighters.

3593 (2) Courses under subsection (1) may only be administered  
3594 by education or training providers approved by the division  
3595 pursuant to s. 633.128(1)(c) and taught by instructors certified  
3596 pursuant to s. 633.128(1)(d) ~~a firefighter training program of~~

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3597 ~~not less than 360 hours, administered by such agencies and~~  
3598 ~~institutions as it approves for the purpose of providing basic~~  
3599 ~~employment training for firefighters.~~

3600 (3) (a) Nothing herein shall require a fire service provider  
3601 ~~public employer~~ to pay the cost of such training.

3602 (b) A fire service provider may pay part or all of the  
3603 costs of tuition for attendance at approved courses.

3604 (4) (2) The division shall issue a firefighter certificate  
3605 of compliance to an any individual who does all of the  
3606 following:

3607 (a) person Satisfactorily completes ~~complying with the~~  
3608 Minimum Standards Course or who has satisfactorily completed  
3609 training for firefighters in another state which has been  
3610 determined by the division to be at least the equivalent of the  
3611 training required for the Minimum Standards Course.

3612 (b) Passes the Minimum Standards Course examination.  
3613 ~~training program established in subsection (1), who has~~  
3614 ~~successfully passed an examination as prescribed by the~~  
3615 ~~division, and~~

3616 (c) who Possesses the qualifications for employment in s.  
3617 633.412 633.34, except s. 633.34(5).

3618 (5) The division shall issue a Volunteer Firefighter  
3619 Certificate of Completion to any individual who satisfactorily  
3620 completes the course established under paragraph (1) (b) No  
3621 ~~person may be employed as a regular or permanent firefighter by~~  
3622 ~~an employing agency, or by a private entity under contract with~~  
3623 ~~the state or any political subdivision of the state, including~~  
3624 ~~authorities and special districts, for a period of time in~~  
3625 ~~excess of 1 year from the date of initial employment until he or~~

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3626 ~~she has obtained such certificate of compliance. A person who~~  
3627 ~~does not hold a certificate of compliance and is employed under~~  
3628 ~~this section may not directly engage in hazardous operations,~~  
3629 ~~such as interior structural firefighting and hazardous-~~  
3630 ~~materials incident mitigation, requiring the knowledge and~~  
3631 ~~skills taught in a training program established in subsection~~  
3632 ~~(1). However, a person who has served as a volunteer firefighter~~  
3633 ~~with the state or any political subdivision of the state,~~  
3634 ~~including authorities and special districts, who is then~~  
3635 ~~employed as a regular or permanent firefighter may function,~~  
3636 ~~during this period, in the same capacity in which he or she~~  
3637 ~~acted as a volunteer firefighter, provided that he or she has~~  
3638 ~~completed all training required by the volunteer organization.~~

3639 ~~(3) The division may issue a certificate to any person who~~  
3640 ~~has received basic employment training for firefighters in~~  
3641 ~~another state when the division has determined that such~~  
3642 ~~training was at least equivalent to that required by the~~  
3643 ~~division for approved firefighter education and training~~  
3644 ~~programs in this state and when such person has satisfactorily~~  
3645 ~~complied with all other requirements of this section.~~

3646 (6) (a) ~~The division may also~~ issue a Special Certificate of  
3647 Compliance to an individual a person who does all of the  
3648 following:

3649 1. Satisfactorily completes the course established in  
3650 paragraph (1) (b) to obtain a Special Certificate of Compliance.

3651 2. Passes the examination established in paragraph (1) (b)  
3652 to obtain a Special Certificate of Compliance.

3653 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~  
3654 ~~qualified under this section and who is employed as the~~

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3655 ~~administrative and command head of a fire/rescue/emergency~~  
3656 ~~services organization, based on the acknowledgment that such~~  
3657 ~~person is less likely to need physical dexterity and more likely~~  
3658 ~~to need advanced knowledge of firefighting and supervisory~~  
3659 ~~skills.~~

3660 (b) A Special The Certificate of Compliance ~~is valid~~ only  
3661 authorizes an individual to serve ~~while the person is serving in~~  
3662 ~~a position~~ as an administrative and command head of a fire  
3663 service provider ~~fire/rescue/emergency services organization.~~

3664 ~~(7)-(4)~~ An individual ~~A person~~ who fails an examination  
3665 given under this section may retake the examination once within  
3666 6 months after the original examination date. If the individual  
3667 ~~An applicant who~~ does not retake the examination or fails the  
3668 reexamination within such time, the individual must take the  
3669 Minimum Standards Course for a Firefighter Certificate of  
3670 Compliance or the course established under paragraph (1)(b) for  
3671 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~  
3672 before being reexamined. The division may grant an extension of  
3673 the 6-month period based upon documented medical necessity and  
3674 may establish reasonable preregistration deadlines for ~~such~~  
3675 reexaminations.

3676 ~~(8)-(5)~~ Pursuant to s. 590.02(1)(e), the division shall  
3677 establish a structural fire training program of not less than  
3678 206 ~~40~~ hours. The division shall issue to a ~~any~~ person  
3679 satisfactorily complying with this training program and who has  
3680 successfully passed an examination as prescribed by the division  
3681 and who has met the requirements of s. 590.02(1)(e), a Forestry  
3682 Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

3683 ~~(6)~~ An individual who holds a current and valid Forestry

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3684 Certificate of Compliance ~~A certified forestry firefighter~~ is  
3685 entitled to the same rights, privileges, and benefits provided  
3686 for by law as a ~~certified~~ firefighter.

3687 Section 60. Section 633.34, Florida Statutes, is  
3688 transferred, renumbered as section 633.412, Florida Statutes,  
3689 and amended to read:

3690 633.412 ~~633.34~~ Firefighters; qualifications for  
3691 certification ~~employment~~.—

3692 (1) ~~Any~~ person applying for certification ~~employment~~ as a  
3693 firefighter must:

3694 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the  
3695 term may be determined by the division, and at least 18 years of  
3696 age.

3697 (b) ~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor  
3698 relating to the certification or to perjury or false statements,  
3699 or a felony or a crime punishable by imprisonment of 1 year or  
3700 more under the law of the United States or of any state thereof  
3701 or under the law of any other country, or dishonorably  
3702 discharged from any of the Armed Forces of the United States.

3703 "Convicted" means a finding of guilt or the acceptance of a plea  
3704 of guilty or nolo contendere, in any federal or state court or a  
3705 court in any other country, without regard to whether a judgment  
3706 of conviction has been entered by the court having jurisdiction  
3707 of the case ~~felony or of a misdemeanor directly related to the~~  
3708 ~~position of employment sought, nor have pled nolo contendere to~~  
3709 ~~any charge of a felony. If an applicant has been convicted of a~~  
3710 ~~felony, such applicant must be in compliance with s.~~

3711 ~~112.011(2) (b). If an applicant has been convicted of a~~  
3712 ~~misdemeanor directly related to the position of employment~~



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3713 ~~sought, such applicant shall be excluded from employment for a~~  
3714 ~~period of 4 years after expiration of sentence. If the sentence~~  
3715 ~~is suspended or adjudication is withheld in a felony charge or~~  
3716 ~~in a misdemeanor directly related to the position or employment~~  
3717 ~~sought and a period of probation is imposed, the applicant must~~  
3718 ~~have been released from probation.~~

3719 (c)~~(3)~~ Submit fingerprints ~~a fingerprint card~~ to the  
3720 division with a current processing fee. The fingerprints  
3721 ~~fingerprint card~~ will be forwarded to the Department of Law  
3722 Enforcement for state processing and forwarded by the Department  
3723 of Law Enforcement to and/or the Federal Bureau of Investigation  
3724 for national processing.

3725 (d)~~(4)~~ Have a good moral character as determined by  
3726 investigation under procedure established by the division.

3727 (e)~~(5)~~ Be in good physical condition as determined by a  
3728 medical examination given by a physician, surgeon, or physician  
3729 assistant licensed to practice in the state pursuant to chapter  
3730 458; an osteopathic physician, surgeon, or physician assistant  
3731 licensed to practice in the state pursuant to chapter 459; or an  
3732 advanced registered nurse practitioner licensed to practice in  
3733 the state pursuant to chapter 464. Such examination may include,  
3734 but need not be limited to, ~~provisions of~~ the National Fire  
3735 Protection Association Standard 1582. A medical examination  
3736 evidencing good physical condition shall be submitted to the  
3737 division, on a form as provided by rule, before an individual is  
3738 eligible for admission into a course under ~~firefighter training~~  
3739 ~~program as defined in s. 633.408~~ 633.35.

3740 (f)~~(6)~~ Be a nonuser of tobacco or tobacco products for at  
3741 least 1 year immediately preceding application, as evidenced by

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3742 the sworn affidavit of the applicant.

3743 (2) If the division suspends or revokes an individual's  
3744 certificate, the division must suspend or revoke all other  
3745 certificates issued to the individual by the division pursuant  
3746 to this part.

3747 Section 61. Section 633.352, Florida Statutes, is  
3748 transferred, renumbered as section 633.414, Florida Statutes,  
3749 and amended to read:

3750 633.414 ~~633.352~~ Retention of firefighter certification.—

3751 (1) In order for a firefighter to retain her or his  
3752 Firefighter Certificate of Compliance, every 4 years he or she  
3753 must:

3754 (a) Be ~~Any certified firefighter who has not been active as~~  
3755 ~~a firefighter, or as a volunteer firefighter with an organized~~  
3756 ~~fire department, for a period of 3 years shall be required to~~  
3757 ~~retake the practical portion of the minimum standards state~~  
3758 ~~examination specified in rule 69A-37.056(6)(b), Florida~~  
3759 ~~Administrative Code, in order to maintain her or his~~  
3760 ~~certification as a firefighter;~~

3761 (b) Maintain a current and valid fire service instructor  
3762 certificate, instruct at least 40 hours during the 4-year  
3763 period, and provide proof of such instruction to the division,  
3764 which proof must be registered in an electronic database  
3765 designated by the division;

3766 (c) Successfully complete a refresher course consisting of  
3767 a minimum of 40 hours of training to be prescribed by rule; or

3768 (d) Within 6 months before the 4-year period expires,  
3769 successfully retake and pass the Minimum Standards Course  
3770 examination.

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3771 (2) In order for a volunteer firefighter to retain her or  
3772 his Volunteer Firefighter Certificate of Completion, every 4  
3773 years he or she must:

3774 (a) Be active as a volunteer firefighter; or

3775 (b) Successfully complete a refresher course consisting of  
3776 a minimum of 40 hours of training to be prescribed by rule.

3777 (3) Subsection (1) however, this requirement does not apply  
3778 to state-certified firefighters who are certified and employed  
3779 as full-time, as determined by the fire service provider, as  
3780 firesafety inspectors or fire investigators firesafety  
3781 instructors, regardless of her or his the firefighter's  
3782 employment status as a firefighter.

3783 (4) For the purposes of this section, the term "active"  
3784 means being employed as a firefighter or providing service as a  
3785 volunteer firefighter for a cumulative 6 months within a 4-year  
3786 period.

3787 (5) The 4-year 3-year period begins:

3788 (a) If the individual is certified on or after July 1,  
3789 2013, on the date the certificate of compliance is issued or  
3790 upon termination of employment or service with a an organized  
3791 fire department.

3792 (b) If the individual is certified before July 1, 2013, on  
3793 July 1, 2014, or upon termination of employment or service  
3794 thereafter.

3795 Section 62. Section 633.41, Florida Statutes, is  
3796 transferred, renumbered as section 633.416, Florida Statutes,  
3797 and amended to read:

3798 633.416 633.41 Firefighter employment and volunteer  
3799 firefighter service; saving clause.-

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3800 (1) A fire service provider may not employ an individual  
3801 to:

3802 (a) Extinguish fires for the protection of life or property  
3803 or to supervise individuals who perform such services unless the  
3804 individual holds a current and valid Firefighter Certificate of  
3805 Compliance; or

3806 (b) Serve as the administrative and command head of a fire  
3807 service provider for a period in excess of 1 year unless the  
3808 individual holds a current and valid Firefighter Certificate of  
3809 Compliance or Special Certificate of Compliance.

3810 (2) A fire service provider may not retain the services of  
3811 an individual volunteering to extinguish fires for the  
3812 protection of life or property or to supervise individuals who  
3813 perform such services unless the individual holds a current and  
3814 valid Volunteer Firefighter Certificate of Completion.

3815 (3) (a) A fire service provider must make a diligent effort  
3816 to determine whether the individual has a current and valid  
3817 certificate before employing or retaining an individual for the  
3818 services under subsection (1) or subsection (2), including  
3819 making a determination of whether the requirements set forth in  
3820 s. 633.414 have been fulfilled.

3821 (b) For the purposes of this subsection, the term "diligent  
3822 effort" means contacting at least three of the individual's  
3823 previous employers to obtain her or his dates of employment and  
3824 contacting the division to determine the certification status of  
3825 the individual.

3826 (4) (a) A fire service provider must notify the division  
3827 electronically, as directed by rule by the division, within 10  
3828 days after:

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3829 1. The hiring of a firefighter.

3830 2. The retention of a volunteer firefighter.

3831 3. The cessation of employment of a firefighter.

3832 4. A decision not to retain a volunteer firefighter.

3833 (b) Notification under paragraph (a) must include:

3834 1. The individual's name.

3835 2. The date on which he or she was hired or retained.

3836 3. The last date of employment or retention before leaving  
3837 the fire service provider.

3838 4. Any other information deemed necessary by the division  
3839 to determine compliance with ss. 633.414 and 633.426.

3840 (5) If the fire service provider makes a determination that  
3841 an individual has not met the requirements set forth in s.  
3842 633.414(1), the fire service provider must notify the division  
3843 in writing within 10 days after making that determination.

3844 (6) The division may conduct site visits to fire  
3845 departments to monitor compliance with this section.

3846 (7) For purposes of this section, the term "employ" means  
3847 to pay an individual a salary, wage, or other compensation for  
3848 the performance of work. The term does not include the payment  
3849 of expenses, reasonable benefits, a nominal fee, or a  
3850 combination thereof to a volunteer for a public or private fire  
3851 service provider who is only paid in a manner that would be  
3852 authorized for a volunteer under the federal Fair Labor  
3853 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,  
3854 and its implementing rules.

3855 (8) Firefighters employed on July 5, 1969, are not required  
3856 to meet the provisions of ss. 633.408 and 633.412 ~~633.34 and~~  
3857 ~~633.35~~ as a condition of tenure or continued employment, and

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3858 ~~nor shall~~ their failure to fulfill such requirements does not  
3859 make them ineligible for any promotional examination for which  
3860 they are otherwise eligible or affect in any way any pension  
3861 rights to which they may be entitled on July 5, 1969.

3862 Section 63. Section 633.38, Florida Statutes, is  
3863 transferred, renumbered as section 633.418, Florida Statutes,  
3864 and amended to read:

3865 633.418 ~~633.38~~ Inservice training and promotion;  
3866 participation.-

3867 (1) (a) The division shall by rule ~~rules and regulations~~  
3868 prescribe curricula and standards for advanced and specialized  
3869 training courses and education ~~training~~ in addition to those  
3870 prescribed in ss. 633.408 and 633.412 ~~633.34 and 633.35~~.

3871 (b) The standards provided by this section do ~~shall~~ not  
3872 bind any fire service provider ~~employing agency~~ as to the  
3873 requirements it may have for promoting personnel.

3874 (2) A fire service provider ~~departments or any fire service~~  
3875 participating under ~~the provisions of~~ this section shall adhere  
3876 to the standards and procedures established by the division.

3877 Section 64. Section 633.382, Florida Statutes, is  
3878 transferred, renumbered as section 633.422, Florida Statutes,  
3879 and amended to read:

3880 633.422 ~~633.382~~ Firefighters; supplemental compensation.-

3881 ~~(1) DEFINITIONS. As used in this section, the term:~~

3882 ~~(a) "Employing agency" means any municipality or any~~  
3883 ~~county, the state, or any political subdivision of the state,~~  
3884 ~~including authorities and special districts employing~~  
3885 ~~firefighters.~~

3886 ~~(b) "Firefighter" means any person who meets the definition~~

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3887 of the term "firefighter" in s. 633.30(1) who is certified in  
3888 compliance with s. 633.35 and who is employed solely within the  
3889 fire department of the employing agency or is employed by the  
3890 division.

3891 (1)~~(2)~~ QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The  
3892 Legislature recognizes the need for supplemental compensation  
3893 for firefighters who pursue higher educational opportunities  
3894 that directly relate to the improvement of the health, safety,  
3895 and welfare of firefighters and those who firefighters protect.  
3896 The State Fire Marshal shall determine, and adopt by rule, the  
3897 course work or degrees that represent the best practices toward  
3898 this goal in the field of firefighting.

3899 (a) In addition to the compensation now paid by a fire  
3900 service provider ~~an employing agency~~ to any firefighter, every  
3901 firefighter shall be paid supplemental compensation by the fire  
3902 service provider ~~employing agency~~ when such firefighter is a  
3903 full-time employee, as determined by the employing fire service  
3904 provider, and has complied with one of the following criteria:

3905 1. A ~~Any~~ firefighter who receives an associate degree from  
3906 an accredited a college, which degree is directly applicable to  
3907 fire department duties, as outlined in policy guidelines adopted  
3908 by rule by ~~of~~ the division, shall be additionally compensated as  
3909 outlined in paragraph (2) (a) ~~(3) (a)~~.

3910 2. A ~~Any~~ firefighter, regardless of whether or not she or  
3911 he earned an associate degree earlier, who receives from an  
3912 accredited college or university a bachelor's degree, which  
3913 bachelor's degree is directly applicable to fire department  
3914 duties, as outlined in policy guidelines adopted by rule by ~~of~~  
3915 the division, shall receive compensation as outlined in

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3916 paragraph (2) (b) ~~(3) (b)~~.

3917 (b) If ~~Whenever~~ any question arises as to the eligibility  
3918 of any firefighter to receive supplemental compensation as  
3919 provided in this section, the question, together with all facts  
3920 relating thereto, must ~~shall~~ be submitted to the division for  
3921 determination, and the decision of the division with regard to  
3922 determination of eligibility shall be final, subject to ~~the~~  
3923 ~~provisions of~~ chapter 120.

3924 (2) (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation  
3925 shall be determined as follows:

3926 (a) Fifty dollars shall be paid monthly to each firefighter  
3927 who qualifies under ~~the provisions of~~ subparagraph (1) (a) 1  
3928 ~~(2) (a) 1~~.

3929 (b) One hundred and ten dollars shall be paid monthly to  
3930 each firefighter who qualifies under ~~the provisions of~~  
3931 subparagraph (1) (a) 2 ~~(2) (a) 2~~.

3932 (3) (4) FUNDING.—

3933 (a) The fire service provider ~~employing agency~~ is  
3934 responsible for the correct payment of firefighters pursuant to  
3935 ~~the provisions of~~ this section. The division may review, in a  
3936 postaudit capacity, any action taken by an agency in  
3937 administering the educational incentive program. The fire  
3938 service provider ~~employing agency~~ shall take appropriate action  
3939 when a postaudit shows that an action taken by the fire service  
3940 provider ~~employing agency~~ was in error.

3941 (b) Each fire service provider ~~agency~~ employing  
3942 firefighters who are eligible for this compensation shall submit  
3943 reports containing information relating to compensation paid as  
3944 a result of this section to the division on March 31, June 30,



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3945 September 30, and December 31 of each year.

3946 (c) There is appropriated from the Police and Firefighter's  
3947 Premium Tax Trust Fund to the Firefighters' Supplemental  
3948 Compensation Trust Fund, which is ~~hereby~~ created under the  
3949 Department of Revenue, all moneys which have not been  
3950 distributed to municipalities and special fire control districts  
3951 in accordance with s. 175.121 as a result of the limitation  
3952 contained in s. 175.122 on the disbursement of revenues  
3953 collected pursuant to chapter 175 or as a result of any  
3954 municipality or special fire control district not having  
3955 qualified in any given year, or portion thereof, for  
3956 participation in the distribution of the revenues collected  
3957 pursuant to chapter 175. The total required annual distribution  
3958 from the Firefighters' Supplemental Compensation Trust Fund  
3959 shall equal the amount necessary to pay supplemental  
3960 compensation as provided in this section, provided that:

3961 1. Any deficit in the total required annual distribution  
3962 shall be made up from accrued surplus funds existing in the  
3963 Firefighters' Supplemental Compensation Trust Fund on June 30,  
3964 1990, for as long as such funds last. If the accrued surplus is  
3965 insufficient to cure the deficit in any given year, the  
3966 proration of the appropriation among the counties,  
3967 municipalities, and special fire service taxing districts shall  
3968 equal the ratio of compensation paid in the prior year to  
3969 county, municipal, and special fire service taxing district  
3970 firefighters pursuant to this section. This ratio shall be  
3971 provided annually to the Department of Revenue by the division  
3972 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue  
3973 on or after July 1, 1990, shall be redistributed to

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3974 municipalities and special fire control districts as provided in  
3975 subparagraph 2.

3976 2. By October 1 of each year, any funds that have accrued  
3977 or accrue on or after July 1, 1990, and remain in the  
3978 Firefighters' Supplemental Compensation Trust Fund following the  
3979 required annual distribution shall be redistributed by the  
3980 Department of Revenue pro rata to those municipalities and  
3981 special fire control districts identified by the Department of  
3982 Management Services as being eligible for additional funds  
3983 pursuant to s. 175.121(3)(b).

3984 (d) Salary incentive payments to firefighters shall  
3985 commence in the first full calendar month following the initial  
3986 date of certification of eligibility by the division ~~of State~~  
3987 ~~Fire Marshal~~.

3988 (e) Special fire service taxing districts are authorized  
3989 ~~and empowered~~ to spend ~~expend~~ the funds necessary to ensure  
3990 correct payment to firefighters.

3991 (4) ~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental  
3992 compensation and expenses of the administration provided by this  
3993 section is found to serve a state, county, district, and  
3994 municipal purpose and to provide benefit to the state and to its  
3995 counties, municipalities, and districts.

3996 (5) APPLICABILITY.—For the purposes of this section, the  
3997 division shall be considered a fire service provider responsible  
3998 for the payment of supplemental compensation in accordance with  
3999 this section to firefighters employed full-time by the division.

4000 Section 65. Section 633.353, Florida Statutes, is  
4001 transferred, renumbered as section 633.424, Florida Statutes,  
4002 and amended to read:

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4003           633.424 ~~633.353~~ Falsification of qualifications.—An  
4004 individual ~~Any person~~ who willfully and knowingly falsifies her  
4005 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of  
4006 Fire Standards and Training of the division commits ~~is guilty of~~  
4007 a misdemeanor of the second degree, punishable as provided in s.  
4008 775.082 or s. 775.083.

4009           Section 66. Section 633.351, Florida Statutes, is  
4010 transferred, renumbered as section 633.426, Florida Statutes,  
4011 and amended to read:

4012           633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~  
4013 standards for revocation of certification.—

4014           (1) For purposes of this section, the term:

4015           (a) "Certificate" means any of the certificates issued  
4016 under s. 633.406.

4017           (b) "Certification" or "certified" means the act of holding  
4018 a current and valid certificate.

4019           (c) "Convicted" means a finding of guilt, or the acceptance  
4020 of a plea of guilty or nolo contendere, in any federal or state  
4021 court or a court in any other country, without regard to whether  
4022 a judgment of conviction has been entered by the court having  
4023 jurisdiction of the case.

4024           (2) An individual is ineligible to apply for certification  
4025 if the individual has, at any time, been:

4026           (a) Convicted of a misdemeanor relating to the  
4027 certification or to perjury or false statements.

4028           (b) Convicted of a felony or a crime punishable by  
4029 imprisonment of 1 year or more under the law of the United  
4030 States or of any state thereof, or under the law of any other  
4031 country.

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4032 (c) Dishonorably discharged from any of the Armed Forces of  
4033 the United States.

4034 (3) (a) The certification of an individual shall be  
4035 permanently revoked if the individual is:

4036 1. Convicted of a misdemeanor relating to perjury or false  
4037 statement.

4038 2. Convicted of a felony or a crime punishable by  
4039 imprisonment of 1 year or more under the law of the United  
4040 States or of any state thereof, or under the law of any other  
4041 country.

4042 3. Dishonorably discharged from any of the Armed Forces of  
4043 the United States.

4044 (b) For individuals who are certified before July 1, 2013:

4045 1. This subsection applies prospectively to convictions or  
4046 dishonorable discharges entered on or after July 1, 2013.

4047 2. Section 633.351 as it existed before July 1, 2013,  
4048 applies to convictions entered before July 1, 2013.

4049 (4) The certification of an individual ~~a firefighter~~ shall  
4050 be revoked if evidence is found which demonstrates that the  
4051 certification was improperly issued by the division or if  
4052 ~~evidence is found that the certification was issued on the basis~~  
4053 ~~of false, incorrect, incomplete, or misleading information,~~ or  
4054 ~~that the individual has demonstrated a lack of moral fitness or~~  
4055 ~~trustworthiness to carry out the responsibilities under the~~  
4056 ~~individual's certification.~~

4057 (5) After investigation, if the division has reason to  
4058 believe that an individual who is certified may have been  
4059 convicted of a felony or of a misdemeanor related to perjury or  
4060 false statement in this state or any other state or

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4061 jurisdiction, the division may require the individual to submit  
4062 fingerprints to the division with a current processing fee. The  
4063 fingerprints shall be forwarded by the division to the  
4064 Department of Law Enforcement for state processing and shall be  
4065 forwarded by the Department of Law Enforcement to the Federal  
4066 Bureau of Investigation for national processing.

4067 ~~(2) The certification of a firefighter who is convicted of~~  
4068 ~~a felony, or who is convicted of a misdemeanor relating to~~  
4069 ~~misleading or false statements, or who pleads nolo contendere to~~  
4070 ~~any charge of a felony shall be revoked until the firefighter~~  
4071 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~  
4072 ~~felony or such misdemeanor charge is suspended or adjudication~~  
4073 ~~is withheld, the firefighter's certification shall be revoked~~  
4074 ~~until she or he completes any probation.~~

4075 Section 67. Section 633.43, Florida Statutes, is  
4076 transferred, renumbered as section 633.428, Florida Statutes,  
4077 and amended to read:

4078 633.428 ~~633.43~~ Florida State Fire College established.—  
4079 There is hereby established a state institution to be known as  
4080 the Florida State Fire College, to be located at or near Ocala,  
4081 Marion County. The institution shall be operated by the division  
4082 ~~of State Fire Marshal of the department.~~

4083 Section 68. Section 633.44, Florida Statutes, is  
4084 transferred, renumbered as section 633.432, Florida Statutes,  
4085 and amended to read:

4086 633.432 ~~633.44~~ Purpose of fire college.—The purposes of  
4087 this part ~~ss. 633.43–633.49~~ and of the Florida State Fire  
4088 College are ~~shall be~~:

4089 (1) To provide professional and volunteer firefighters with

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4090 needful professional instruction and training in subjects,  
4091 including, but not limited to, firefighting, fire prevention,  
4092 hazardous materials, urban search and rescue, and emergency  
4093 operations, at a minimum of cost to them and to their employers.

4094 (2) To ensure the professionalism and competence of those  
4095 performing firefighting, fire prevention, and associated fire  
4096 protection functions by administering a system of certification  
4097 and licensing.

4098 (3)~~(2)~~ To develop new methods and practices of firefighting  
4099 and fire prevention.

4100 (4)~~(3)~~ To assist the state and county, municipal, and other  
4101 local governments of this state and their agencies and officers  
4102 in their investigation and determination of the causes of fires.

4103 (5)~~(4)~~ To provide testing facilities for testing  
4104 firefighting equipment.

4105 (6)~~(5)~~ To disseminate useful information on fires,  
4106 firefighting and fire prevention and other related subjects, to  
4107 fire departments and others interested in such information.

4108 (7)~~(6)~~ To do such other needful or useful things necessary  
4109 to the promotion of public safety in the field of fire hazards  
4110 and fire prevention work.

4111  
4112 It is ~~hereby~~ declared by the Legislature that the above purposes  
4113 are legitimate state functions and are designed to promote  
4114 public safety.

4115 Section 69. Section 633.48, Florida Statutes, is  
4116 transferred, renumbered as section 633.434, Florida Statutes,  
4117 and amended to read:

4118 633.434 ~~633.48~~ Superintendent of college.—The division may

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4119 employ a superintendent for the Florida State Fire College, who  
4120 must ~~shall~~ be especially trained and qualified in firefighting,  
4121 fire prevention and fire experimental work, and may employ on  
4122 the recommendations of the ~~said~~ superintendent such other  
4123 instructors, experimental helpers and laborers as may be  
4124 necessary to the proper conduct of the ~~said~~ institution; and may  
4125 proceed with the erection and detailed operation of the ~~said~~  
4126 institution under ss. 633.428-633.444 ~~633.43-633.49~~.

4127 Section 70. Section 633.461, Florida Statutes, is  
4128 transferred, renumbered as section 633.436, Florida Statutes,  
4129 and amended to read:

4130 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The  
4131 funds received from the Insurance Regulatory Trust Fund shall be  
4132 used by the staff of the Florida State Fire College to provide  
4133 all necessary services, training, equipment, and supplies to  
4134 carry out the college's responsibilities, including, but not  
4135 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~  
4136 the procurement of training resources and ~~films, videotapes,~~  
4137 ~~audiovisual~~ equipment, and other useful information on fire,  
4138 firefighting, and fire prevention, including public fire service  
4139 information packages.

4140 Section 71. Section 633.47, Florida Statutes, is  
4141 transferred and renumbered as section 633.438, Florida Statutes.

4142 Section 72. Section 633.49, Florida Statutes, is  
4143 transferred, renumbered as section 633.442, Florida Statutes,  
4144 and amended to read:

4145 633.442 ~~633.49~~ Buildings, equipment, and other facilities;  
4146 use.—The division shall have the power to prescribe and shall  
4147 make the necessary rules ~~and regulations~~ for the use of

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4148 buildings, equipment, and other facilities of the Florida State  
4149 Fire College when they are not in use for the purposes set forth  
4150 in this part ~~ss. 633.43-633.49~~.

4151 Section 73. Section 633.50, Florida Statutes, is  
4152 transferred, renumbered as section 633.444, Florida Statutes,  
4153 and amended to read:

4154 633.444 ~~633.50~~ Division powers and duties; Florida State  
4155 Fire College.—

4156 (1) The division, in performing its duties related to the  
4157 Florida State Fire College, specified in this part ~~ss. 633.43-~~  
4158 ~~633.49~~, shall:

4159 (a) Enter into agreements with public or private school  
4160 districts, community colleges, junior colleges, or state  
4161 universities to carry out its duties and responsibilities.

4162 (b) Review and approve budget requests for the fire college  
4163 educational program.

4164 (c) Prepare the legislative budget request for the Florida  
4165 State Fire College education program. The superintendent is  
4166 responsible for all expenditures pursuant to appropriations.

4167 (d) Implement procedures to obtain appropriate entitlement  
4168 funds from federal and state grants to supplement the annual  
4169 legislative appropriation. Such funds must be used expressly for  
4170 the fire college educational programs.

4171 (e) Develop a staffing and funding formula for the Florida  
4172 State Fire College. The formula must ~~shall~~ include differential  
4173 funding levels for various types of programs, must ~~shall~~ be  
4174 based on the number of full-time equivalent students and  
4175 information obtained from scheduled attendance counts taken the  
4176 first day of each program, and must ~~shall~~ provide the basis for



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4177 the legislative budget request. As used in this section, a full-  
4178 time equivalent student is equal to a minimum of 900 hours in a  
4179 technical certificate program and 400 hours in a degree-seeking  
4180 program. The funding formula must ~~shall~~ be as prescribed  
4181 pursuant to s. 1011.62, must ~~shall~~ include procedures to  
4182 document daily attendance, and must ~~shall~~ require that  
4183 attendance records be retained for audit purposes.

4184 (f) Approve and register in an electronic database an  
4185 education or training provider, designated by the division,  
4186 before the education or training provider may offer any course  
4187 to fulfill any education or training requirement under this  
4188 chapter. The division shall establish criteria, by rule, for the  
4189 approval of such education or training providers, including  
4190 courses taught. Only approved and registered education or  
4191 training providers are eligible to provide instruction or  
4192 training that will be recognized by the division as fulfilling  
4193 any education or training requirement under this chapter.

4194 (g) Recognize only courses offered by approved and  
4195 registered training or education providers as fulfilling the  
4196 education or training requirements under this chapter.

4197 (2) Funds generated by the formula per full-time equivalent  
4198 student may not exceed the level of state funding per full-time  
4199 equivalent student generated through the Florida Education  
4200 Finance Program or the State Community College Program Fund for  
4201 students enrolled in comparable education programs provided by  
4202 public school districts and community colleges. Funds  
4203 appropriated for education and operational costs shall be  
4204 deposited in the Insurance Regulatory Trust Fund to be used  
4205 solely for purposes specified in s. 633.436 ~~633.461~~ and may not

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4206 be transferred to any other budget entity for purposes other  
4207 than education.

4208 Section 74. Section 633.46, Florida Statutes, is transferred  
4209 and renumbered as section 633.446, Florida Statutes.

4210 Section 75. The Division of Law Revision and Information is  
4211 directed to create part V of chapter 633, Florida Statutes,  
4212 consisting of sections 633.502, 633.504, 633.506, 633.508,  
4213 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,  
4214 633.532, 633.534, and 633.536, Florida Statutes, to be entitled  
4215 "Florida Firefighters Occupational Safety and Health Act."

4216 Section 76. Section 633.801, Florida Statutes, is  
4217 transferred, renumbered as section 633.502, Florida Statutes,  
4218 and amended to read:

4219 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,  
4220 ~~633.801-633.821~~ may be cited as the "Florida Firefighters  
4221 Occupational Safety and Health Act."

4222 Section 77. Section 633.802, Florida Statutes, is  
4223 transferred and renumbered as section 633.504, Florida Statutes,  
4224 and subsections (1), (2), and (4) of that section are amended,  
4225 to read:

4226 633.504 ~~633.802~~ Definitions.—As used in this part, the term  
4227 ~~Unless the context clearly requires otherwise, the following~~  
4228 ~~definitions shall apply to ss. 633.801-633.821:~~

4229 (1) "Firefighter employee" means a firefighter, volunteer  
4230 firefighter, or individual providing support services who is any  
4231 ~~person~~ engaged in any employment, public or private, ~~as a~~  
4232 ~~firefighter~~ under any appointment or contract of hire or  
4233 apprenticeship, express or implied, oral or written, whether  
4234 lawfully or unlawfully employed, responding to or assisting with

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4235 fire or medical emergencies, regardless of whether ~~or not the~~  
4236 ~~firefighter is~~ on duty, except those appointed under s.  
4237 590.02(1)(d).

4238 (2) "Firefighter employer" means the state and all  
4239 political subdivisions of this state, all public and quasi-  
4240 public corporations in this state, and a every person carrying  
4241 on any employment for this state, political subdivisions of this  
4242 state, and public and quasi-public corporations in this state  
4243 which employs firefighter employees ~~firefighters~~, except those  
4244 appointed under s. 590.02(1)(d).

4245 (4) "Firefighter place of employment" or "place of  
4246 employment" means the physical location at which the firefighter  
4247 employee is employed or deployed.

4248 Section 78. Section 633.803, Florida Statutes, is  
4249 transferred, renumbered as section 633.506, Florida Statutes,  
4250 and amended to read:

4251 633.506 ~~633.803~~ Legislative intent.—It is the intent of the  
4252 Legislature to enhance firefighter occupational safety and  
4253 health in the state through the implementation and maintenance  
4254 of policies, procedures, practices, rules, and standards that  
4255 reduce the incidence of firefighter employee accidents,  
4256 firefighter employee occupational diseases, and firefighter  
4257 employee fatalities compensable under chapter 440 or otherwise.  
4258 The Legislature further intends that the division develop a  
4259 means by which the division can identify individual firefighter  
4260 employers with a high frequency or severity of work-related  
4261 injuries, conduct safety inspections of those firefighter  
4262 employers, and assist those firefighter employers in the  
4263 development and implementation of firefighter employee safety

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4264 and health programs. In addition, it is the intent of the  
4265 Legislature that the division administer and enforce this part  
4266 ~~the provisions of ss. 633.801-633.821~~; provide assistance to  
4267 firefighter employers, firefighter employees, and insurers; and  
4268 enforce the policies, rules, and standards set forth in this  
4269 part ss. 633.801-633.821.

4270 Section 79. Section 633.821, Florida Statutes, is  
4271 transferred and renumbered as section 633.508, Florida Statutes,  
4272 subsections (2), (3), (5), and (6) of that section are amended,  
4273 and subsection (7) is added to that section, to read:

4274 633.508 ~~633.821~~ Workplace safety; rulemaking authority;  
4275 division authority.-

4276 (2) The division shall have the authority to adopt rules  
4277 for the purpose of ensuring safe working conditions for all  
4278 firefighter employees by authorizing the enforcement of  
4279 effective standards, by assisting and encouraging firefighter  
4280 employers to maintain safe working conditions, and by providing  
4281 for education and training in the field of safety. Specifically,  
4282 the division may by rule adopt the most current edition of all  
4283 or any part of subparts C through T and subpart Z of 29 C.F.R.  
4284 s. 1910, as revised April 8, 1998; the National Fire Protection  
4285 Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert  
4286 Safety System) (1992 edition); the National Fire Protection  
4287 Association, Inc., Publication 1403, Standard on Live Fire  
4288 Training Evolutions (latest edition), as limited by subsection  
4289 (6); and ANSI A 10.4-1990.

4290 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
4291 individuals located outside the immediately dangerous to life  
4292 and health atmosphere may be assigned to an additional role,

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4293 such as incident commander, pumper operator, engineer, or  
4294 driver, so long as such individual can ~~is able to~~ immediately  
4295 perform assistance or rescue activities without jeopardizing the  
4296 safety or health of any firefighter employee working at an  
4297 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

4298 ~~(a) Each county, municipality, and special district shall~~  
4299 ~~implement such provision by April 1, 2002, except as provided in~~  
4300 ~~paragraphs (b) and (c).~~

4301 ~~(b) If any county, municipality, or special district is~~  
4302 ~~unable to implement such provision by April 1, 2002, without~~  
4303 ~~adding additional personnel to its firefighting staff or~~  
4304 ~~expending significant additional funds, such county,~~  
4305 ~~municipality, or special district shall have an additional 6~~  
4306 ~~months within which to implement such provision. Such county,~~  
4307 ~~municipality, or special district shall notify the division that~~  
4308 ~~the 6-month extension to implement such provision is in effect~~  
4309 ~~in such county, municipality, or special district within 30 days~~  
4310 ~~after its decision to extend the time for the additional 6~~  
4311 ~~months. The decision to extend the time for implementation shall~~  
4312 ~~be made prior to April 1, 2002.~~

4313 ~~(c) If, after the extension granted in paragraph (b), the~~  
4314 ~~county, municipality, or special district, after having worked~~  
4315 ~~with and cooperated fully with the division and the Firefighters~~  
4316 ~~Employment, Standards, and Training Council, is still unable to~~  
4317 ~~implement such provisions without adding additional personnel to~~  
4318 ~~its firefighting staff or expending significant additional~~  
4319 ~~funds, such municipality, county, or special district shall be~~  
4320 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~  
4321 ~~However, each year thereafter the division shall review each~~

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4322 ~~such county, municipality, or special district to determine if~~  
4323 ~~such county, municipality, or special district has the ability~~  
4324 ~~to implement such provision without adding additional personnel~~  
4325 ~~to its firefighting staff or expending significant additional~~  
4326 ~~funds. If the division determines that any county, municipality,~~  
4327 ~~or special district has the ability to implement such provision~~  
4328 ~~without adding additional personnel to its firefighting staff or~~  
4329 ~~expending significant additional funds, the division shall~~  
4330 ~~require such county, municipality, or special district to~~  
4331 ~~implement such provision. Such requirement by the division under~~  
4332 ~~this paragraph constitutes final agency action subject to~~  
4333 ~~chapter 120.~~

4334 (5) The division may adopt any rule necessary to implement,  
4335 interpret, and make specific the provisions of this section,  
4336 provided the division may not adopt by rule any other standard  
4337 or standards of the Occupational Safety and Health  
4338 Administration or the National Fire Protection Association  
4339 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter  
4340 employment safety without specific legislative authority.

4341 (6) (a) The division shall adopt rules for live fire  
4342 training that all firefighter employees ~~firefighters~~ subject to  
4343 this chapter must complete. The division shall also adopt rules  
4344 for a training and certification process for live fire training  
4345 instructors.

4346 (b) Such rules for training must ~~shall~~ include:

4347 1. Sections of the most current edition of the National  
4348 Fire Protection Association, Inc., Publication 1402, Guide to  
4349 Building Fire Service Training Centers, relating to establishing  
4350 policies and procedures for effective use of such permanent

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4351 facilities or structures.

4352 2. Sections of the most current edition of the National  
4353 Fire Protection Association, Inc., Publication 1403, Standard on  
4354 Live Fire Training Evolutions, excluding, however:

4355 a. Any chapter entitled "Referenced Publications."

4356 b. References to the National Fire Protection Association,  
4357 Inc., Publication 1975, Station Uniform.

4358 c. Provisions of the National Fire Protection Association,  
4359 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~  
4360 ~~references to such publication in the National Fire Protection~~  
4361 ~~Association, Inc., Publication 1975.~~

4362 d. Any reference to an authority having jurisdiction in the  
4363 National Fire Protection Association, Inc., Publication 1403,  
4364 defined as the organization, office, or individual responsible  
4365 for approving equipment, materials, installations, and  
4366 procedures.

4367 3. A 40-hour training program for live fire training  
4368 instructors, including:

4369 a. Live fire instructional techniques.

4370 b. Training safety in acquired or permanent facilities or  
4371 props.

4372 c. Personnel safety.

4373 d. Exterior props, including, but not limited to, liquid  
4374 petroleum gas, other liquid fuels, and similar props.

4375 ~~(c) The rules, excluding those pertaining to live fire~~  
4376 ~~training instructor certification, shall take effect no later~~  
4377 ~~than January 1, 2006.~~

4378 (c) ~~(d)~~ Each live fire training instructor is required to be  
4379 a state certified fire safety instructor. All live fire training

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4380 ~~commenced on and after January 1, 2007,~~ must be conducted by a  
4381 certified live fire training instructor.

4382 (d)~~(e)~~ This subsection does not apply to wildland or  
4383 prescribed live fire training exercises sanctioned by the  
4384 Florida Forest Service of the Department of Agriculture and  
4385 Consumer Services or the National Wildfire Coordinating Group.

4386 (7) The division shall:

4387 (a) Investigate and prescribe by rule what safety devices,  
4388 safeguards, or other means of protection must be adopted for the  
4389 prevention of accidents and injuries in every firefighter  
4390 employee place of employment or at any fire scene; determine  
4391 what suitable devices, safeguards, or other means of protection  
4392 for the prevention of occupational diseases must be adopted or  
4393 followed in any or all such firefighter places of employment or  
4394 at any emergency fire scene; and adopt reasonable rules for the  
4395 prevention of accidents, the safety, protection, and security of  
4396 firefighter employees engaged in interior firefighting, and the  
4397 prevention of occupational diseases.

4398 (b) Ascertain, fix, and order such reasonable standards and  
4399 rules for the construction, repair, and maintenance of  
4400 firefighter employee places of employment so as to render them  
4401 safe. Such rules and standards shall be adopted in accordance  
4402 with chapter 120.

4403 (c) Adopt rules prescribing recordkeeping responsibilities  
4404 for firefighter employers, which may include maintaining a log  
4405 and summary of occupational injuries, diseases, and illnesses,  
4406 for producing on request a notice of injury and firefighter  
4407 employee accident investigation records, and prescribing a  
4408 retention schedule for such records.



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4409 Section 80. Section 633.817, Florida Statutes, is  
4410 transferred, renumbered as section 633.512, Florida Statutes,  
4411 and amended to read:

4412 633.512 ~~633.817~~ Compliance.—Failure of a firefighter  
4413 employer or an insurer to comply with this part ~~ss. 633.801–~~  
4414 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801–~~  
4415 ~~633.821~~, constitutes grounds for the division to seek remedies,  
4416 including injunctive relief, by making appropriate filings with  
4417 the circuit court.

4418 Section 81. Section 633.805, Florida Statutes, is  
4419 transferred and renumbered as section 633.516, Florida Statutes.

4420 Section 82. Section 633.806, Florida Statutes, is  
4421 transferred, renumbered as section 633.518, Florida Statutes,  
4422 and amended to read:

4423 633.518 ~~633.806~~ Studies, investigations, inspections, or  
4424 inquiries by the division; refusal to admit; penalty.—

4425 (1) The division shall make studies, ~~and~~ investigations,  
4426 inspections, or inquiries with respect to compliance with this  
4427 part or any rules authorized under this part ~~safety provisions~~  
4428 and the causes of firefighter employee injuries, illnesses,  
4429 safety-based complaints, or Line of Duty Deaths (LODD) as  
4430 defined in rule in firefighter employee places of employment and  
4431 shall make such recommendations to the Legislature and  
4432 firefighter employers and insurers as the division considers  
4433 proper ~~as to prevent or reduce future occurrences~~ the best means  
4434 of preventing firefighter injuries. In making such studies, and  
4435 investigations, inspections, or inquiries, the division may  
4436 cooperate with any agency of the United States charged with the  
4437 duty of enforcing any law securing safety against injury in any

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4438 place of firefighter employment covered by this part ~~ss.~~  
4439 ~~633.801-633.821~~ or any agency or department of the state engaged  
4440 in enforcing any law to ensure safety for firefighter employees.

4441 (2) The division by rule may adopt procedures for  
4442 conducting investigations, inspections, or inquiries of  
4443 firefighter employers under this part ~~ss. 633.801-633.821~~.

4444 (3) The division and authorized representatives of the  
4445 division may enter and inspect any firefighter employee's place  
4446 of employment at any reasonable time for the purpose of  
4447 investigating compliance with this part and conducting  
4448 inspections for the proper enforcement of this part. A  
4449 firefighter employer who refuses to admit any member of the  
4450 division or authorized representative of the division to any  
4451 place of employment or to allow investigation and inspection  
4452 pursuant to this section commits a misdemeanor of the second  
4453 degree, punishable as provided in s. 775.082 or s. 775.083.

4454 Section 83. Section 633.807, Florida Statutes, is  
4455 transferred, renumbered as section 633.520, Florida Statutes,  
4456 and amended to read:

4457 633.520 ~~633.807~~ Safety; firefighter employer  
4458 responsibilities.—Every firefighter employer shall furnish and  
4459 use safety devices and safeguards, adopt and use methods and  
4460 processes reasonably adequate to render such an employment and  
4461 place of employment safe, and do every other thing reasonably  
4462 necessary to protect the lives, health, and safety of such  
4463 firefighter employees. As used in this section, the terms "safe"  
4464 and "safety," as applied to any employment or place of  
4465 ~~firefighter~~ employment, mean such freedom from danger as is  
4466 reasonably necessary for the protection of the lives, health,

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4467 and safety of firefighter employees, including conditions and  
4468 methods of sanitation and hygiene. Safety devices and safeguards  
4469 required to be furnished by the firefighter employer by this  
4470 section or by the division under authority of this section do  
4471 ~~shall~~ not include personal apparel and protective devices that  
4472 replace personal apparel normally worn by firefighter employees  
4473 during regular working hours.

4474 Section 84. Section 633.809, Florida Statutes, is  
4475 transferred, renumbered as section 633.522, Florida Statutes,  
4476 and amended to read:

4477 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~  
4478 ~~employees have a high frequency of work-related injuries;~~  
4479 corrective plans; workplace safety committees and coordinators;  
4480 failure to implement a safety and health program; cancellation.-

4481 (1) The division shall develop a means to ~~by which the~~  
4482 ~~division may~~ identify individual firefighter employers with  
4483 ~~whose firefighter employees have a high frequency or severity of~~  
4484 firefighter employee work-related injuries. ~~The division shall~~  
4485 ~~carry out safety inspections of the facilities and operations of~~  
4486 ~~those firefighter employers in order to assist them in reducing~~  
4487 ~~the frequency and severity of work-related injuries. The~~  
4488 ~~division shall develop safety and health programs for those~~  
4489 ~~firefighter employers. Insurers shall distribute such safety and~~  
4490 ~~health programs to the firefighter employers so identified by~~  
4491 ~~the division. Those firefighter employers identified by the~~  
4492 ~~division as having a high frequency or severity of work-related~~  
4493 ~~injuries shall implement a safety and health program developed~~  
4494 ~~by the division.~~ The division shall conduct ~~carry out~~ safety  
4495 inspections of those firefighter employers so identified to

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4496 ensure compliance with this part or the division's rules and  
4497 make recommendations based upon current ~~the~~ safety and health  
4498 practices ~~program~~ and to assist such firefighter employers in  
4499 reducing the number of work-related injuries. The division may  
4500 not assess penalties as a result of such inspections, ~~except as~~  
4501 ~~provided by s. 633.813~~. Copies of any report made as the result  
4502 of such an inspection shall be provided to the firefighter  
4503 employer and its insurer. Firefighter employers shall ~~may~~ submit  
4504 a plan for the correction of any noncompliance issues ~~their own~~  
4505 ~~safety and health programs~~ to the division for approval in  
4506 accordance with division rule ~~lieu of using the safety and~~  
4507 ~~health program developed by the division~~. The division shall  
4508 promptly review the plan ~~program~~ submitted and approve or  
4509 disapprove the plan ~~program~~ within 60 days or such plan ~~program~~  
4510 shall be deemed approved. Upon approval by the division, the  
4511 plan ~~program~~ shall be implemented by the firefighter employer.  
4512 If the plan ~~program~~ is not submitted, does not provide  
4513 corrective actions for all deficiencies, is not complete, or is  
4514 not implemented, the fire service provider shall be subject to  
4515 s. 633.526 ~~approved or if a program is not submitted, the~~  
4516 ~~firefighter employer shall implement the program developed by~~  
4517 ~~the division. The division shall adopt rules setting forth the~~  
4518 ~~criteria for safety and health programs, as such rules relate to~~  
4519 ~~this section.~~

4520 (2) In order to promote health and safety in firefighter  
4521 employee places of employment in this state:

4522 (a) Each firefighter employer of 20 or more firefighter  
4523 employees shall establish and administer a workplace safety  
4524 committee in accordance with rules adopted under this section.

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4525 (b) Each firefighter employer of fewer than 20 firefighter  
4526 employees with a high frequency or high severity of work-related  
4527 injuries, as identified by the division, shall establish and  
4528 administer a workplace safety committee or designate a workplace  
4529 safety coordinator who shall establish and administer workplace  
4530 safety activities in accordance with rules adopted under this  
4531 section.

4532 (3) The division shall adopt rules:

4533 (a) Prescribing the membership of the workplace safety  
4534 committees so as to ensure an equal number of firefighter  
4535 employee representatives who are volunteers or are elected by  
4536 their peers and firefighter employer representatives, and  
4537 specifying the frequency of meetings.

4538 (b) Requiring firefighter employers to make adequate  
4539 records of each meeting and to file and to maintain the records  
4540 subject to inspection by the division.

4541 (c) Prescribing the duties and functions of the workplace  
4542 safety committee and workplace safety coordinator which include,  
4543 but are not limited to:

4544 1. Establishing procedures for workplace safety inspections  
4545 by the committee.

4546 2. Establishing procedures for investigating all workplace  
4547 accidents, safety-related incidents, illnesses, and deaths.

4548 3. Evaluating accident prevention and illness prevention  
4549 programs.

4550 4. Prescribing guidelines for the training of safety  
4551 committee members.

4552 (4) The composition, selection, and function of workplace  
4553 safety committees shall be a mandatory topic of negotiations

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4554 with any certified collective bargaining agent for firefighter  
4555 employers that operate under a collective bargaining agreement.  
4556 Firefighter employers that operate under a collective bargaining  
4557 agreement that contains provisions governing the formation and  
4558 operation of workplace safety committees that meet or exceed the  
4559 minimum requirements contained in this section, or firefighter  
4560 employers who otherwise have existing workplace safety  
4561 committees that meet or exceed the minimum requirements  
4562 established by this section, are in compliance with this  
4563 section.

4564 (5) Firefighter employees shall be compensated their  
4565 regular hourly wage while engaged in workplace safety committee  
4566 or workplace safety coordinator training, meetings, or other  
4567 duties prescribed under this section.

4568 (6) If a firefighter employer fails to implement a  
4569 corrective plan, the insurer or self-insurer's fund that is  
4570 providing coverage for the firefighter employer may cancel the  
4571 contract for insurance with the firefighter employer. In the  
4572 alternative, the insurer or fund may terminate any discount or  
4573 deviation granted to the firefighter employer for the remainder  
4574 of the term of the policy. If the contract is canceled or the  
4575 discount or deviation is terminated, the insurer must make such  
4576 reports as are required by law.

4577 Section 85. Section 633.811, Florida Statutes, is  
4578 transferred, renumbered as section 633.526, Florida Statutes,  
4579 and amended to read:

4580 633.526 ~~633.811~~ Firefighter employer penalties.—If any  
4581 firefighter employer violates or fails or refuses to comply with  
4582 this part ~~ss. 633.801–633.821~~, or with any rule adopted by the

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4583 division under such sections in accordance with chapter 120 for  
4584 the prevention of injuries, accidents, or occupational diseases  
4585 or with any lawful order of the division in connection with this  
4586 part ss. ~~633.801-633.821~~, or fails or refuses to furnish or  
4587 adopt any safety device, safeguard, or other means of protection  
4588 prescribed by division rule under this part ss. ~~633.801-633.821~~  
4589 for the prevention of accidents or occupational diseases, the  
4590 division may:

4591 (1) Issue an administrative cease and desist order,  
4592 enforceable in the circuit court in the jurisdiction where the  
4593 violation is occurring or has occurred.

4594 (2) Assess an administrative fine against a firefighter  
4595 employer of not less than \$100 or more than \$1,000 for each  
4596 violation and each day a violation is committed.

4597 (3) Assess against the firefighter employer a civil penalty  
4598 of not less than \$100 nor more than \$5,000 for each day the  
4599 violation, omission, failure, or refusal continues after the  
4600 firefighter employer has been given written notice of such  
4601 violation, omission, failure, or refusal. The total penalty for  
4602 each violation shall not exceed \$50,000. The division shall  
4603 adopt rules requiring penalties commensurate with the frequency  
4604 or severity of safety violations. Hearings requested under this  
4605 section shall be conducted in Tallahassee ~~A hearing shall be~~  
4606 ~~held in the county in which the violation, omission, failure, or~~  
4607 ~~refusal is alleged to have occurred, unless otherwise agreed to~~  
4608 ~~by the firefighter employer and authorized by the division. All~~  
4609 penalties assessed and collected under this section shall be  
4610 deposited in the Insurance Regulatory Trust Fund.

4611 Section 86. Section 633.812, Florida Statutes, is

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4612 transferred and renumbered as section 633.528, Florida Statutes,  
4613 and subsections (2) and (3) of that section are amended, to  
4614 read:

4615 633.528 ~~633.812~~ Division cooperation with Federal  
4616 Government; exemption from requirements for private firefighter  
4617 employers.—

4618 (2) ~~Except as provided in this section,~~ A private  
4619 firefighter employer is not subject to the requirements set  
4620 forth in part IV and this part of the division if the private  
4621 firefighter employer meets the requirements of this part and:

4622 (a) The private firefighter employer is subject to the  
4623 federal regulations in 29 C.F.R. ss. 1910 and 1926.

4624 (b) The private firefighter employer has adopted and  
4625 implemented a written safety program that conforms to the  
4626 requirements of 29 C.F.R. ss. 1910 and 1926.

4627 ~~(c) A private firefighter employer with 20 or more full-~~  
4628 ~~time firefighter employees shall include provisions for a safety~~  
4629 ~~committee in the safety program. The safety committee shall~~  
4630 ~~include firefighter employee representation and shall meet at~~  
4631 ~~least once each calendar quarter. The private firefighter~~  
4632 ~~employer shall make adequate records of each meeting and~~  
4633 ~~maintain the records subject to inspections under subsection~~  
4634 ~~(3). The safety committee shall, if appropriate, make~~  
4635 ~~recommendations regarding improvements to the safety program and~~  
4636 ~~corrections of hazards affecting workplace safety.~~

4637 (c) ~~(d)~~ The private firefighter employer provides the  
4638 division with a written statement that certifies compliance with  
4639 this subsection.

4640 (3) The division may enter at any reasonable time any place



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4641 of private firefighter employment for the purpose of verifying  
4642 the accuracy of the written certification. If the division  
4643 determines that the private firefighter employer has not  
4644 complied with the requirements of subsection (2), the private  
4645 firefighter employer shall be subject to the rules of the  
4646 division until the private firefighter employer complies with  
4647 subsection (2), which must be verified by a reinspection by and  
4648 ~~recertifies that fact to~~ the division.

4649 Section 87. Section 633.816, Florida Statutes, is  
4650 transferred, renumbered as section 633.532, Florida Statutes,  
4651 and amended to read:

4652 633.532 ~~633.816~~ Firefighter employee rights and  
4653 responsibilities.—

4654 (1) Each firefighter employee of a firefighter employer  
4655 covered under this part ~~ss. 633.801-633.821~~ shall comply with  
4656 rules adopted by the division and with reasonable workplace  
4657 safety and health standards, rules, policies, procedures, and  
4658 work practices established by the firefighter employer and the  
4659 workplace safety committee. A firefighter employee who knowingly  
4660 fails to comply with this subsection may be disciplined or  
4661 discharged by the firefighter employer.

4662 (2) A firefighter employer may not discharge, threaten to  
4663 discharge, cause to be discharged, intimidate, coerce, otherwise  
4664 discipline, or in any manner discriminate against a firefighter  
4665 employee for any of the following reasons:

4666 (a) The firefighter employee has testified or is about to  
4667 testify, on her or his own behalf or on behalf of others, in any  
4668 proceeding instituted under this part ~~ss. 633.801-633.821~~;

4669 (b) The firefighter employee has exercised any other right

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4670 ~~given~~ ~~afforded~~ under this part ~~ss. 633.801-633.821~~; or

4671 (c) The firefighter employee is engaged in activities  
4672 relating to the workplace safety committee.

4673 (3) ~~No~~ Pay, a position, seniority, or any other benefit may  
4674 not be lost for exercising any right under, or for seeking  
4675 compliance with any requirement of, this part ~~ss. 633.801-~~  
4676 ~~633.821~~.

4677 Section 88. Section 633.818, Florida Statutes, is  
4678 transferred, renumbered as section 633.534, Florida Statutes,  
4679 and amended to read:

4680 633.534 ~~633.818~~ False, fictitious, or fraudulent acts,  
4681 statements, and representations prohibited; penalty; statute of  
4682 limitations to insurers.-

4683 (1) A firefighter employer who knowingly and willfully  
4684 falsifies or conceals a material fact, who makes a false,  
4685 fictitious, or fraudulent statement or representation, or who  
4686 makes or uses any false document knowing the document to contain  
4687 any false, fictitious, or fraudulent entry or statement to an  
4688 insurer of workers' compensation insurance under this part ~~ss.~~  
4689 ~~633.801-633.821~~ commits a misdemeanor of the second degree,  
4690 punishable as provided in s. 775.082 or s. 775.083.

4691 (2) A person may not, in any matter within the jurisdiction  
4692 of the division, knowingly and willfully falsify or conceal a  
4693 material fact; make any false, fictitious, or fraudulent  
4694 statement or representation; or make or use any false document,  
4695 knowing the same to contain any false, fictitious, or fraudulent  
4696 statement or entry. A person who violates this section commits a  
4697 misdemeanor of the second degree, punishable as provided in s.  
4698 775.082 or s. 775.083. The statute of limitations for

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4699 prosecution of an act committed in violation of this section is  
4700 5 years after the date the act was committed or, if not  
4701 discovered within 30 days after the act was committed, 5 years  
4702 after the date the act was discovered.

4703 Section 89. Section 633.814, Florida Statutes, is  
4704 transferred, renumbered as section 633.536, Florida Statutes,  
4705 and amended to read:

4706 633.536 ~~633.814~~ Expenses of administration.—The amounts  
4707 that are needed to administer this part ~~ss. 633.801–633.821~~  
4708 shall be disbursed from the Insurance Regulatory Trust Fund.

4709 Section 90. Paragraph (b) of subsection (2) of section  
4710 112.011, Florida Statutes, is amended to read:

4711 112.011 Disqualification from licensing and public  
4712 employment based on criminal conviction.—

4713 (2)

4714 (b) This section does not apply to the employment practices  
4715 of any fire department relating to the hiring of firefighters.  
4716 ~~An applicant for employment with any fire department who has a~~  
4717 ~~prior felony conviction shall be excluded from employment for a~~  
4718 ~~period of 4 years after expiration of sentence or final release~~  
4719 ~~by the Parole Commission unless the applicant, before the~~  
4720 ~~expiration of the 4-year period, has received a full pardon or~~  
4721 ~~has had his or her civil rights restored.~~

4722 Section 91. Paragraph (i) of subsection (2) of section  
4723 112.191, Florida Statutes, is amended, and paragraphs (a), (b),  
4724 and (c) of subsection (2) of that section are reenacted, to  
4725 read:

4726 112.191 Firefighters; death benefits.—

4727 (2) (a) The sum of \$50,000, as adjusted pursuant to

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4728 paragraph (i), shall be paid as provided in this section when a  
4729 firefighter, while engaged in the performance of his or her  
4730 firefighter duties, is accidentally killed or receives  
4731 accidental bodily injury which subsequently results in the loss  
4732 of the firefighter's life, provided that such killing is not the  
4733 result of suicide and that such bodily injury is not  
4734 intentionally self-inflicted. Notwithstanding any other  
4735 provision of law, in no case shall the amount payable under this  
4736 subsection be less than the actual amount stated therein.

4737 (b) The sum of \$50,000, as adjusted pursuant to paragraph  
4738 (i), shall be paid as provided in this section if a firefighter  
4739 is accidentally killed as specified in paragraph (a) and the  
4740 accidental death occurs as a result of the firefighter's  
4741 response to what is reasonably believed to be an emergency  
4742 involving the protection of life or property or the  
4743 firefighter's participation in a training exercise. This sum is  
4744 in addition to any sum provided in paragraph (a).  
4745 Notwithstanding any other provision of law, the amount payable  
4746 under this subsection may not be less than the actual amount  
4747 stated therein.

4748 (c) If a firefighter, while engaged in the performance of  
4749 his or her firefighter duties, is unlawfully and intentionally  
4750 killed, is injured by an unlawful and intentional act of another  
4751 person and dies as a result of such injury, dies as a result of  
4752 a fire which has been determined to have been caused by an act  
4753 of arson, or subsequently dies as a result of injuries sustained  
4754 therefrom, the sum of \$150,000, as adjusted pursuant to  
4755 paragraph (i), shall be paid as provided in this section.  
4756 Notwithstanding any other provision of law, the amount payable

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4757 under this subsection may not be less than the actual amount  
4758 stated therein.

4759 (i) Any payments made pursuant to paragraph (a), paragraph  
4760 (b), or paragraph (c) shall consist of the statutory amount  
4761 adjusted to show ~~reflect~~ price level changes in the Consumer  
4762 Price Index for All Urban Consumers published by the United  
4763 States Department of Labor since July 1, 2002 ~~the effective date~~  
4764 ~~of the act.~~ The Division of State Fire Marshal, using the most  
4765 recent month for which Consumer Price Index data is available,  
4766 shall, on June 15 of each year, calculate and publish on the  
4767 division's internet website the amount resulting from the  
4768 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~  
4769 ~~on the Consumer Price Index for All Urban Consumers published by~~  
4770 ~~the United States Department of Labor.~~ The adjusted statutory  
4771 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each  
4772 year ~~using the most recent month for which data are available at~~  
4773 ~~the time of the adjustment.~~

4774 Section 92. Subsection (4) of section 120.541, Florida  
4775 Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws  
4776 of Florida, is amended to read:

4777 120.541 Statement of estimated regulatory costs.-

4778 (4) Subsection (3) does not apply to the adoption of:

4779 (a) Federal standards pursuant to s. 120.54(6).

4780 (b) Triennial updates of and amendments to the Florida  
4781 Building Code which are expressly authorized by s. 553.73.

4782 (c) Triennial updates of and amendments to the Florida Fire  
4783 Prevention Code which are expressly authorized by s. 633.202 ~~s.~~  
4784 ~~633.0215.~~

4785 Section 93. Paragraph (c) of subsection (6) of section

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4786 196.081, Florida Statutes, as amended by section 2 of chapter  
4787 2012-54, Laws of Florida, and section 19 of chapter 2012-193,  
4788 Laws of Florida, is amended to read:

4789 196.081 Exemption for certain permanently and totally  
4790 disabled veterans and for surviving spouses of veterans  
4791 exemption for surviving spouses of first responders who die in  
4792 the line of duty.—

4793 (6) Any real estate that is owned and used as a homestead  
4794 by the surviving spouse of a first responder who died in the  
4795 line of duty while employed by the state or any political  
4796 subdivision of the state, including authorities and special  
4797 districts, and for whom a letter from the state or appropriate  
4798 political subdivision of the state, or other authority or  
4799 special district, has been issued which legally recognizes and  
4800 certifies that the first responder died in the line of duty  
4801 while employed as a first responder is exempt from taxation if  
4802 the first responder and his or her surviving spouse were  
4803 permanent residents of this state on January 1 of the year in  
4804 which the first responder died.

4805 (c) As used in this subsection only, and not applicable to  
4806 the payment of benefits under s. 112.19 or s. 112.191, the term:

4807 1. "First responder" means a law enforcement officer or  
4808 correctional officer as defined in s. 943.10, a firefighter as  
4809 defined in s. 633.102 ~~s. 633.30~~, or an emergency medical  
4810 technician or paramedic as defined in s. 401.23 who is a full-  
4811 time paid employee, part-time paid employee, or unpaid  
4812 volunteer.

4813 2. "In the line of duty" means:

4814 a. While engaging in law enforcement;

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- 4815           b. While performing an activity relating to fire  
4816 suppression and prevention;  
4817           c. While responding to a hazardous material emergency;  
4818           d. While performing rescue activity;  
4819           e. While providing emergency medical services;  
4820           f. While performing disaster relief activity;  
4821           g. While otherwise engaging in emergency response activity;

4822 or

- 4823           h. While engaging in a training exercise related to any of  
4824 the events or activities enumerated in this subparagraph if the  
4825 training has been authorized by the employing entity.

4826  
4827 A heart attack or stroke that causes death or causes an injury  
4828 resulting in death must occur within 24 hours after an event or  
4829 activity enumerated in this subparagraph and must be directly  
4830 and proximately caused by the event or activity in order to be  
4831 considered as having occurred in the line of duty.

4832           Section 94. Section 633.024, Florida Statutes, is repealed.

4833           Section 95. Section 633.0245, Florida Statutes, is  
4834 repealed.

4835           Section 96. Section 633.03, Florida Statutes, is repealed.

4836           Section 97. Section 633.0421, Florida Statutes, is  
4837 repealed.

4838           Section 98. Section 633.13, Florida Statutes, is repealed.

4839           Section 99. Section 633.167, Florida Statutes, is repealed.

4840           Section 100. Section 633.18, Florida Statutes, is repealed.

4841           Section 101. Section 633.30, Florida Statutes, is repealed.

4842           Section 102. Section 633.32, Florida Statutes, is repealed.

4843           Section 103. Section 633.33, Florida Statutes, is repealed.

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4844 Section 104. Section 633.37, Florida Statutes, is repealed.

4845 Section 105. Section 633.445, Florida Statutes, is  
4846 repealed.

4847 Section 106. Section 633.514, Florida Statutes, is  
4848 repealed.

4849 Section 107. Section 633.517, Florida Statutes, is  
4850 repealed.

4851 Section 108. Section 633.524, Florida Statutes, is  
4852 repealed.

4853 Section 109. Section 633.804, Florida Statutes, is  
4854 repealed.

4855 Section 110. Section 633.808, Florida Statutes, is  
4856 repealed.

4857 Section 111. Section 633.810, Florida Statutes, is  
4858 repealed.

4859 Section 112. Section 633.813, Florida Statutes, is  
4860 repealed.

4861 Section 113. Section 633.815, Florida Statutes, is  
4862 repealed.

4863 Section 114. Section 633.819, Florida Statutes, is  
4864 repealed.

4865 Section 115. Section 633.820, Florida Statutes, is  
4866 repealed.

4867 Section 116. Subsection (1) of section 112.1815, Florida  
4868 Statutes, is amended to read:

4869 112.1815 Firefighters, paramedics, emergency medical  
4870 technicians, and law enforcement officers; special provisions  
4871 for employment-related accidents and injuries.-

4872 (1) The term "first responder" as used in this section



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4873 means a law enforcement officer as defined in s. 943.10, a  
4874 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
4875 medical technician or paramedic as defined in s. 401.23 employed  
4876 by state or local government. A volunteer law enforcement  
4877 officer, firefighter, or emergency medical technician or  
4878 paramedic engaged by the state or a local government is also  
4879 considered a first responder of the state or local government  
4880 for purposes of this section.

4881 Section 117. Paragraph (b) of subsection (1) of section  
4882 112.191, Florida Statutes, is amended to read:

4883 112.191 Firefighters; death benefits.—

4884 (1) Whenever used in this act:

4885 (b) The term "firefighter" means any full-time duly  
4886 employed uniformed firefighter employed by an employer, whose  
4887 primary duty is the prevention and extinguishing of fires, the  
4888 protection of life and property therefrom, the enforcement of  
4889 municipal, county, and state fire prevention codes, as well as  
4890 the enforcement of any law pertaining to the prevention and  
4891 control of fires, who is certified pursuant to s. 633.408  
4892 ~~633.35~~, and who is a member of a duly constituted fire  
4893 department of such employer or who is a volunteer firefighter.

4894 Section 118. Subsection (1) of section 112.81, Florida  
4895 Statutes, is amended to read:

4896 112.81 Definitions.—As used in this part:

4897 (1) "Firefighter" means a ~~any~~ person who is certified in  
4898 compliance with s. 633.408 ~~633.35~~ and who is employed solely  
4899 within the fire department or public safety department of an  
4900 employing agency as a full-time firefighter whose primary  
4901 responsibility is the prevention and extinguishment of fires;

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4902 the protection of life and property; and the enforcement of  
4903 municipal, county, and state fire prevention codes and laws  
4904 pertaining to the prevention and control of fires.

4905 Section 119. Paragraph (d) of subsection (4) of section  
4906 119.071, Florida Statutes, is amended to read:

4907 119.071 General exemptions from inspection or copying of  
4908 public records.—

4909 (4) AGENCY PERSONNEL INFORMATION.—

4910 (d)1. For purposes of this paragraph, the term "telephone  
4911 numbers" includes home telephone numbers, personal cellular  
4912 telephone numbers, personal pager telephone numbers, and  
4913 telephone numbers associated with personal communications  
4914 devices.

4915 2.a. The home addresses, telephone numbers, social security  
4916 numbers, dates of birth, and photographs of active or former  
4917 sworn or civilian law enforcement personnel, including  
4918 correctional and correctional probation officers, personnel of  
4919 the Department of Children and Family Services whose duties  
4920 include the investigation of abuse, neglect, exploitation,  
4921 fraud, theft, or other criminal activities, personnel of the  
4922 Department of Health whose duties are to support the  
4923 investigation of child abuse or neglect, and personnel of the  
4924 Department of Revenue or local governments whose  
4925 responsibilities include revenue collection and enforcement or  
4926 child support enforcement; the home addresses, telephone  
4927 numbers, social security numbers, photographs, dates of birth,  
4928 and places of employment of the spouses and children of such  
4929 personnel; and the names and locations of schools and day care  
4930 facilities attended by the children of such personnel are exempt

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4931 from s. 119.07(1).

4932 b. The home addresses, telephone numbers, dates of birth,  
4933 and photographs of firefighters certified in compliance with s.  
4934 633.408 ~~633.35~~; the home addresses, telephone numbers,  
4935 photographs, dates of birth, and places of employment of the  
4936 spouses and children of such firefighters; and the names and  
4937 locations of schools and day care facilities attended by the  
4938 children of such firefighters are exempt from s. 119.07(1).

4939 c. The home addresses, dates of birth, and telephone  
4940 numbers of current or former justices of the Supreme Court,  
4941 district court of appeal judges, circuit court judges, and  
4942 county court judges; the home addresses, telephone numbers,  
4943 dates of birth, and places of employment of the spouses and  
4944 children of current or former justices and judges; and the names  
4945 and locations of schools and day care facilities attended by the  
4946 children of current or former justices and judges are exempt  
4947 from s. 119.07(1).

4948 d. The home addresses, telephone numbers, social security  
4949 numbers, dates of birth, and photographs of current or former  
4950 state attorneys, assistant state attorneys, statewide  
4951 prosecutors, or assistant statewide prosecutors; the home  
4952 addresses, telephone numbers, social security numbers,  
4953 photographs, dates of birth, and places of employment of the  
4954 spouses and children of current or former state attorneys,  
4955 assistant state attorneys, statewide prosecutors, or assistant  
4956 statewide prosecutors; and the names and locations of schools  
4957 and day care facilities attended by the children of current or  
4958 former state attorneys, assistant state attorneys, statewide  
4959 prosecutors, or assistant statewide prosecutors are exempt from

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4960 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
4961 e. The home addresses, dates of birth, and telephone  
4962 numbers of general magistrates, special magistrates, judges of  
4963 compensation claims, administrative law judges of the Division  
4964 of Administrative Hearings, and child support enforcement  
4965 hearing officers; the home addresses, telephone numbers, dates  
4966 of birth, and places of employment of the spouses and children  
4967 of general magistrates, special magistrates, judges of  
4968 compensation claims, administrative law judges of the Division  
4969 of Administrative Hearings, and child support enforcement  
4970 hearing officers; and the names and locations of schools and day  
4971 care facilities attended by the children of general magistrates,  
4972 special magistrates, judges of compensation claims,  
4973 administrative law judges of the Division of Administrative  
4974 Hearings, and child support enforcement hearing officers are  
4975 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
4976 Constitution if the general magistrate, special magistrate,  
4977 judge of compensation claims, administrative law judge of the  
4978 Division of Administrative Hearings, or child support hearing  
4979 officer provides a written statement that the general  
4980 magistrate, special magistrate, judge of compensation claims,  
4981 administrative law judge of the Division of Administrative  
4982 Hearings, or child support hearing officer has made reasonable  
4983 efforts to protect such information from being accessible  
4984 through other means available to the public.  
4985 f. The home addresses, telephone numbers, dates of birth,  
4986 and photographs of current or former human resource, labor  
4987 relations, or employee relations directors, assistant directors,  
4988 managers, or assistant managers of any local government agency

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4989 or water management district whose duties include hiring and  
4990 firing employees, labor contract negotiation, administration, or  
4991 other personnel-related duties; the names, home addresses,  
4992 telephone numbers, dates of birth, and places of employment of  
4993 the spouses and children of such personnel; and the names and  
4994 locations of schools and day care facilities attended by the  
4995 children of such personnel are exempt from s. 119.07(1) and s.  
4996 24(a), Art. I of the State Constitution.

4997 g. The home addresses, telephone numbers, dates of birth,  
4998 and photographs of current or former code enforcement officers;  
4999 the names, home addresses, telephone numbers, dates of birth,  
5000 and places of employment of the spouses and children of such  
5001 personnel; and the names and locations of schools and day care  
5002 facilities attended by the children of such personnel are exempt  
5003 from s. 119.07(1) and s. 24(a), Art. I of the State  
5004 Constitution.

5005 h. The home addresses, telephone numbers, places of  
5006 employment, dates of birth, and photographs of current or former  
5007 guardians ad litem, as defined in s. 39.820; the names, home  
5008 addresses, telephone numbers, dates of birth, and places of  
5009 employment of the spouses and children of such persons; and the  
5010 names and locations of schools and day care facilities attended  
5011 by the children of such persons are exempt from s. 119.07(1) and  
5012 s. 24(a), Art. I of the State Constitution, if the guardian ad  
5013 litem provides a written statement that the guardian ad litem  
5014 has made reasonable efforts to protect such information from  
5015 being accessible through other means available to the public.

5016 i. The home addresses, telephone numbers, dates of birth,  
5017 and photographs of current or former juvenile probation

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5018 officers, juvenile probation supervisors, detention  
5019 superintendents, assistant detention superintendents, juvenile  
5020 justice detention officers I and II, juvenile justice detention  
5021 officer supervisors, juvenile justice residential officers,  
5022 juvenile justice residential officer supervisors I and II,  
5023 juvenile justice counselors, juvenile justice counselor  
5024 supervisors, human services counselor administrators, senior  
5025 human services counselor administrators, rehabilitation  
5026 therapists, and social services counselors of the Department of  
5027 Juvenile Justice; the names, home addresses, telephone numbers,  
5028 dates of birth, and places of employment of spouses and children  
5029 of such personnel; and the names and locations of schools and  
5030 day care facilities attended by the children of such personnel  
5031 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
5032 Constitution.

5033 j. The home addresses, telephone numbers, dates of birth,  
5034 and photographs of current or former public defenders, assistant  
5035 public defenders, criminal conflict and civil regional counsel,  
5036 and assistant criminal conflict and civil regional counsel; the  
5037 home addresses, telephone numbers, dates of birth, and places of  
5038 employment of the spouses and children of such defenders or  
5039 counsel; and the names and locations of schools and day care  
5040 facilities attended by the children of such defenders or counsel  
5041 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
5042 Constitution.

5043 k. The home addresses, telephone numbers, and photographs  
5044 of current or former investigators or inspectors of the  
5045 Department of Business and Professional Regulation; the names,  
5046 home addresses, telephone numbers, and places of employment of

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5047 the spouses and children of such current or former investigators  
5048 and inspectors; and the names and locations of schools and day  
5049 care facilities attended by the children of such current or  
5050 former investigators and inspectors are exempt from s. 119.07(1)  
5051 and s. 24(a), Art. I of the State Constitution if the  
5052 investigator or inspector has made reasonable efforts to protect  
5053 such information from being accessible through other means  
5054 available to the public. This sub-subparagraph is subject to the  
5055 Open Government Sunset Review Act in accordance with s. 119.15  
5056 and shall stand repealed on October 2, 2017, unless reviewed and  
5057 saved from repeal through reenactment by the Legislature.

5058 1. The home addresses and telephone numbers of county tax  
5059 collectors; the names, home addresses, telephone numbers, and  
5060 places of employment of the spouses and children of such tax  
5061 collectors; and the names and locations of schools and day care  
5062 facilities attended by the children of such tax collectors are  
5063 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
5064 Constitution if the county tax collector has made reasonable  
5065 efforts to protect such information from being accessible  
5066 through other means available to the public. This sub-  
5067 subparagraph is subject to the Open Government Sunset Review Act  
5068 in accordance with s. 119.15 and shall stand repealed on October  
5069 2, 2017, unless reviewed and saved from repeal through  
5070 reenactment by the Legislature.

5071 3. An agency that is the custodian of the information  
5072 specified in subparagraph 2. and that is not the employer of the  
5073 officer, employee, justice, judge, or other person specified in  
5074 subparagraph 2. shall maintain the exempt status of that  
5075 information only if the officer, employee, justice, judge, other

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5076 person, or employing agency of the designated employee submits a  
5077 written request for maintenance of the exemption to the  
5078 custodial agency.

5079 4. The exemptions in this paragraph apply to information  
5080 held by an agency before, on, or after the effective date of the  
5081 exemption.

5082 5. This paragraph is subject to the Open Government Sunset  
5083 Review Act in accordance with s. 119.15, and shall stand  
5084 repealed on October 2, 2017, unless reviewed and saved from  
5085 repeal through reenactment by the Legislature.

5086 Section 120. Subsection (17) of section 120.80, Florida  
5087 Statutes, is amended to read:

5088 120.80 Exceptions and special requirements; agencies.—

5089 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply  
5090 to the adoption of amendments and the triennial update to the  
5091 Florida Fire Prevention Code expressly authorized by s. 633.202  
5092 ~~633.0215~~.

5093 Section 121. Subsection (3) and paragraph (a) of subsection  
5094 (6) of section 121.0515, Florida Statutes, are amended to read:

5095 121.0515 Special Risk Class.—

5096 (3) CRITERIA.—A member, to be designated as a special risk  
5097 member, must meet the following criteria:

5098 (a) Effective October 1, 1978, the member must be employed  
5099 as a law enforcement officer and be certified, or required to be  
5100 certified, in compliance with s. 943.1395; however, sheriffs and  
5101 elected police chiefs are excluded from meeting the  
5102 certification requirements of this paragraph. In addition, the  
5103 member's duties and responsibilities must include the pursuit,  
5104 apprehension, and arrest of law violators or suspected law



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5105 violators; or as of July 1, 1982, the member must be an active  
5106 member of a bomb disposal unit whose primary responsibility is  
5107 the location, handling, and disposal of explosive devices; or  
5108 the member must be the supervisor or command officer of a member  
5109 or members who have such responsibilities. Administrative  
5110 support personnel, including, but not limited to, those whose  
5111 primary duties and responsibilities are in accounting,  
5112 purchasing, legal, and personnel, are not included;

5113 (b) Effective October 1, 1978, the member must be employed  
5114 as a firefighter and be certified, or required to be certified,  
5115 in compliance with s. 633.408 ~~633.35~~ and be employed solely  
5116 within the fire department of a local government employer or an  
5117 agency of state government with firefighting responsibilities.  
5118 In addition, the member's duties and responsibilities must  
5119 include on-the-scene fighting of fires; as of October 1, 2001,  
5120 fire prevention or firefighter training; as of October 1, 2001,  
5121 direct supervision of firefighting units, fire prevention, or  
5122 firefighter training; or as of July 1, 2001, aerial firefighting  
5123 surveillance performed by fixed-wing aircraft pilots employed by  
5124 the Florida Forest Service of the Department of Agriculture and  
5125 Consumer Services; or the member must be the supervisor or  
5126 command officer of a member or members who have such  
5127 responsibilities. Administrative support personnel, including,  
5128 but not limited to, those whose primary duties and  
5129 responsibilities are in accounting, purchasing, legal, and  
5130 personnel, are not included. All periods of creditable service  
5131 in fire prevention or firefighter training, or as the supervisor  
5132 or command officer of a member or members who have such  
5133 responsibilities, and for which the employer paid the special

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5134 risk contribution rate, are included;

5135 (c) Effective October 1, 1978, the member must be employed  
5136 as a correctional officer and be certified, or required to be  
5137 certified, in compliance with s. 943.1395. In addition, the  
5138 member's primary duties and responsibilities must be the  
5139 custody, and physical restraint when necessary, of prisoners or  
5140 inmates within a prison, jail, or other criminal detention  
5141 facility, or while on work detail outside the facility, or while  
5142 being transported; or as of July 1, 1984, the member must be the  
5143 supervisor or command officer of a member or members who have  
5144 such responsibilities. Administrative support personnel,  
5145 including, but not limited to, those whose primary duties and  
5146 responsibilities are in accounting, purchasing, legal, and  
5147 personnel, are not included; however, wardens and assistant  
5148 wardens, as defined by rule, are included;

5149 (d) Effective October 1, 1999, the member must be employed  
5150 by a licensed Advance Life Support (ALS) or Basic Life Support  
5151 (BLS) employer as an emergency medical technician or a paramedic  
5152 and be certified in compliance with s. 401.27. In addition, the  
5153 member's primary duties and responsibilities must include on-  
5154 the-scene emergency medical care or as of October 1, 2001,  
5155 direct supervision of emergency medical technicians or  
5156 paramedics, or the member must be the supervisor or command  
5157 officer of one or more members who have such responsibility.  
5158 Administrative support personnel, including, but not limited to,  
5159 those whose primary responsibilities are in accounting,  
5160 purchasing, legal, and personnel, are not included;

5161 (e) Effective January 1, 2001, the member must be employed  
5162 as a community-based correctional probation officer and be

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5163 certified, or required to be certified, in compliance with s.  
5164 943.1395. In addition, the member's primary duties and  
5165 responsibilities must be the supervised custody, surveillance,  
5166 control, investigation, and counseling of assigned inmates,  
5167 probationers, parolees, or community controllees within the  
5168 community; or the member must be the supervisor of a member or  
5169 members who have such responsibilities. Administrative support  
5170 personnel, including, but not limited to, those whose primary  
5171 duties and responsibilities are in accounting, purchasing, legal  
5172 services, and personnel management, are not included; however,  
5173 probation and parole circuit and deputy circuit administrators  
5174 are included;

5175 (f) Effective January 1, 2001, the member must be employed  
5176 in one of the following classes and must spend at least 75  
5177 percent of his or her time performing duties which involve  
5178 contact with patients or inmates in a correctional or forensic  
5179 facility or institution:

- 5180 1. Dietitian (class codes 5203 and 5204);
- 5181 2. Public health nutrition consultant (class code 5224);
- 5182 3. Psychological specialist (class codes 5230 and 5231);
- 5183 4. Psychologist (class code 5234);
- 5184 5. Senior psychologist (class codes 5237 and 5238);
- 5185 6. Regional mental health consultant (class code 5240);
- 5186 7. Psychological Services Director-DCF (class code 5242);
- 5187 8. Pharmacist (class codes 5245 and 5246);
- 5188 9. Senior pharmacist (class codes 5248 and 5249);
- 5189 10. Dentist (class code 5266);
- 5190 11. Senior dentist (class code 5269);
- 5191 12. Registered nurse (class codes 5290 and 5291);

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5192 13. Senior registered nurse (class codes 5292 and 5293);  
5193 14. Registered nurse specialist (class codes 5294 and  
5194 5295);  
5195 15. Clinical associate (class codes 5298 and 5299);  
5196 16. Advanced registered nurse practitioner (class codes  
5197 5297 and 5300);  
5198 17. Advanced registered nurse practitioner specialist  
5199 (class codes 5304 and 5305);  
5200 18. Registered nurse supervisor (class codes 5306 and  
5201 5307);  
5202 19. Senior registered nurse supervisor (class codes 5308  
5203 and 5309);  
5204 20. Registered nursing consultant (class codes 5312 and  
5205 5313);  
5206 21. Quality management program supervisor (class code  
5207 5314);  
5208 22. Executive nursing director (class codes 5320 and 5321);  
5209 23. Speech and hearing therapist (class code 5406); or  
5210 24. Pharmacy manager (class code 5251);  
5211 (g) Effective July 1, 2001, the member must be employed as  
5212 a youth custody officer and be certified, or required to be  
5213 certified, in compliance with s. 943.1395. In addition, the  
5214 member's primary duties and responsibilities must be the  
5215 supervised custody, surveillance, control, investigation,  
5216 apprehension, arrest, and counseling of assigned juveniles  
5217 within the community;  
5218 (h) Effective October 1, 2005, through June 30, 2008, the  
5219 member must be employed by a law enforcement agency or medical  
5220 examiner's office in a forensic discipline recognized by the

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5221 International Association for Identification and must qualify  
5222 for active membership in the International Association for  
5223 Identification. The member's primary duties and responsibilities  
5224 must include the collection, examination, preservation,  
5225 documentation, preparation, or analysis of physical evidence or  
5226 testimony, or both, or the member must be the direct supervisor,  
5227 quality management supervisor, or command officer of one or more  
5228 individuals with such responsibility. Administrative support  
5229 personnel, including, but not limited to, those whose primary  
5230 responsibilities are clerical or in accounting, purchasing,  
5231 legal, and personnel, are not included;

5232 (i) Effective July 1, 2008, the member must be employed by  
5233 the Department of Law Enforcement in the crime laboratory or by  
5234 the Division of State Fire Marshal in the forensic laboratory in  
5235 one of the following classes:

- 5236 1. Forensic technologist (class code 8459);
- 5237 2. Crime laboratory technician (class code 8461);
- 5238 3. Crime laboratory analyst (class code 8463);
- 5239 4. Senior crime laboratory analyst (class code 8464);
- 5240 5. Crime laboratory analyst supervisor (class code 8466);
- 5241 6. Forensic chief (class code 9602); or
- 5242 7. Forensic services quality manager (class code 9603);

5243 (j) Effective July 1, 2008, the member must be employed by  
5244 a local government law enforcement agency or medical examiner's  
5245 office and must spend at least 65 percent of his or her time  
5246 performing duties that involve the collection, examination,  
5247 preservation, documentation, preparation, or analysis of human  
5248 tissues or fluids or physical evidence having potential  
5249 biological, chemical, or radiological hazard or contamination,

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5250 or use chemicals, processes, or materials that may have  
5251 carcinogenic or health-damaging properties in the analysis of  
5252 such evidence, or the member must be the direct supervisor of  
5253 one or more individuals having such responsibility. If a special  
5254 risk member changes to another position within the same agency,  
5255 he or she must submit a complete application as provided in  
5256 paragraph (4) (a); or

5257 (k) The member must have already qualified for and be  
5258 actively participating in special risk membership under  
5259 paragraph (a), paragraph (b), or paragraph (c), must have  
5260 suffered a qualifying injury as defined in this paragraph, must  
5261 not be receiving disability retirement benefits as provided in  
5262 s. 121.091(4), and must satisfy the requirements of this  
5263 paragraph.

5264 1. The ability to qualify for the class of membership  
5265 defined in paragraph (2) (i) occurs when two licensed medical  
5266 physicians, one of whom is a primary treating physician of the  
5267 member, certify the existence of the physical injury and medical  
5268 condition that constitute a qualifying injury as defined in this  
5269 paragraph and that the member has reached maximum medical  
5270 improvement after August 1, 2008. The certifications from the  
5271 licensed medical physicians must include, at a minimum, that the  
5272 injury to the special risk member has resulted in a physical  
5273 loss, or loss of use, of at least two of the following: left  
5274 arm, right arm, left leg, or right leg; and:

5275 a. That this physical loss or loss of use is total and  
5276 permanent, except if ~~if in the event that~~ the loss of use is due to  
5277 a physical injury to the member's brain, in which event the loss  
5278 of use is permanent with at least 75 percent loss of motor

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5279 function with respect to each arm or leg affected.

5280 b. That this physical loss or loss of use renders the  
5281 member physically unable to perform the essential job functions  
5282 of his or her special risk position.

5283 c. That, notwithstanding this physical loss or loss of use,  
5284 the individual can ~~is able to~~ perform the essential job  
5285 functions required by the member's new position, as provided in  
5286 subparagraph 3.

5287 d. That use of artificial limbs is ~~either~~ not possible or  
5288 does not alter the member's ability to perform the essential job  
5289 functions of the member's position.

5290 e. That the physical loss or loss of use is a direct result  
5291 of a physical injury and not a result of any mental,  
5292 psychological, or emotional injury.

5293 2. For the purposes of this paragraph, "qualifying injury"  
5294 means an injury sustained in the line of duty, as certified by  
5295 the member's employing agency, by a special risk member that  
5296 does not result in total and permanent disability as defined in  
5297 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
5298 is a physical injury to the member's physical body resulting in  
5299 a physical loss, or loss of use, of at least two of the  
5300 following: left arm, right arm, left leg, or right leg.

5301 Notwithstanding any other provision of this section, an injury  
5302 that would otherwise qualify as a qualifying injury is not  
5303 considered a qualifying injury if and when the member ceases  
5304 employment with the employer for whom he or she was providing  
5305 special risk services on the date the injury occurred.

5306 3. The new position, as described in sub-subparagraph 1.c.,  
5307 that is required for qualification as a special risk member

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5308 under this paragraph is not required to be a position with  
5309 essential job functions that entitle an individual to special  
5310 risk membership. Whether a new position as described in sub-  
5311 subparagraph 1.c. exists and is available to the special risk  
5312 member is a decision to be made solely by the employer in  
5313 accordance with its hiring practices and applicable law.

5314 4. This paragraph does not grant or create additional  
5315 rights for any individual to continued employment or to be hired  
5316 or rehired by his or her employer that are not already provided  
5317 within the Florida Statutes, the State Constitution, the  
5318 Americans with Disabilities Act, if applicable, or any other  
5319 applicable state or federal law.

5320 (6) CREDIT FOR PAST SERVICE.—A special risk member may  
5321 purchase retirement credit in the Special Risk Class based upon  
5322 past service, and may upgrade retirement credit for such past  
5323 service, to the extent of 2 percent of the member's average  
5324 monthly compensation as specified in s. 121.091(1)(a) for such  
5325 service as follows:

5326 (a) The member may purchase special risk credit for past  
5327 service with a municipality or special district which has  
5328 elected to join the Florida Retirement System, or with a  
5329 participating agency to which a member's governmental unit was  
5330 transferred, merged, or consolidated as provided in s.  
5331 121.081(1)(f), if the member was employed with the municipality  
5332 or special district when ~~at the time~~ it commenced participating  
5333 in the Florida Retirement System or with the governmental unit  
5334 at the time of its transfer, merger, or consolidation with the  
5335 participating agency. The service must satisfy the criteria set  
5336 forth in subsection (3) for Special Risk Class membership as a



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5337 law enforcement officer, firefighter, or correctional officer;  
5338 however, a certificate or waiver of certificate of compliance  
5339 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such  
5340 service.

5341 Section 122. Paragraph (d) of subsection (1) of section  
5342 125.01, Florida Statutes, is amended to read:

5343 125.01 Powers and duties.—

5344 (1) The legislative and governing body of a county shall  
5345 have the power to carry on county government. To the extent not  
5346 inconsistent with general or special law, this power includes,  
5347 but is not restricted to, the power to:

5348 (d) Provide fire protection, including the enforcement of  
5349 the Florida Fire Prevention Code, as provided in ss. 633.206  
5350 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local  
5351 technical amendments to the Florida Fire Prevention Code as  
5352 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

5353 Section 123. Subsection (2) of section 125.01045, Florida  
5354 Statutes, is amended to read:

5355 125.01045 Prohibition of fees for first responder  
5356 services.—

5357 (2) As used in this section, the term "first responder"  
5358 means a law enforcement officer as defined in s. 943.10, a  
5359 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
5360 medical technician or paramedic as defined in s. 401.23 who is  
5361 employed by the state or a local government. A volunteer law  
5362 enforcement officer, firefighter, or emergency medical  
5363 technician or paramedic engaged by the state or a local  
5364 government is also considered a first responder of the state or  
5365 local government for purposes of this section.

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5366 Section 124. Subsection (1) of section 125.56, Florida  
5367 Statutes, is amended to read:

5368 125.56 Enforcement and amendment of the Florida Building  
5369 Code and the Florida Fire Prevention Code; inspection fees;  
5370 inspectors; etc.—

5371 (1) The board of county commissioners of each of the  
5372 several counties of the state may ~~is authorized to~~ enforce the  
5373 Florida Building Code and the Florida Fire Prevention Code, as  
5374 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,  
5375 and, at its discretion, ~~to~~ adopt local technical amendments to  
5376 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)  
5377 and local technical amendments to the Florida Fire Prevention  
5378 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe  
5379 construction, erection, alteration, repair, securing, and  
5380 demolition of any building within its territory outside the  
5381 corporate limits of any municipality. Upon a determination to  
5382 consider amending the Florida Building Code or the Florida Fire  
5383 Prevention Code by a majority of the members of the board of  
5384 county commissioners of such county, the board shall call a  
5385 public hearing and comply with the public notice requirements of  
5386 s. 125.66(2). The board shall hear all interested parties at the  
5387 public hearing and may then amend the building code or the fire  
5388 code consistent with the terms and purposes of this act. Upon  
5389 adoption, an amendment to the code shall be in full force and  
5390 effect throughout the unincorporated area of such county until  
5391 otherwise notified by the Florida Building Commission pursuant  
5392 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202  
5393 ~~633.0215~~. Nothing herein contained shall be construed to prevent  
5394 the board of county commissioners from repealing such amendment

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5395 to the building code or the fire code at any regular meeting of  
5396 such board.

5397 Section 125. Subsection (2) of section 166.0446, Florida  
5398 Statutes, is amended to read:

5399 166.0446 Prohibition of fees for first responder services.—

5400 (2) As used in this section, the term "first responder"  
5401 means a law enforcement officer as defined in s. 943.10, a  
5402 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
5403 medical technician or paramedic as defined in s. 401.23 who is  
5404 employed by the state or a local government. A volunteer law  
5405 enforcement officer, firefighter, or emergency medical  
5406 technician or paramedic engaged by the state or a local  
5407 government is also considered a first responder of the state or  
5408 local government for purposes of this section.

5409 Section 126. Paragraph (a) of subsection (8) of section  
5410 175.032, Florida Statutes, is amended to read:

5411 175.032 Definitions.—For any municipality, special fire  
5412 control district, chapter plan, local law municipality, local  
5413 law special fire control district, or local law plan under this  
5414 chapter, the following words and phrases have the following  
5415 meanings:

5416 (8) (a) "Firefighter" means a ~~any~~ person employed solely by  
5417 a constituted fire department of any municipality or special  
5418 fire control district who is certified as a firefighter as a  
5419 condition of employment in accordance with s. 633.408 ~~633.35~~ and  
5420 whose duty it is to extinguish fires, to protect life, or to  
5421 protect property. The term includes all certified, supervisory,  
5422 and command personnel whose duties include, in whole or in part,  
5423 the supervision, training, guidance, and management

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5424 responsibilities of full-time firefighters, part-time  
5425 firefighters, or auxiliary firefighters but does not include  
5426 part-time firefighters or auxiliary firefighters. However, for  
5427 purposes of this chapter only, the term also includes public  
5428 safety officers who are responsible for performing both police  
5429 and fire services, who are certified as police officers or  
5430 firefighters, and who are certified by their employers to the  
5431 Chief Financial Officer as participating in this chapter before  
5432 October 1, 1979. Effective October 1, 1979, public safety  
5433 officers who have not been certified as participating in this  
5434 chapter are considered police officers for retirement purposes  
5435 and are eligible to participate in chapter 185. Any plan may  
5436 provide that the fire chief has an option to participate, or  
5437 not, in that plan.

5438 Section 127. Subsection (3) of section 175.121, Florida  
5439 Statutes, is amended to read:

5440 175.121 Department of Revenue and Division of Retirement to  
5441 keep accounts of deposits; disbursements.—For any municipality  
5442 or special fire control district having a chapter or local law  
5443 plan established pursuant to this chapter:

5444 (3) (a) All moneys not distributed to municipalities and  
5445 special fire control districts under this section as a result of  
5446 the limitation on disbursement contained in s. 175.122, or as a  
5447 result of any municipality or special fire control district not  
5448 having qualified in any given year, or portion thereof, shall be  
5449 transferred to the Firefighters' Supplemental Compensation Trust  
5450 Fund administered by the Department of Revenue, as provided in  
5451 s. 633.422 ~~633.382~~.

5452 (b)1. Moneys transferred under paragraph (a) but not needed

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5453 to support the supplemental compensation program in a given year  
5454 shall be redistributed pro rata to those participating  
5455 municipalities and special fire control districts that transfer  
5456 any portion of their funds to support the supplemental  
5457 compensation program in that year. Such additional moneys shall  
5458 be used to cover or offset costs of the retirement plan.

5459 2. To assist the Department of Revenue, the division shall  
5460 identify those municipalities and special fire control districts  
5461 that are eligible for redistribution as provided in s.  
5462 633.422(3)(c)2. ~~633.382(4)(c)2.~~, by listing the municipalities  
5463 and special fire control districts from which funds were  
5464 transferred under paragraph (a) and specifying the amount  
5465 transferred by each.

5466 Section 128. Paragraph (e) of subsection (1) of section  
5467 218.23, Florida Statutes, is amended to read:

5468 218.23 Revenue sharing with units of local government.—

5469 (1) To be eligible to participate in revenue sharing beyond  
5470 the minimum entitlement in any fiscal year, a unit of local  
5471 government is required to have:

5472 (e) Certified that persons in its employ as firefighters,  
5473 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for  
5474 employment as established by the Division of State Fire Marshal  
5475 pursuant to ~~the provisions of~~ ss. 633.408 ~~633.34~~ and 633.412  
5476 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 ~~has~~ ~~633.382~~ ~~have~~  
5477 been met.

5478  
5479 Additionally, to receive its share of revenue sharing funds, a  
5480 unit of local government shall certify to the Department of  
5481 Revenue that the requirements of s. 200.065, if applicable, were

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5482 met. The certification shall be made annually within 30 days of  
5483 adoption of an ordinance or resolution establishing a final  
5484 property tax levy or, if no property tax is levied, not later  
5485 than November 1. The portion of revenue sharing funds which,  
5486 pursuant to this part, would otherwise be distributed to a unit  
5487 of local government which has not certified compliance or has  
5488 otherwise failed to meet the requirements of s. 200.065 shall be  
5489 deposited in the General Revenue Fund for the 12 months  
5490 following a determination of noncompliance by the department.

5491 Section 129. Paragraph (a) of subsection (3) of section  
5492 252.515, Florida Statutes, is amended to read:

5493 252.515 Postdisaster Relief Assistance Act; immunity from  
5494 civil liability.—

5495 (3) As used in this section, the term:

5496 (a) "Emergency first responder" means:

5497 1. A physician licensed under chapter 458.

5498 2. An osteopathic physician licensed under chapter 459.

5499 3. A chiropractic physician licensed under chapter 460.

5500 4. A podiatric physician licensed under chapter 461.

5501 5. A dentist licensed under chapter 466.

5502 6. An advanced registered nurse practitioner certified  
5503 under s. 464.012.

5504 7. A physician assistant licensed under s. 458.347 or s.  
5505 459.022.

5506 8. A worker employed by a public or private hospital in the  
5507 state.

5508 9. A paramedic as defined in s. 401.23(17).

5509 10. An emergency medical technician as defined in s.  
5510 401.23(11).

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- 5511 11. A firefighter as defined in s. 633.102 ~~633.30~~.
- 5512 12. A law enforcement officer as defined in s. 943.10.
- 5513 13. A member of the Florida National Guard.
- 5514 14. Any other personnel designated as emergency personnel
- 5515 by the Governor pursuant to a declared emergency.

5516 Section 130. Section 255.45, Florida Statutes, is amended

5517 to read:

5518 255.45 Correction of firesafety violations in certain

5519 state-owned property.—The Department of Management Services is

5520 responsible for ensuring that firesafety violations that are

5521 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~

5522 are corrected as soon as practicable for all state-owned

5523 property which is leased from the Department of Management

5524 Services.

5525 Section 131. Subsection (4) of section 258.0145, Florida

5526 Statutes, is amended to read:

5527 258.0145 Military state park fee discounts.—The Division of

5528 Recreation and Parks shall provide the following discounts on

5529 park fees to persons who present written documentation

5530 satisfactory to the division which evidences their eligibility

5531 for the discounts:

5532 (4) The surviving spouse and parents of a law enforcement

5533 officer, as defined in s. 943.10(1), or a firefighter, as

5534 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of

5535 duty shall receive lifetime family annual entrance passes at no

5536 charge.

5537 Section 132. Subsection (1) of section 281.02, Florida

5538 Statutes, is amended to read:

5539 281.02 Powers and duties of the Department of Management

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5540 Services with respect to firesafety and security.—The Department  
5541 of Management Services has the following powers and duties with  
5542 respect to firesafety and security:

5543 (1) To assist the State Fire Marshal in maintaining the  
5544 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

5545 Section 133. Subsection (1) of section 384.287, Florida  
5546 Statutes, is amended to read:

5547 384.287 Screening for sexually transmissible disease.—

5548 (1) An officer as defined in s. 943.10(14); support  
5549 personnel as defined in s. 943.10(11) who are employed by the  
5550 Department of Law Enforcement, including, but not limited to,  
5551 any crime scene analyst, forensic technologist, or crime lab  
5552 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or  
5553 ambulance driver, paramedic, or emergency medical technician as  
5554 defined in s. 401.23, acting within the scope of employment, who  
5555 comes into contact with a person in such a way that significant  
5556 exposure, as defined in s. 381.004, has occurred may request  
5557 that the person be screened for a sexually transmissible disease  
5558 that can be transmitted through a significant exposure.

5559 Section 134. Paragraph (a) of subsection (1) of section  
5560 395.0163, Florida Statutes, is amended to read:

5561 395.0163 Construction inspections; plan submission and  
5562 approval; fees.—

5563 (1) (a) The design, construction, erection, alteration,  
5564 modification, repair, and demolition of all public and private  
5565 health care facilities are governed by the Florida Building Code  
5566 and the Florida Fire Prevention Code under ss. 553.73 and  
5567 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79  
5568 and 553.80, the agency shall review facility plans and survey



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5569 the construction of any facility licensed under this chapter.  
5570 The agency shall make, or cause to be made, such construction  
5571 inspections and investigations as it deems necessary. The agency  
5572 may prescribe by rule that any licensee or applicant desiring to  
5573 make specified types of alterations or additions to its  
5574 facilities or to construct new facilities shall, before  
5575 commencing such alteration, addition, or new construction,  
5576 submit plans and specifications therefor to the agency for  
5577 preliminary inspection and approval or recommendation with  
5578 respect to compliance with applicable provisions of the Florida  
5579 Building Code or agency rules and standards. The agency shall  
5580 approve or disapprove the plans and specifications within 60  
5581 days after receipt of the fee for review of plans as required in  
5582 subsection (2). The agency may be granted one 15-day extension  
5583 for the review period if the director of the agency approves the  
5584 extension. If the agency fails to act within the specified time,  
5585 it shall be deemed to have approved the plans and  
5586 specifications. When the agency disapproves plans and  
5587 specifications, it shall set forth in writing the reasons for  
5588 its disapproval. Conferences and consultations may be provided  
5589 as necessary.

5590 Section 135. Section 400.232, Florida Statutes, is amended  
5591 to read:

5592 400.232 Review and approval of plans; fees and costs.—The  
5593 design, construction, erection, alteration, modification,  
5594 repair, and demolition of all public and private health care  
5595 facilities are governed by the Florida Building Code and the  
5596 Florida Fire Prevention Code under ss. 553.73 and 633.206  
5597 ~~633.022~~. In addition to the requirements of ss. 553.79 and

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5598 553.80, the agency shall review the facility plans and survey  
5599 the construction of facilities licensed under this chapter.

5600 (1) The agency shall approve or disapprove the plans and  
5601 specifications within 60 days after receipt of the final plans  
5602 and specifications. The agency may be granted one 15-day  
5603 extension for the review period, if the director of the agency  
5604 so approves. If the agency fails to act within the specified  
5605 time, it shall be deemed to have approved the plans and  
5606 specifications. When the agency disapproves plans and  
5607 specifications, it shall set forth in writing the reasons for  
5608 disapproval. Conferences and consultations may be provided as  
5609 necessary.

5610 (2) The agency may ~~is authorized to~~ charge an initial fee  
5611 of \$2,000 for review of plans and construction on all projects,  
5612 no part of which is refundable. The agency may also collect a  
5613 fee, not to exceed 1 percent of the estimated construction cost  
5614 or the actual cost of review, whichever is less, for the portion  
5615 of the review which encompasses initial review through the  
5616 initial revised construction document review. The agency is  
5617 further authorized to collect its actual costs on all subsequent  
5618 portions of the review and construction inspections. Initial fee  
5619 payment shall accompany the initial submission of plans and  
5620 specifications. Any subsequent payment that is due is payable  
5621 upon receipt of the invoice from the agency. Notwithstanding any  
5622 other ~~provisions of~~ law to the contrary, all money received by  
5623 the agency pursuant to ~~the provisions of~~ this section shall be  
5624 ~~deemed to be~~ trust funds, to be held and applied solely for the  
5625 operations required under this section.

5626 Section 136. Section 400.915, Florida Statutes, is amended

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5627 to read:

5628 400.915 Construction and renovation; requirements.—The  
5629 requirements for the construction or renovation of a PPEC center  
5630 shall comply with:

5631 (1) The provisions of chapter 553, which pertain to  
5632 building construction standards, including plumbing, electrical  
5633 code, glass, manufactured buildings, accessibility for the  
5634 physically disabled;

5635 (2) Section 633.206 ~~The provisions of s. 633.022~~ and  
5636 applicable rules pertaining to physical standards for  
5637 nonresidential child care facilities; and

5638 (3) The standards or rules adopted pursuant to this part  
5639 and part II of chapter 408.

5640 Section 137. Paragraph (a) of subsection (1) of section  
5641 429.41, Florida Statutes, is amended to read:

5642 429.41 Rules establishing standards.—

5643 (1) It is the intent of the Legislature that rules  
5644 published and enforced pursuant to this section shall include  
5645 criteria by which a reasonable and consistent quality of  
5646 resident care and quality of life may be ensured and the results  
5647 of such resident care may be demonstrated. Such rules shall also  
5648 ensure a safe and sanitary environment that is residential and  
5649 noninstitutional in design or nature. It is further intended  
5650 that reasonable efforts be made to accommodate the needs and  
5651 preferences of residents to enhance the quality of life in a  
5652 facility. The agency, in consultation with the department, may  
5653 adopt rules to administer the requirements of part II of chapter  
5654 408. In order to provide safe and sanitary facilities and the  
5655 highest quality of resident care accommodating the needs and

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5656 preferences of residents, the department, in consultation with  
5657 the agency, the Department of Children and Family Services, and  
5658 the Department of Health, shall adopt rules, policies, and  
5659 procedures to administer this part, which must include  
5660 reasonable and fair minimum standards in relation to:

5661 (a) The requirements for and maintenance of facilities, not  
5662 in conflict with ~~the provisions of~~ chapter 553, relating to  
5663 plumbing, heating, cooling, lighting, ventilation, living space,  
5664 and other housing conditions, which will ensure the health,  
5665 safety, and comfort of residents and protection from fire  
5666 hazard, including adequate provisions for fire alarm and other  
5667 fire protection suitable to the size of the structure. Uniform  
5668 firesafety standards shall be established and enforced by the  
5669 State Fire Marshal in cooperation with the agency, the  
5670 department, and the Department of Health.

5671 1. Evacuation capability determination.—

5672 a. The ~~provisions of the~~ National Fire Protection  
5673 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used  
5674 for determining the ability of the residents, with or without  
5675 staff assistance, to relocate from or within a licensed facility  
5676 to a point of safety as provided in the fire codes adopted  
5677 herein. An evacuation capability evaluation for initial  
5678 licensure shall be conducted within 6 months after the date of  
5679 licensure. For existing licensed facilities that are not  
5680 equipped with an automatic fire sprinkler system, the  
5681 administrator shall evaluate the evacuation capability of  
5682 residents at least annually. The evacuation capability  
5683 evaluation for each facility not equipped with an automatic fire  
5684 sprinkler system shall be validated, without liability, by the

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5685 State Fire Marshal, by the local fire marshal, or by the local  
5686 authority having jurisdiction over firesafety, before the  
5687 license renewal date. If the State Fire Marshal, local fire  
5688 marshal, or local authority having jurisdiction over firesafety  
5689 has reason to believe that the evacuation capability of a  
5690 facility as reported by the administrator may have changed, it  
5691 may, with assistance from the facility administrator, reevaluate  
5692 the evacuation capability through timed exiting drills.  
5693 Translation of timed fire exiting drills to evacuation  
5694 capability may be determined:

5695 (I) Three minutes or less: prompt.

5696 (II) More than 3 minutes, but not more than 13 minutes:  
5697 slow.

5698 (III) More than 13 minutes: impractical.

5699 b. The Office of the State Fire Marshal shall provide or  
5700 cause the provision of training and education on the proper  
5701 application of Chapter 5, NFPA 101A, 1995 edition, to its  
5702 employees, to staff of the Agency for Health Care Administration  
5703 who are responsible for regulating facilities under this part,  
5704 and to local governmental inspectors. The Office of the State  
5705 Fire Marshal shall provide or cause the provision of this  
5706 training within its existing budget, but may charge a fee for  
5707 this training to offset its costs. The initial training must be  
5708 delivered within 6 months after July 1, 1995, and as needed  
5709 thereafter.

5710 c. The Office of the State Fire Marshal, in cooperation  
5711 with provider associations, shall provide or cause the provision  
5712 of a training program designed to inform facility operators on  
5713 how to properly review bid documents relating to the

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5714 installation of automatic fire sprinklers. The Office of the  
5715 State Fire Marshal shall provide or cause the provision of this  
5716 training within its existing budget, but may charge a fee for  
5717 this training to offset its costs. The initial training must be  
5718 delivered within 6 months after July 1, 1995, and as needed  
5719 thereafter.

5720 d. The administrator of a licensed facility shall sign an  
5721 affidavit verifying the number of residents occupying the  
5722 facility at the time of the evacuation capability evaluation.

5723 2. Firesafety requirements.-

5724 a. Except for the special applications provided herein,  
5725 effective January 1, 1996, the ~~provisions of the~~ National Fire  
5726 Protection Association, Life Safety Code, NFPA 101, 1994  
5727 edition, Chapter 22 for new facilities and Chapter 23 for  
5728 existing facilities shall be the uniform fire code applied by  
5729 the State Fire Marshal for assisted living facilities, pursuant  
5730 to s. 633.206 ~~633.022~~.

5731 b. Any new facility, regardless of size, that applies for a  
5732 license on or after January 1, 1996, must be equipped with an  
5733 automatic fire sprinkler system. The exceptions as provided in  
5734 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply  
5735 to any new facility housing eight or fewer residents. On July 1,  
5736 1995, local governmental entities responsible for the issuance  
5737 of permits for construction shall inform, without liability, any  
5738 facility whose permit for construction is obtained before ~~prior~~  
5739 ~~to~~ January 1, 1996, of this automatic fire sprinkler  
5740 requirement. As used in this part, the term "a new facility"  
5741 does not mean an existing facility that has undergone change of  
5742 ownership.

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5743 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or  
5744 of the National Fire Protection Association, NFPA 101A, Chapter  
5745 5, 1995 edition, to the contrary, any existing facility housing  
5746 eight or fewer residents is not required to install an automatic  
5747 fire sprinkler system, nor to comply with any other requirement  
5748 in Chapter 23, NFPA 101, 1994 edition, that exceeds the  
5749 firesafety requirements of NFPA 101, 1988 edition, that applies  
5750 to this size facility, unless the facility has been classified  
5751 as impractical to evacuate. Any existing facility housing eight  
5752 or fewer residents that is classified as impractical to evacuate  
5753 must install an automatic fire sprinkler system within the  
5754 timeframes granted in this section.

5755 d. Any existing facility that is required to install an  
5756 automatic fire sprinkler system under this paragraph need not  
5757 meet other firesafety requirements of Chapter 23, NFPA 101, 1994  
5758 edition, which exceed the provisions of NFPA 101, 1988 edition.  
5759 The mandate contained in this paragraph which requires certain  
5760 facilities to install an automatic fire sprinkler system  
5761 supersedes any other requirement.

5762 e. This paragraph does not supersede the exceptions granted  
5763 in NFPA 101, 1988 edition or 1994 edition.

5764 f. This paragraph does not exempt facilities from other  
5765 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local  
5766 building code requirements in effect before July 1, 1995.

5767 g. A local government may charge fees only in an amount not  
5768 to exceed the actual expenses incurred by local government  
5769 relating to the installation and maintenance of an automatic  
5770 fire sprinkler system in an existing and properly licensed  
5771 assisted living facility structure as of January 1, 1996.

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5772 h. If a licensed facility undergoes major reconstruction or  
5773 addition to an existing building on or after January 1, 1996,  
5774 the entire building must be equipped with an automatic fire  
5775 sprinkler system. Major reconstruction of a building means  
5776 repair or restoration that costs in excess of 50 percent of the  
5777 value of the building as reported on the tax rolls, excluding  
5778 land, before reconstruction. Multiple reconstruction projects  
5779 within a 5-year period the total costs of which exceed 50  
5780 percent of the initial value of the building when ~~at the time~~  
5781 the first reconstruction project was permitted are to be  
5782 considered as major reconstruction. Application for a permit for  
5783 an automatic fire sprinkler system is required upon application  
5784 for a permit for a reconstruction project that creates costs  
5785 that go over the 50-percent threshold.

5786 i. Any facility licensed before January 1, 1996, that is  
5787 required to install an automatic fire sprinkler system shall  
5788 ensure that the installation is completed within the following  
5789 timeframes based upon evacuation capability of the facility as  
5790 determined under subparagraph 1.:

5791 (I) Impractical evacuation capability, 24 months.

5792 (II) Slow evacuation capability, 48 months.

5793 (III) Prompt evacuation capability, 60 months.

5794  
5795 The beginning date from which the deadline for the automatic  
5796 fire sprinkler installation requirement must be calculated is  
5797 upon receipt of written notice from the local fire official that  
5798 an automatic fire sprinkler system must be installed. The local  
5799 fire official shall send a copy of the document indicating the  
5800 requirement of a fire sprinkler system to the Agency for Health



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5801 Care Administration.

5802 j. It is recognized that the installation of an automatic  
5803 fire sprinkler system may create financial hardship for some  
5804 facilities. The appropriate local fire official shall, without  
5805 liability, grant two 1-year extensions to the timeframes for  
5806 installation established herein, if an automatic fire sprinkler  
5807 installation cost estimate and proof of denial from two  
5808 financial institutions for a construction loan to install the  
5809 automatic fire sprinkler system are submitted. However, for any  
5810 facility with a class I or class II, or a history of uncorrected  
5811 class III, firesafety deficiencies, an extension must not be  
5812 granted. The local fire official shall send a copy of the  
5813 document granting the time extension to the Agency for Health  
5814 Care Administration.

5815 k. A facility owner whose facility is required to be  
5816 equipped with an automatic fire sprinkler system under Chapter  
5817 23, NFPA 101, 1994 edition, as adopted herein, must disclose to  
5818 any potential buyer of the facility that an installation of an  
5819 automatic fire sprinkler requirement exists. The sale of the  
5820 facility does not alter the timeframe for the installation of  
5821 the automatic fire sprinkler system.

5822 l. Existing facilities required to install an automatic  
5823 fire sprinkler system as a result of construction-type  
5824 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted  
5825 herein, or evacuation capability requirements shall be notified  
5826 by the local fire official in writing of the automatic fire  
5827 sprinkler requirement, as well as the appropriate date for final  
5828 compliance as provided in this subparagraph. The local fire  
5829 official shall send a copy of the document to the Agency for

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5830 Health Care Administration.

5831 m. Except in cases of life-threatening fire hazards, if an  
5832 existing facility experiences a change in the evacuation  
5833 capability, or if the local authority having jurisdiction  
5834 identifies a construction-type restriction, such that an  
5835 automatic fire sprinkler system is required, it shall be given  
5836 ~~afforded~~ time for installation as provided in this subparagraph.

5837

5838 Facilities that are fully sprinkled and in compliance with other  
5839 firesafety standards are not required to conduct more than one  
5840 of the required fire drills between the hours of 11 p.m. and 7  
5841 a.m., per year. In lieu of the remaining drills, staff  
5842 responsible for residents during such hours may be required to  
5843 participate in a mock drill that includes a review of evacuation  
5844 procedures. Such standards must be included or referenced in the  
5845 rules adopted by the State Fire Marshal. Pursuant to s.  
5846 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final  
5847 administrative authority for firesafety standards established  
5848 and enforced pursuant to this section. All licensed facilities  
5849 must have an annual fire inspection conducted by the local fire  
5850 marshal or authority having jurisdiction.

5851 3. Resident elopement requirements.—Facilities are required  
5852 to conduct a minimum of two resident elopement prevention and  
5853 response drills per year. All administrators and direct care  
5854 staff must participate in the drills which shall include a  
5855 review of procedures to address resident elopement. Facilities  
5856 must document the implementation of the drills and ensure that  
5857 the drills are conducted in a manner consistent with the  
5858 facility's resident elopement policies and procedures.

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5859 Section 138. Subsection (1) of section 429.44, Florida  
5860 Statutes, is amended to read:

5861 429.44 Construction and renovation; requirements.—

5862 (1) The requirements for the construction and renovation of  
5863 a facility shall comply with ~~the provisions of~~ chapter 553 which  
5864 pertains ~~pertain~~ to building construction standards, including  
5865 plumbing, electrical code, glass, manufactured buildings,  
5866 accessibility for persons with disabilities, and the state  
5867 minimum building code and with ~~the provisions of~~ s. 633.206  
5868 ~~633.022~~, which pertains ~~pertain~~ to uniform firesafety standards.

5869 Section 139. Subsection (2) of section 429.73, Florida  
5870 Statutes, is amended to read:

5871 429.73 Rules and standards relating to adult family-care  
5872 homes.—

5873 (2) The department shall by rule provide minimum standards  
5874 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,  
5875 the State Fire Marshal, in consultation with the department and  
5876 the agency, shall adopt uniform firesafety standards for adult  
5877 family-care homes.

5878 Section 140. Subsection (4) of section 447.203, Florida  
5879 Statutes, is amended to read:

5880 447.203 Definitions.—As used in this part:

5881 (4) "Managerial employees" are those employees who:

5882 (a) Perform jobs that are not of a routine, clerical, or  
5883 ministerial nature and require the exercise of independent  
5884 judgment in the performance of such jobs and to whom one or more  
5885 of the following applies:

5886 1. They formulate or assist in formulating policies which  
5887 are applicable to bargaining unit employees.

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5888           2. They may reasonably be required on behalf of the  
5889 employer to assist in the preparation for the conduct of  
5890 collective bargaining negotiations.

5891           3. They have a role in the administration of agreements  
5892 resulting from collective bargaining negotiations.

5893           4. They have a significant role in personnel  
5894 administration.

5895           5. They have a significant role in employee relations.

5896           6. They are included in the definition of administrative  
5897 personnel contained in s. 1012.01(3).

5898           7. They have a significant role in the preparation or  
5899 administration of budgets for any public agency or institution  
5900 or subdivision thereof.

5901           (b) Serve as police chiefs, fire chiefs, or directors of  
5902 public safety of any police, fire, or public safety department.  
5903 Other police officers, as defined in s. 943.10(1), and  
5904 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be  
5905 determined by the commission to be managerial employees of such  
5906 departments. In making such determinations, the commission shall  
5907 consider, in addition to the criteria established in paragraph  
5908 (a), the paramilitary organizational structure of the department  
5909 involved.

5910  
5911 However, in determining whether an individual is a managerial  
5912 employee pursuant to ~~either~~ paragraph (a) or paragraph (b),  
5913 above, the commission may consider historic relationships of the  
5914 employee to the public employer and to coemployees.

5915           Section 141. Subsection (1) of section 468.602, Florida  
5916 Statutes, is amended to read:

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5917 468.602 Exemptions.—This part does not apply to:

5918 (1) Persons who possess a valid certificate, issued  
5919 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety  
5920 inspections, when conducting firesafety inspections.

5921 Section 142. Paragraph (c) of subsection (2) of section  
5922 468.609, Florida Statutes, is amended to read:

5923 468.609 Administration of this part; standards for  
5924 certification; additional categories of certification.—

5925 (2) A person may take the examination for certification as  
5926 a building code inspector or plans examiner pursuant to this  
5927 part if the person:

5928 (c) Meets eligibility requirements according to one of the  
5929 following criteria:

5930 1. Demonstrates 5 years' combined experience in the field  
5931 of construction or a related field, building code inspection, or  
5932 plans review corresponding to the certification category sought;

5933 2. Demonstrates a combination of postsecondary education in  
5934 the field of construction or a related field and experience  
5935 which totals 4 years, with at least 1 year of such total being  
5936 experience in construction, building code inspection, or plans  
5937 review;

5938 3. Demonstrates a combination of technical education in the  
5939 field of construction or a related field and experience which  
5940 totals 4 years, with at least 1 year of such total being  
5941 experience in construction, building code inspection, or plans  
5942 review;

5943 4. Currently holds a standard certificate as issued by the  
5944 board, or a fire safety inspector license issued pursuant to  
5945 chapter 633, has a minimum of 5 years' verifiable full-time

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5946 experience in inspection or plan review, and satisfactorily  
5947 completes a building code inspector or plans examiner training  
5948 program of not less than 200 hours in the certification category  
5949 sought. The board shall establish by rule criteria for the  
5950 development and implementation of the training programs; or

5951 5. Demonstrates a combination of the completion of an  
5952 approved training program in the field of building code  
5953 inspection or plan review and a minimum of 2 years' experience  
5954 in the field of building code inspection, plan review, fire code  
5955 inspections and fire plans review of new buildings as a  
5956 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or  
5957 construction. The approved training portion of this requirement  
5958 shall include proof of satisfactory completion of a training  
5959 program of not less than 300 hours which is approved by the  
5960 board in the chosen category of building code inspection or plan  
5961 review in the certification category sought with not less than  
5962 20 hours of instruction in state laws, rules, and ethics  
5963 relating to professional standards of practice, duties, and  
5964 responsibilities of a certificateholder. The board shall  
5965 coordinate with the Building Officials Association of Florida,  
5966 Inc., to establish by rule the development and implementation of  
5967 the training program.

5968 Section 143. Subsection (22) of section 489.103, Florida  
5969 Statutes, is amended to read:

5970 489.103 Exemptions.—This part does not apply to:

5971 (22) A person licensed pursuant to s. 633.304(1)(d)  
5972 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such  
5973 license.

5974 Section 144. Paragraph (n) of subsection (3) of section

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5975 489.105, Florida Statutes, is amended to read:

5976 489.105 Definitions.—As used in this part:

5977 (3) "Contractor" means the person who is qualified for, and  
5978 is only responsible for, the project contracted for and means,  
5979 except as exempted in this part, the person who, for  
5980 compensation, undertakes to, submits a bid to, or does himself  
5981 or herself or by others construct, repair, alter, remodel, add  
5982 to, demolish, subtract from, or improve any building or  
5983 structure, including related improvements to real estate, for  
5984 others or for resale to others; and whose job scope is  
5985 substantially similar to the job scope described in one of the  
5986 paragraphs of this subsection. For the purposes of regulation  
5987 under this part, the term "demolish" applies only to demolition  
5988 of steel tanks more than 50 feet in height; towers more than 50  
5989 feet in height; other structures more than 50 feet in height;  
5990 and all buildings or residences. Contractors are subdivided into  
5991 two divisions, Division I, consisting of those contractors  
5992 defined in paragraphs (a)-(c), and Division II, consisting of  
5993 those contractors defined in paragraphs (d)-(q):

5994 (n) "Underground utility and excavation contractor" means a  
5995 contractor whose services are limited to the construction,  
5996 installation, and repair, on public or private property, whether  
5997 accomplished through open excavations or through other means,  
5998 including, but not limited to, directional drilling, auger  
5999 boring, jacking and boring, trenchless technologies, wet and dry  
6000 taps, grouting, and slip lining, of main sanitary sewer  
6001 collection systems, main water distribution systems, storm sewer  
6002 collection systems, and the continuation of utility lines from  
6003 the main systems to a point of termination up to and including

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6004 the meter location for the individual occupancy, sewer  
6005 collection systems at property line on residential or single-  
6006 occupancy commercial properties, or on multioccupancy properties  
6007 at manhole or wye lateral extended to an invert elevation as  
6008 engineered to accommodate future building sewers, water  
6009 distribution systems, or storm sewer collection systems at storm  
6010 sewer structures. However, an underground utility and excavation  
6011 contractor may install empty underground conduits in rights-of-  
6012 way, easements, platted rights-of-way in new site development,  
6013 and sleeves for parking lot crossings no smaller than 2 inches  
6014 in diameter if each conduit system installed is designed by a  
6015 licensed professional engineer or an authorized employee of a  
6016 municipality, county, or public utility and the installation of  
6017 such conduit does not include installation of any conductor  
6018 wiring or connection to an energized electrical system. An  
6019 underground utility and excavation contractor may not install  
6020 piping that is an integral part of a fire protection system as  
6021 defined in s. 633.102 ~~633.021~~ beginning at the point where the  
6022 piping is used exclusively for such system.

6023 Section 145. Subsection (9) of section 496.404, Florida  
6024 Statutes, is amended to read:

6025 496.404 Definitions.—As used in ss. 496.401–496.424:

6026 (9) “Emergency service employee” means any employee who is  
6027 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance  
6028 driver, emergency medical technician, or paramedic, as defined  
6029 in s. 401.23.

6030 Section 146. Paragraph (a) of subsection (7) of section  
6031 509.032, Florida Statutes, is amended to read:

6032 509.032 Duties.—



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6033 (7) PREEMPTION AUTHORITY.—

6034 (a) The regulation of public lodging establishments and  
6035 public food service establishments, including, but not limited  
6036 to, sanitation standards, inspections, training and testing of  
6037 personnel, and matters related to the nutritional content and  
6038 marketing of foods offered in such establishments, is preempted  
6039 to the state. This paragraph does not preempt the authority of a  
6040 local government or local enforcement district to conduct  
6041 inspections of public lodging and public food service  
6042 establishments for compliance with the Florida Building Code and  
6043 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
6044 633.206 ~~633.022~~.

6045 Section 147. Section 513.05, Florida Statutes, is amended  
6046 to read:

6047 513.05 Rules.—The department may adopt rules pertaining to  
6048 the location, construction, modification, equipment, and  
6049 operation of mobile home parks, lodging parks, recreational  
6050 vehicle parks, and recreational camps, except as provided in s.  
6051 633.206 ~~633.022~~, as necessary to administer this chapter. Such  
6052 rules may include definitions of terms; requirements for plan  
6053 reviews of proposed and existing parks and camps; plan reviews  
6054 of parks that consolidate space or change space size; water  
6055 supply; sewage collection and disposal; plumbing and backflow  
6056 prevention; garbage and refuse storage, collection, and  
6057 disposal; insect and rodent control; space requirements; heating  
6058 facilities; food service; lighting; sanitary facilities;  
6059 bedding; an occupancy equivalency to spaces for permits for  
6060 recreational camps; sanitary facilities in recreational vehicle  
6061 parks; and the owners' responsibilities at recreational vehicle

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6062 parks and recreational camps.

6063 Section 148. Paragraph (d) of subsection (1) and paragraph  
6064 (f) of subsection (11) of section 553.73, Florida Statutes, are  
6065 amended to read:

6066 553.73 Florida Building Code.—

6067 (1)

6068 (d) Conflicting requirements between the Florida Building  
6069 Code and the Florida Fire Prevention Code and Life Safety Code  
6070 of the state established pursuant to ss. 633.206 ~~633.022~~ and  
6071 633.208 ~~633.025~~ shall be resolved by agreement between the  
6072 commission and the State Fire Marshal in favor of the  
6073 requirement that offers the greatest degree of lifesafety or  
6074 alternatives that would provide an equivalent degree of  
6075 lifesafety and an equivalent method of construction. If the  
6076 commission and State Fire Marshal are unable to agree on a  
6077 resolution, the question shall be referred to a mediator,  
6078 mutually agreeable to both parties, to resolve the conflict in  
6079 favor of the provision that offers the greatest lifesafety, or  
6080 alternatives that would provide an equivalent degree of  
6081 lifesafety and an equivalent method of construction.

6082 (11)

6083 (f) All decisions of the local building official and local  
6084 fire official and all decisions of the administrative board  
6085 shall be in writing and shall be binding upon a person ~~all~~  
6086 ~~persons~~ but do ~~shall~~ not limit the authority of the State Fire  
6087 Marshal or the Florida Building Commission pursuant to paragraph  
6088 (1) (d) and ss. 633.104 ~~633.04~~ and 633.228 ~~633.161~~. Decisions of  
6089 general application shall be indexed by building and fire code  
6090 sections and shall be available for inspection during normal

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6091 business hours.

6092 Section 149. Paragraph (e) of subsection (1) of section  
6093 553.77, Florida Statutes, is amended to read:

6094 553.77 Specific powers of the commission.—

6095 (1) The commission shall:

6096 (e) Participate with the Florida Fire Code Advisory Council  
6097 created under s. 633.204 ~~633.72~~, to provide assistance and  
6098 recommendations relating to firesafety code interpretations. The  
6099 administrative staff of the commission shall attend meetings of  
6100 the Florida Fire Code Advisory Council and coordinate efforts to  
6101 provide consistency between the Florida Building Code and the  
6102 Florida Fire Prevention Code and the Life Safety Code.

6103 Section 150. Subsections (2) and (12) of section 553.79,  
6104 Florida Statutes, are amended to read:

6105 553.79 Permits; applications; issuance; inspections.—

6106 (2) Except as provided in subsection (6), an enforcing  
6107 agency may not issue any permit for construction, erection,  
6108 alteration, modification, repair, or demolition of any building  
6109 or structure until the local building code administrator or  
6110 inspector has reviewed the plans and specifications required by  
6111 the Florida Building Code, or local amendment thereto, for such  
6112 proposal and found the plans to be in compliance with the  
6113 Florida Building Code. If the local building code administrator  
6114 or inspector finds that the plans are not in compliance with the  
6115 Florida Building Code, the local building code administrator or  
6116 inspector shall identify the specific plan features that do not  
6117 comply with the applicable codes, identify the specific code  
6118 chapters and sections upon which the finding is based, and  
6119 provide this information to the local enforcing agency. The

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6120 local enforcing agency shall provide this information to the  
6121 permit applicant. In addition, an enforcing agency may not issue  
6122 any permit for construction, erection, alteration, modification,  
6123 repair, or demolition of any building until the appropriate  
6124 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~  
6125 has reviewed the plans and specifications required by the  
6126 Florida Building Code, or local amendment thereto, for such  
6127 proposal and found that the plans comply with the Florida Fire  
6128 Prevention Code and the Life Safety Code. Any building or  
6129 structure which is not subject to a firesafety code shall not be  
6130 required to have its plans reviewed by the firesafety inspector.  
6131 Any building or structure that is exempt from the local building  
6132 permit process may not be required to have its plans reviewed by  
6133 the local building code administrator. Industrial construction  
6134 on sites where design, construction, and firesafety are  
6135 supervised by appropriate design and inspection professionals  
6136 and which contain adequate in-house fire departments and rescue  
6137 squads is exempt, subject to local government option, from  
6138 review of plans and inspections, providing owners certify that  
6139 applicable codes and standards have been met and supply  
6140 appropriate approved drawings to local building and firesafety  
6141 inspectors. The enforcing agency shall issue a permit to  
6142 construct, erect, alter, modify, repair, or demolish any  
6143 building or structure when the plans and specifications for such  
6144 proposal comply with ~~the provisions of~~ the Florida Building Code  
6145 and the Florida Fire Prevention Code and the Life Safety Code as  
6146 determined by the local authority in accordance with this  
6147 chapter and chapter 633.

6148 (12) One-family and two-family detached residential

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6149 dwelling units are not subject to plan review by the local fire  
6150 official as described in this section or inspection by the local  
6151 fire official as described in s. 633.216 ~~633.081~~, unless  
6152 expressly made subject to the said plan review or inspection by  
6153 local ordinance.

6154 Section 151. Paragraph (d) of subsection (1) of section  
6155 590.02, Florida Statutes, is amended to read:

6156 590.02 Florida Forest Service; powers, authority, and  
6157 duties; liability; building structures; Florida Center for  
6158 Wildfire and Forest Resources Management Training.—

6159 (1) The Florida Forest Service has the following powers,  
6160 authority, and duties:

6161 (d) To appoint center managers, forest area supervisors,  
6162 forestry program administrators, a forest protection bureau  
6163 chief, a forest protection assistant bureau chief, a field  
6164 operations bureau chief, deputy chiefs of field operations,  
6165 district managers, forest operations administrators, senior  
6166 forest rangers, investigators, forest rangers, firefighter  
6167 rotorcraft pilots, and other employees who may, at the Florida  
6168 Forest Service's discretion, be certified as forestry  
6169 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other  
6170 ~~provisions of law notwithstanding~~, center managers, district  
6171 managers, forest protection assistant bureau chief, and deputy  
6172 chiefs of field operations shall have Selected Exempt Service  
6173 status in the state personnel designation;

6174 Section 152. Section 627.4107, Florida Statutes, is amended  
6175 to read:

6176 627.4107 Government employees exposed to toxic drug  
6177 chemicals; cancellation of life or health policy or certificate

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6178 prohibited.—No life or health insurer may cancel or nonrenew a  
6179 life or health insurance policy or certificate of insurance  
6180 providing coverage to a state or local law enforcement officer  
6181 as defined in s. 943.10, firefighter as defined in s. 633.102  
6182 ~~633.30~~, emergency medical technician as defined in s. 401.23, or  
6183 paramedic as defined in s. 401.23, a volunteer firefighter as  
6184 defined in s. 633.102 engaged by state or local government, a  
6185 law enforcement officer employed by the Federal Government, or  
6186 any other local, state, or Federal Government employee solely  
6187 based on the fact that the individual has been exposed to toxic  
6188 chemicals or suffered injury or disease as a result of the  
6189 individual's lawful duties arising out of the commission of a  
6190 violation of chapter 893 by another person. This section does  
6191 not apply to a ~~any~~ person who commits an offense under chapter  
6192 893. This section does not prohibit an insurer from canceling or  
6193 nonrenewing an insurance policy or certificate, as permitted  
6194 under the applicable state insurance code, based on an act or  
6195 practice of the policyholder or certificateholder that  
6196 constitutes fraud or intentional misrepresentation of material  
6197 fact by the policyholder or certificateholder.

6198 Section 153. Subsection (10) of section 893.13, Florida  
6199 Statutes, is amended to read:

6200 893.13 Prohibited acts; penalties.—

6201 (10) If a person violates any provision of this chapter and  
6202 the violation results in a serious injury to a state or local  
6203 law enforcement officer as defined in s. 943.10, firefighter as  
6204 defined in s. 633.102 ~~633.30~~, emergency medical technician as  
6205 defined in s. 401.23, paramedic as defined in s. 401.23,  
6206 employee of a public utility or an electric utility as defined

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6207 in s. 366.02, animal control officer as defined in s. 828.27,  
6208 volunteer firefighter engaged by state or local government, law  
6209 enforcement officer employed by the Federal Government, or any  
6210 other local, state, or Federal Government employee injured  
6211 during the course and scope of his or her employment, the person  
6212 commits a felony of the third degree, punishable as provided in  
6213 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained  
6214 results in death or great bodily harm, the person commits a  
6215 felony of the second degree, punishable as provided in s.  
6216 775.082, s. 775.083, or s. 775.084.

6217 Section 154. Paragraph (g) of subsection (2) of section  
6218 934.03, Florida Statutes, is amended to read:

6219 934.03 Interception and disclosure of wire, oral, or  
6220 electronic communications prohibited.-

6221 (2)

6222 (g) It is lawful under ss. 934.03-934.09 for an employee  
6223 of:

6224 1. An ambulance service licensed pursuant to s. 401.25, a  
6225 fire station employing firefighters as defined by s. 633.102  
6226 ~~633.30~~, a public utility, a law enforcement agency as defined by  
6227 s. 934.02(10), or any other entity with published emergency  
6228 telephone numbers;

6229 2. An agency operating an emergency telephone number "911"  
6230 system established pursuant to s. 365.171; or

6231 3. The central abuse hotline operated pursuant to s. 39.201

6232

6233 to intercept and record incoming wire communications; however,  
6234 such employee may intercept and record incoming wire  
6235 communications on designated "911" telephone numbers and

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6236 published nonemergency telephone numbers staffed by trained  
6237 dispatchers at public safety answering points only. It is also  
6238 lawful for such employee to intercept and record outgoing wire  
6239 communications to the numbers from which such incoming wire  
6240 communications were placed when necessary to obtain information  
6241 required to provide the emergency services being requested. For  
6242 the purpose of this paragraph, the term "public utility" has the  
6243 same meaning as provided in s. 366.02 and includes a person,  
6244 partnership, association, or corporation now or hereafter owning  
6245 or operating equipment or facilities in the state for conveying  
6246 or transmitting messages or communications by telephone or  
6247 telegraph to the public for compensation.

6248 Section 155. Paragraph (b) of subsection (4) of section  
6249 943.61, Florida Statutes, is amended to read:

6250 943.61 Powers and duties of the Capitol Police.—

6251 (4) The Capitol Police shall have the following  
6252 responsibilities, powers, and duties:

6253 (b) To provide and maintain the security of all property  
6254 located in the Capitol Complex in a manner consistent with the  
6255 security plans developed and approved under paragraph (a) and,  
6256 in consultation with the State Fire Marshal, to provide for  
6257 evacuations, information, and training required for firesafety  
6258 on such property in a manner consistent with s. 633.218 ~~633.085~~.

6259 Section 156. Paragraph (b) of subsection (18) of section  
6260 1002.33, Florida Statutes, is amended to read:

6261 1002.33 Charter schools.—

6262 (18) FACILITIES.—

6263 (b) A charter school shall use ~~utilize~~ facilities that  
6264 comply with the Florida Fire Prevention Code, pursuant to s.



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6265 633.208 ~~633.025~~, as adopted by the authority in whose  
6266 jurisdiction the facility is located as provided in paragraph  
6267 (a).

6268 Section 157. Subsection (9) of section 1002.34, Florida  
6269 Statutes, is amended to read:

6270 1002.34 Charter technical career centers.—

6271 (9) FACILITIES.—A center may be located in any suitable  
6272 location, including part of an existing public school or Florida  
6273 College System institution building, space provided on a public  
6274 worksite, or a public building. A center's facilities must  
6275 comply with the State Uniform Building Code for Public  
6276 Educational Facilities Construction adopted pursuant to s.  
6277 1013.37, or with applicable state minimum building codes  
6278 pursuant to chapter 553, and state minimum fire protection codes  
6279 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in  
6280 whose jurisdiction the facility is located. If K-12 public  
6281 school funds are used for construction, the facility must remain  
6282 on the local school district's Florida Inventory of School  
6283 Houses (FISH) school building inventory of the district school  
6284 board and must revert to the district school board if the  
6285 consortium dissolves and the program is discontinued. If Florida  
6286 College System institution public school funds are used for  
6287 construction, the facility must remain on the local Florida  
6288 College System institution's facilities inventory and must  
6289 revert to the local Florida College System institution board of  
6290 trustees if the consortium dissolves and the program is  
6291 discontinued. The additional student capacity created by the  
6292 addition of the center to the local school district's FISH may  
6293 not be calculated in the permanent student capacity for the

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6294 purpose of determining need or eligibility for state capital  
6295 outlay funds while the facility is used as a center. If the  
6296 construction of the center is funded jointly by K-12 public  
6297 school funds and Florida College System institution funds, the  
6298 sponsoring entities must agree, before granting the charter, on  
6299 the appropriate owner and terms of transfer of the facility if  
6300 the charter is dissolved.

6301 Section 158. Subsection (1), paragraph (c) of subsection  
6302 (2), and paragraphs (a) and (c) of subsection (6) of section  
6303 1013.12, Florida Statutes, are amended to read:

6304 1013.12 Casualty, safety, sanitation, and firesafety  
6305 standards and inspection of property.—

6306 (1) FIRESAFETY.—The State Board of Education shall adopt  
6307 and administer rules prescribing standards for the safety and  
6308 health of occupants of educational and ancillary plants as a  
6309 part of State Requirements for Educational Facilities or the  
6310 Florida Building Code for educational facilities construction as  
6311 provided in s. 1013.37, except that the State Fire Marshal in  
6312 consultation with the Department of Education shall adopt  
6313 uniform firesafety standards for educational and ancillary  
6314 plants and educational facilities, as provided in s.

6315 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system  
6316 to be used as an alternate firesafety inspection standard for  
6317 existing educational and ancillary plants and educational  
6318 facilities. The uniform firesafety standards and the alternate  
6319 firesafety evaluation system shall be administered and enforced  
6320 by fire officials certified by the State Fire Marshal under s.  
6321 633.216 ~~633.081~~. These standards must be used by all public  
6322 agencies when inspecting public educational and ancillary

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6323 plants, and the firesafety standards must be used by county,  
6324 municipal, or independent special fire control district  
6325 inspectors when performing firesafety inspections of public  
6326 educational and ancillary plants and educational facilities. In  
6327 accordance with such standards, each board shall prescribe  
6328 policies and procedures establishing a comprehensive program of  
6329 safety and sanitation for the protection of occupants of public  
6330 educational and ancillary plants. Such policies must contain  
6331 procedures for periodic inspections as prescribed in this  
6332 section or chapter 633 and for withdrawal of any educational and  
6333 ancillary plant, or portion thereof, from use until unsafe or  
6334 unsanitary conditions are corrected or removed.

6335 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
6336 BOARDS.—

6337 (c) Under the direction of the fire official appointed by  
6338 the board under s. 1013.371(2), firesafety inspections of each  
6339 educational and ancillary plant located on property owned or  
6340 leased by the board, or other educational facilities operated by  
6341 the board, must be made no sooner than 1 year after issuance of  
6342 a certificate of occupancy and annually thereafter. Such  
6343 inspections shall be made by persons certified by the Division  
6344 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct  
6345 firesafety inspections in public educational and ancillary  
6346 plants. The board shall submit a copy of the firesafety  
6347 inspection report to the county, municipality, or independent  
6348 special fire control district providing fire protection services  
6349 to the school facility within 10 business days after the date of  
6350 the inspection. Alternate schedules for delivery of reports may  
6351 be agreed upon between the school district and the county,

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6352 municipality, or independent special fire control district  
6353 providing fire protection services to the site in cases in which  
6354 delivery is impossible due to hurricanes or other natural  
6355 disasters. Regardless, if immediate life-threatening  
6356 deficiencies are noted in the report, the report shall be  
6357 delivered immediately. In addition, the board and any other  
6358 authority conducting the fire safety inspection shall certify to  
6359 the State Fire Marshal that the annual inspection has been  
6360 completed. The certification shall be made electronically or by  
6361 such other means as directed by the State Fire Marshal.

6362 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
6363 FACILITIES.—

6364 (a) Firesafety inspections of public college facilities,  
6365 including charter schools located on board-owned or board-leased  
6366 facilities or otherwise operated by public college boards, shall  
6367 be made in accordance with the Florida Fire Prevention Code, as  
6368 adopted by the State Fire Marshal. Notwithstanding s. 633.202  
6369 ~~633.0215~~, provisions of the code relating to inspections of such  
6370 facilities are not subject to any local amendments as provided  
6371 by s. 1013.371. Each public college facility shall be inspected  
6372 annually by persons certified under s. 633.216 ~~633.081~~.

6373 (c) Firesafety inspections of state universities shall  
6374 comply with the Florida Fire Prevention Code, as adopted by the  
6375 State Fire Marshal under s. 633.202 ~~633.0215~~.

6376 Section 159. Paragraphs (a), (b), and (d) of subsection (2)  
6377 and paragraph (a) of subsection (4) of section 1013.38, Florida  
6378 Statutes, are amended to read:

6379 1013.38 Boards to ensure that facilities comply with  
6380 building codes and life safety codes.—

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6381 (2) In addition to the submission of site plans, boards may  
6382 provide compliance as follows:

6383 (a) Boards or consortia may individually or cooperatively  
6384 provide review services under the insurance risk management  
6385 oversight through the use of board employees or consortia  
6386 employees registered pursuant to chapter 471, chapter 481, or  
6387 part XII of chapter 468 and firesafety inspectors certified  
6388 under s. 633.216 ~~633.081~~.

6389 (b) Boards may elect to review construction documents using  
6390 their own employees registered pursuant to chapter 471, chapter  
6391 481, or part XII of chapter 468 and firesafety inspectors  
6392 certified under s. 633.216 ~~633.081~~.

6393 (d) Boards or consortia may contract for plan review  
6394 services directly with engineers and architects registered  
6395 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
6396 certified under s. 633.216 ~~633.081~~.

6397 (4) (a) Before the commencement of any new construction,  
6398 renovation, or remodeling, the board shall:

6399 1. Approve or cause to be approved the construction  
6400 documents and evaluate such documents for compliance with the  
6401 Florida Building Code and the Florida Fire Prevention Code.

6402 2. Ensure compliance with all applicable firesafety codes  
6403 and standards by contracting with a firesafety inspector  
6404 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

6405 Section 160. This act shall take effect July 1, 2013.