

1                   A bill to be entitled  
2           An act relating to fire safety and prevention;  
3           amending s. 112.011, F.S.; removing provisions that  
4           exclude from employment for a specified period an  
5           applicant for employment with any fire department who  
6           has a prior felony conviction; reenacting and amending  
7           s. 112.191, F.S.; revising provisions relating to  
8           adjustments in payments of accidental death benefits  
9           for firefighters; creating part I of chapter 633,  
10          F.S., entitled "General Provisions"; transferring,  
11          renumbering, and amending s. 633.021, F.S.; revising  
12          and providing definitions; transferring, renumbering,  
13          and amending ss. 633.01 and 633.517, F.S.;  
14          consolidating and revising provisions relating to the  
15          authority of the State Fire Marshal; removing  
16          references to the Life Safety Code; revising the  
17          renewal period for firesafety inspector requirements  
18          for certification; conforming cross-references;  
19          removing provisions relating to rulemaking,  
20          application fees for certification, and deposit of  
21          moneys collected by the State Fire Marshal that are  
22          relocated within ch. 633; transferring, renumbering,  
23          and amending ss. 633.163 and 633.167, F.S.;  
24          consolidating provisions which prescribe disciplinary  
25          authority of the State Fire Marshal; transferring and  
26          renumbering s. 633.15, F.S., relating to the force and  
27          effect of ch. 633, F.S., and rules promulgated by the  
28          State Fire Marshal on municipalities, counties, and

29 | special districts having firesafety responsibilities;  
30 | transferring, renumbering, and amending ss. 633.101,  
31 | 633.18, 633.03, and 633.111, F.S.; consolidating  
32 | provisions relating to hearings, investigations, and  
33 | recordkeeping duties and the authority of the State  
34 | Fire Marshal; including explosions within such  
35 | investigatory and recordkeeping authority;  
36 | transferring, renumbering, and amending ss. 633.02 and  
37 | 633.13, F.S.; consolidating provisions relating to the  
38 | authority, duties, and compensation of agents of the  
39 | State Fire Marshal; transferring and renumbering s.  
40 | 633.14, F.S., relating to the powers of agents of the  
41 | State Fire Marshal to make arrests, conduct searches  
42 | and seizures, serve summonses, and carry firearms;  
43 | transferring, renumbering, and amending s. 633.121,  
44 | F.S., relating to persons authorized to enforce laws  
45 | and rules of the State Fire Marshal; revising  
46 | terminology; making an editorial change; transferring,  
47 | renumbering, and amending s. 633.151, F.S.; clarifying  
48 | provisions relating to impersonating the State Fire  
49 | Marshal, a firefighter, or firesafety inspector, or  
50 | volunteer firefighter, for which a criminal penalty is  
51 | provided; transferring, renumbering, and amending s.  
52 | 633.171, F.S.; providing penalties for rendering a  
53 | fire protection system required by statute or by rule  
54 | inoperative; providing penalties for using the  
55 | certificate of another person, holding a license or  
56 | certificate and allowing another person to use the

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

85 specify by rule standards for the certification,  
86 denial of certification, probation, and revocation of  
87 certification for instructors; requiring the division  
88 to establish by rule minimum training qualifications  
89 for persons serving as specified firesafety  
90 coordinators; requiring the division to issue  
91 specified licenses, certificates, and permits;  
92 conforming cross-references; creating s. 633.132,  
93 F.S.; establishing fees to be collected by the  
94 division; authorizing the division to establish by  
95 rule fees necessary to cover administrative costs and  
96 to collect such fees in advance; providing for the  
97 appropriation and deposit of all funds collected by  
98 the State Fire Marshal pursuant to ch. 633, F.S.;  
99 transferring and renumbering s. 633.39, F.S., relating  
100 to acceptance by the division of donations of property  
101 and grants of money; transferring, renumbering, and  
102 amending s. 633.115, F.S., relating to the Fire and  
103 Emergency Incident Information Reporting Program;  
104 making editorial changes; conforming a cross-  
105 reference; creating s. 633.138, F.S.; providing  
106 requirements with respect to notice of change of  
107 address of record for, and notice of felony actions  
108 against, a licensee, permittee, or certificateholder;  
109 transferring, renumbering, and amending ss. 633.042  
110 and 633.0421, F.S.; consolidating the "Reduced  
111 Cigarette Ignition Propensity Standard and Firefighter  
112 Protection Act" and specified preemption provisions;

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

141 renumbering, and amending s. 633.052, F.S., relating  
142 to ordinances relating to firesafety and penalties for  
143 violation; conforming terminology; providing that a  
144 special district may enact any ordinance relating to  
145 firesafety codes that is identical to ch. 633, F.S.,  
146 or any state law, except as to penalty; transferring,  
147 renumbering, and amending s. 633.081, F.S.; clarifying  
148 persons authorized to inspect buildings and structures  
149 subject to the requirements of ch. 633, F.S., or s.  
150 509.215, F.S.; conforming cross-references; revising  
151 requirements of persons conducting firesafety  
152 inspections; revising period of validity of, and  
153 continuing education requirements for, firesafety  
154 inspector certificates; requiring repeat training for  
155 certified fire safety inspectors whose certification  
156 has lapsed for a specified period; revising grounds  
157 for denial, refusal to renew, suspension, or  
158 revocation of a firesafety inspector certificate;  
159 requiring the department to provide by rule for the  
160 certification of Fire Code Administrators;  
161 transferring, renumbering, and amending s. 633.085,  
162 F.S.; defining the terms "high-hazard occupancy" and  
163 "state-owned building"; providing for identification  
164 of state-owned buildings or state-leased buildings or  
165 space; authorizing, rather than requiring, the State  
166 Fire Marshal or agents thereof to conduct performance  
167 tests on any electronic fire warning and smoke  
168 detection system, and any pressurized air-handling

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

197 standpipe systems installed by plumbing contractors;  
198 transferring, renumbering, and amending s. 633.161,  
199 F.S., relating to violations and enforcement of ch.  
200 633, F.S., orders resulting from violations, and  
201 penalties for violation; conforming cross-references;  
202 creating part III of chapter 633, F.S., entitled "Fire  
203 Protection and Suppression"; transferring and  
204 renumbering ss. 633.511 and 633.514, F.S.;  
205 consolidating provisions relating to the Florida Fire  
206 Safety Board; making editorial changes; conforming  
207 cross-references; transferring, renumbering, and  
208 amending s. 633.061, F.S., relating to licensure to  
209 install or maintain fire suppression equipment;  
210 removing the fee schedule from such provisions;  
211 revising provisions relating to fire equipment dealers  
212 who wish to withdraw a previously filed halon  
213 equipment exemption affidavit; providing conditions  
214 that an applicant for a license of any class who has  
215 facilities located outside the state must meet in  
216 order to obtain a required equipment inspection;  
217 providing for the adoption of rules with respect to  
218 the establishment and calculation of inspection costs;  
219 revising and clarifying provisions which exclude from  
220 licensure for a specified period applicants having a  
221 previous criminal conviction; defining the term  
222 "convicted"; providing conditions under which a  
223 licensed fire equipment dealer may apply to convert  
224 the license currently held to a lower licensing



225 category; providing procedure for an applicant who  
226 passes an examination for licensure or permit but  
227 fails to meet remaining qualifications within 1 year  
228 after the application date; transferring,  
229 renumbering, and amending s. 633.065, F.S.; conforming  
230 a cross-reference; transferring, renumbering, and  
231 amending s. 633.071, F.S., relating to standard  
232 service tags required on all fire extinguishers and  
233 preengineered systems; conforming a cross-reference;  
234 transferring, renumbering, and amending s. 633.082,  
235 F.S., relating to inspection of fire control systems,  
236 fire hydrants, and fire protection systems; conforming  
237 a cross-reference; making an editorial change;  
238 transferring, renumbering, and amending s. 633.083,  
239 F.S., relating to the prohibited sale or use of  
240 certain types of fire extinguishers and penalty  
241 therefor; transferring, renumbering, and amending s.  
242 633.162, F.S., relating to fire suppression system  
243 contractors and disciplinary actions with respect  
244 thereto; conforming cross-references; clarifying  
245 provisions; transferring, renumbering, and amending  
246 s. 633.521, F.S., relating to certification as fire  
247 protection system contractor; clarifying provisions  
248 and making editorial changes; conforming cross-  
249 references; transferring, renumbering, and amending s.  
250 633.551, F.S., relating to county and municipal powers  
251 and the effect of ch. 75-240, Laws of Florida; making  
252 editorial changes; transferring and renumbering s.

253 | 633.527, F.S., relating to records concerning  
254 | applicant and the extent of confidentiality;  
255 | transferring and renumbering s. 633.531, F.S.,  
256 | relating to statewide effectiveness and  
257 | nontransferability of certificates; transferring,  
258 | renumbering, and amending s. 633.534, F.S., relating  
259 | to the issuance of certificates to individuals and  
260 | business organizations; conforming a reference;  
261 | transferring, renumbering, and amending s. 633.537,  
262 | F.S., relating to renewal and expiration of  
263 | certificates; removing an obsolete provision; removing  
264 | a provision which prescribes the biennial renewal fee  
265 | for an inactive status certificate; making editorial  
266 | changes; transferring, renumbering, and amending s.  
267 | 633.539, F.S., relating to requirements for  
268 | installation, inspection, and maintenance of fire  
269 | protection systems; correcting a cross-reference;  
270 | conforming a reference; transferring, renumbering, and  
271 | amending s. 633.541, F.S., relating to the prohibition  
272 | against contracting as a fire protection contractor  
273 | without a certificate and penalty for violation  
274 | thereof; conforming cross-references; transferring,  
275 | renumbering, and amending s. 633.547, F.S.; revising  
276 | provisions which authorize the State Fire Marshal to  
277 | suspend a fire protection system contractor's or  
278 | permittee's certificate; removing provisions  
279 | authorizing revocation of a certificate for a  
280 | specified period; conforming a cross-reference;

281 transferring, renumbering, and amending s. 633.549,  
282 F.S., relating to violations that are subject to  
283 injunction; making an editorial change; transferring  
284 and renumbering s. 633.554, F.S., relating to  
285 application of ch. 633, F.S., regulating contracting  
286 and contractors; transferring, renumbering, and  
287 amending s. 633.70, F.S., relating to jurisdiction of  
288 the State Fire Marshal over alarm system contractors  
289 and certified unlimited electrical contractors;  
290 conforming a cross-reference; transferring and  
291 renumbering s. 633.701, F.S., relating to requirements  
292 for fire alarm system equipment; transferring,  
293 renumbering, and amending s. 633.702, F.S., relating  
294 to prohibited acts regarding alarm system contractors  
295 or certified unlimited electrical contractors and  
296 penalties for violations; making editorial changes;  
297 creating part IV of chapter 633, F.S., entitled "Fire  
298 Standards and Training"; transferring, renumbering,  
299 and amending ss. 633.31 and 633.33, F.S., and  
300 transferring and renumbering s. 633.32, F.S.;  
301 consolidating provisions relating to the Firefighters  
302 Employment, Standards, and Training Council; providing  
303 for an additional member of the council; revising  
304 special powers of the council in connection with the  
305 employment and training of firefighters; transferring,  
306 renumbering, and amending s. 633.42, F.S., relating to  
307 authority of fire service providers to establish  
308 qualifications and standards for hiring, training, or

309 promoting firefighters that exceed the minimum set by  
310 the department; conforming terminology; creating s.  
311 633.406, F.S.; specifying classes of certification  
312 awarded by the division; authorizing the division to  
313 establish specified additional certificates by rule;  
314 transferring, renumbering, and amending ss. 633.35 and  
315 633.37 F.S.; consolidating and revising provisions  
316 relating to firefighter and volunteer firefighter  
317 training and certification; requiring the division to  
318 establish by rule specified courses and course  
319 examinations; providing that courses may only be  
320 administered by specified education or training  
321 providers and taught by certified instructors;  
322 revising provisions with respect to payment of  
323 training costs and payment of tuition for attendance  
324 at approved courses; providing requirements for  
325 issuance by the division of a firefighter certificate  
326 of compliance; providing requirements for issuance by  
327 the division of a Volunteer Firefighter Certificate of  
328 Completion; authorizing the division to issue a  
329 Special Certificate of Compliance; providing  
330 requirements and limitations with respect thereto;  
331 providing procedures and requirements for  
332 reexamination subsequent to failure of an examination;  
333 increasing the required number of hours of the  
334 structural fire training program; providing for a  
335 Forestry Certificate of Compliance and prescribing the  
336 rights, privileges, and benefits thereof;

337 transferring, renumbering, and amending s. 633.34,  
338 F.S.; revising and reorganizing provisions relating to  
339 qualifications for certification as a firefighter;  
340 providing requirements of the division with respect to  
341 suspension or revocation of a certificate;  
342 transferring, renumbering, and amending s. 633.352,  
343 F.S.; revising provisions relating to retention of  
344 certification as a firefighter; defining the term  
345 "active"; transferring, renumbering, and amending s.  
346 633.41, F.S.; prohibiting a fire service provider from  
347 employing an individual as a firefighter or supervisor  
348 of firefighters and from retaining the services of an  
349 individual volunteering as a firefighter or a  
350 supervisor of firefighters without required  
351 certification; requiring a fire service provider to  
352 make a diligent effort to determine possession of  
353 required certification prior to employing or retaining  
354 an individual for specified services; defining the  
355 term "diligent effort"; requiring a fire service  
356 provider to notify the division of specified hirings,  
357 retentions, terminations, decisions not to retain a  
358 firefighter, and determinations of failure to meet  
359 certain requirements; authorizing the division to  
360 conduct site visits to fire departments to monitor  
361 compliance; defining the term "employ"; conforming  
362 cross-references; transferring, renumbering, and  
363 amending s. 633.38, F.S., relating to curricula and  
364 standards for advanced and specialized training

365 prescribed by the division; revising terminology to  
366 conform; conforming cross-references; transferring,  
367 renumbering, and amending s. 633.382, F.S.; revising  
368 provisions relating to supplemental compensation for  
369 firefighters who pursue specified higher educational  
370 opportunities; removing definitions; requiring the  
371 State Fire Marshal to determine, and adopt by rule,  
372 course work or degrees that represent the best  
373 practices toward supplemental compensation goals;  
374 specifying that supplemental compensation shall be  
375 paid to qualifying full-time employees of a fire  
376 service provider; conforming terminology; clarifying  
377 provisions; specifying that policy guidelines be  
378 adopted by rule; classifying the division as a fire  
379 service provider responsible for the payment of  
380 supplemental compensation to full-time firefighters  
381 employed by the division; transferring, renumbering,  
382 and amending s. 633.353, F.S.; clarifying provisions  
383 which provide a penalty for falsification of  
384 qualifications provided to the Bureau of Fire  
385 Standards and Training of the division; transferring,  
386 renumbering, and amending s. 633.351, F.S.; providing  
387 definitions; providing conditions for ineligibility to  
388 apply for certification under ch. 633, F.S.; providing  
389 conditions for permanent revocation of certification,  
390 prospective application of such provisions, and  
391 retroactive application with respect to specified  
392 convictions; revising provisions relating to

393 revocation of certification; providing requirements  
394 with respect to application for certification;  
395 requiring specified submission of fingerprints;  
396 providing a fee; providing requirements of the  
397 Department of Law Enforcement with respect to  
398 submitted fingerprints; transferring, renumbering,  
399 and amending s. 633.43, F.S., relating to the  
400 establishment of the Florida State Fire College;  
401 conforming a reference; transferring, renumbering,  
402 and amending s. 633.44, F.S.; expanding the purposes  
403 of the Florida State Fire College and pt. IV of ch.  
404 633, F.S.; conforming a cross-reference; transferring,  
405 renumbering, and amending s. 633.48, F.S., relating to  
406 the superintendent of the Florida State Fire College;  
407 correcting a cross-reference, to conform;  
408 transferring, renumbering, and amending s. 633.461,  
409 F.S.; revising uses of funds received by the Florida  
410 State Fire College from the Insurance Regulatory Trust  
411 Fund; transferring and renumbering s. 633.47, F.S.,  
412 relating to procedure for making expenditures on  
413 behalf of the Florida State Fire College;  
414 transferring, renumbering, and amending s. 633.49,  
415 F.S., relating to the use of buildings, equipment, and  
416 other facilities of the fire college; conforming a  
417 cross-reference; transferring, renumbering, and  
418 amending s. 633.50, F.S.; providing additional duties  
419 of the division of State Fire Marshal related to the  
420 Florida State Fire College; conforming cross-

421 references; creating part V of ch. 633, F.S., entitled  
422 "Florida Firefighters Occupational Safety and Health  
423 Act"; transferring, renumbering, and amending s.  
424 633.801, F.S., which provides a short title;  
425 transferring, renumbering, and amending s. 633.802,  
426 F.S.; revising definitions of "firefighter employee,"  
427 "firefighter employer," and "firefighter place of  
428 employment"; transferring, renumbering, and amending  
429 s. 633.803, F.S., relating to legislative intent to  
430 enhance firefighter occupational safety and health in  
431 the state; clarifying provisions; conforming  
432 references; transferring, renumbering, and amending  
433 ss. 633.821 and 633.808, F.S.; revising provisions  
434 relating to assistance by the division in facilitating  
435 firefighter employee workplace safety; revising  
436 references to publications; removing obsolete  
437 provisions; revising requirements of the division;  
438 transferring, renumbering, and amending s. 633.817,  
439 F.S., relating to remedies available to the division  
440 for noncompliance with pt. V of ch. 633, F.S., the  
441 Florida Firefighters Occupational Safety and Health  
442 Act; transferring and renumbering s. 633.805, F.S.,  
443 relating to a required study by the division of  
444 firefighter employee occupational diseases;  
445 transferring, renumbering, and amending ss. 633.806  
446 and 633.815, F.S.; revising and consolidating  
447 provisions which require the division to make studies,  
448 investigations, inspections, and inquiries with



449 | respect to compliance with pt. V of ch. 633, F.S., or  
450 | rules authorized thereunder, and the causes of  
451 | firefighter employee injuries, illnesses, safety-based  
452 | complaints, or line-of-duty deaths in firefighter  
453 | employee places of employment; authorizing the  
454 | division to adopt by rule procedures for conducting  
455 | inspections and inquiries of firefighter employers  
456 | under pt. V of ch. 633, F.S.; conforming references;  
457 | transferring, renumbering, and amending s. 633.807,  
458 | F.S., relating to safety responsibilities of  
459 | firefighter employers; revising definition of the  
460 | terms "safe" and "safety"; transferring, renumbering,  
461 | and amending ss. 633.809, 633.810, and 633.813, F.S.;  
462 | consolidating and revising provisions relating to  
463 | firefighter employers with a high frequency of  
464 | firefighter employee work-related injuries, corrective  
465 | plans for noncompliance issues, and workplace safety  
466 | committees and coordinators; revising provisions  
467 | relating to required safety inspections; clarifying  
468 | that the division may not assess penalties as a result  
469 | of such inspections; requiring firefighter employers  
470 | to submit a plan for the correction of any  
471 | noncompliance issues to the division for approval in  
472 | accordance with division rule; providing procedures if  
473 | a plan is not submitted, does not provide corrective  
474 | actions, is incomplete, or is not implemented;  
475 | transferring, renumbering, and amending s. 633.811,  
476 | F.S.; prescribing additional administrative penalties

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477 for firefighter employers for violation of, or refusal  
478 to comply with, pt. V of ch. 633, F.S.; providing for  
479 location of hearings; transferring, renumbering, and  
480 amending s. 633.812, F.S. relating to specified  
481 cooperation by the division with the Federal  
482 Government; clarifying requirements from which private  
483 firefighter employers are exempt; eliminating a  
484 prerequisite to exemption for specified firefighter  
485 employers; requiring reinspection subsequent to  
486 specified noncompliance; transferring, renumbering,  
487 and amending s. 633.816, F.S., relating to firefighter  
488 employee rights and responsibilities; conforming  
489 references; transferring, renumbering, and amending  
490 ss. 633.818 and 633.819, F.S.; consolidating  
491 provisions relating to penalties for prohibited false,  
492 fictitious, or fraudulent acts, statements, and  
493 representations and the statute of limitations  
494 thereon; conforming a cross-reference; transferring,  
495 renumbering, and amending s. 633.814, F.S., relating  
496 to disbursement of expenses to administer pt. V of ch.  
497 633, F.S.; conforming a cross-reference; amending s.  
498 554.103, F.S.; revising provisions of the State Boiler  
499 Code; establishing construction standards for new  
500 boilers installed or imported into this state;  
501 requiring the installer, rather than the owner, of a  
502 boiler placed in use after a specified date to submit  
503 a data report prior to operation; amending s. 791.012,  
504 F.S., relating to minimum fireworks safety standards;

505 updating a reference; amending s. 791.015, F.S.;

506 authorizing seasonal retailers of sparklers to submit

507 one registration form for multiple locations;

508 requiring each seasonal retailer of sparklers to pay

509 an annual registration fee for each retail location

510 registered; repealing s. 633.024, F.S., relating to

511 legislative findings and intent with respect to

512 ensuring effective fire protection of vulnerable

513 nursing home residents, the expedited retrofit of

514 existing nursing homes through a limited state loan

515 guarantee, and funding thereof; repealing s. 633.0245,

516 F.S., relating to the State Fire Marshal Nursing Home

517 Fire Protection Loan Guarantee Program; repealing s.

518 633.30, F.S., relating to definitions with respect to

519 standards for firefighting; repealing s. 633.445,

520 F.S., relating to the State Fire Marshal Scholarship

521 Grant Program; repealing s. 633.46, F.S., relating to

522 authority of the Division of State Fire Marshal to fix

523 and collect admission fees and other fees it deems

524 necessary to be charged for training; repealing s.

525 633.524, F.S., relating to certificate and permit fees

526 assessed under ch. 633, F.S., and the use and deposit

527 thereof; repealing s. 633.804, F.S., which requires

528 the division to adopt rules governing firefighter

529 employer and firefighter employee safety inspections

530 and consultations; repealing s. 633.820, F.S.,

531 relating to the applicability of specified sections of

532 ch. 633, F.S., to volunteer firefighters and volunteer

533 fire departments; amending ss. 112.1815, 112.191,  
 534 112.81, 119.071, 120.541, 120.80, 121.0515, 125.01,  
 535 125.01045, 125.56, 166.0446, 175.032, 175.121,  
 536 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02,  
 537 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44,  
 538 429.73, 447.203, 468.602, 468.609, 489.103, 489.105,  
 539 496.404, 509.032, 513.05, 553.73, 553.77, 553.79,  
 540 590.02, 627.4107, 893.13, 934.03, 943.61, 1002.33,  
 541 1002.34, 1013.12, and 1013.38, F.S.; correcting cross-  
 542 references, to conform; providing an effective date.

543

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

545

546 Section 1. Paragraph (b) of subsection (2) of section  
 547 112.011, Florida Statutes, is amended to read:

548 112.011 Disqualification from licensing and public  
 549 employment based on criminal conviction.—

550 (2)

551 (b) This section does not apply to the employment  
 552 practices of any fire department relating to the hiring of  
 553 firefighters. ~~An applicant for employment with any fire~~  
 554 ~~department who has a prior felony conviction shall be excluded~~  
 555 ~~from employment for a period of 4 years after expiration of~~  
 556 ~~sentence or final release by the Parole Commission unless the~~  
 557 ~~applicant, before the expiration of the 4-year period, has~~  
 558 ~~received a full pardon or has had his or her civil rights~~  
 559 ~~restored.~~

560 Section 2. Paragraph (i) of subsection (2) of section

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561 112.191, Florida Statutes, is amended, and paragraphs (a), (b),  
562 and (c) of subsection (2) are reenacted, to read:

563 112.191 Firefighters; death benefits.—

564 (2) (a) The sum of \$50,000, as adjusted pursuant to  
565 paragraph (i), shall be paid as provided in this section when a  
566 firefighter, while engaged in the performance of his or her  
567 firefighter duties, is accidentally killed or receives  
568 accidental bodily injury which subsequently results in the loss  
569 of the firefighter's life, provided that such killing is not the  
570 result of suicide and that such bodily injury is not  
571 intentionally self-inflicted. Notwithstanding any other  
572 provision of law, in no case shall the amount payable under this  
573 subsection be less than the actual amount stated therein.

574 (b) The sum of \$50,000, as adjusted pursuant to paragraph  
575 (i), shall be paid as provided in this section if a firefighter  
576 is accidentally killed as specified in paragraph (a) and the  
577 accidental death occurs as a result of the firefighter's  
578 response to what is reasonably believed to be an emergency  
579 involving the protection of life or property or the  
580 firefighter's participation in a training exercise. This sum is  
581 in addition to any sum provided in paragraph (a).

582 Notwithstanding any other provision of law, the amount payable  
583 under this subsection may not be less than the actual amount  
584 stated therein.

585 (c) If a firefighter, while engaged in the performance of  
586 his or her firefighter duties, is unlawfully and intentionally  
587 killed, is injured by an unlawful and intentional act of another  
588 person and dies as a result of such injury, dies as a result of

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589 a fire which has been determined to have been caused by an act  
590 of arson, or subsequently dies as a result of injuries sustained  
591 therefrom, the sum of \$150,000, as adjusted pursuant to  
592 paragraph (i), shall be paid as provided in this section.  
593 Notwithstanding any other provision of law, the amount payable  
594 under this subsection may not be less than the actual amount  
595 stated therein.

596 (i) Any payments made pursuant to paragraph (a), paragraph  
597 (b), or paragraph (c) shall consist of the statutory amount  
598 adjusted to reflect price level changes in the Consumer Price  
599 Index for all urban consumers published by the United States  
600 Department of Labor since July 1, 2002 ~~the effective date of the~~  
601 ~~act.~~ The Division of State Fire Marshal, using the most recent  
602 month for which Consumer Price Index data is available, shall on  
603 June 15 of each year calculate and publish on the division's  
604 internet website the amount resulting from the adjustments to ~~by~~  
605 ~~rule adjust the statutory amounts amount based on the Consumer~~  
606 ~~Price Index for All Urban Consumers published by the United~~  
607 ~~States Department of Labor.~~ The adjusted statutory amounts  
608 Adjustment shall be effective on ~~made~~ July 1 of each year ~~using~~  
609 ~~the most recent month for which data are available at the time~~  
610 ~~of the adjustment.~~

611 Section 3. Part I of chapter 633, Florida Statutes,  
612 consisting of sections 633.102, 633.104, 633.106, 633.108,  
613 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,  
614 633.128, 633.132, 633.134, 633.136, 633.138, and 633.142, is  
615 created and entitled "General Provisions."

616 Section 4. Section 633.021, Florida Statutes, is

617 transferred and renumbered as section 633.102, Florida Statutes,  
618 and amended to read:

619 633.102 ~~633.021~~ Definitions.—As used in this chapter:

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

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

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

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

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

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

642 (c) "Contractor III" means a contractor whose business is  
643 limited to the execution of contracts requiring the ability to  
644 fabricate, install, inspect, alter, repair, and service carbon

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645 dioxide ~~CO2~~ systems, foam extinguishing systems, dry chemical  
646 systems, and Halon and other chemical systems, excluding  
647 preengineered systems.

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

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 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  
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, persons certified as a Contractor I,



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673 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 Contractor I, Contractor II,  
679 or Contractor IV may design a fire protection system the scope  
680 of which complies with NFPA 13D, Standard for the Installation  
681 of Sprinkler Systems in One- and Two-Family Dwellings and  
682 Manufactured Homes, as adopted by the State Fire Marshal,  
683 notwithstanding the number of fire sprinklers. Contractor-  
684 developed plans may not be required by any local permitting  
685 authority to be sealed by a registered professional engineer.

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

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

690 (6) "Explosives" means any chemical compound or mixture  
691 that has the property of yielding readily to combustion or  
692 oxidation upon the application of heat, flame, or shock and is  
693 capable of producing an explosion and is commonly used for that  
694 purpose, including but not limited to dynamite, nitroglycerin,  
695 trinitrotoluene, ammonium nitrate when combined with other  
696 ingredients to form an explosive mixture, blasting caps, and  
697 detonators; but the term does not include cartridges for  
698 firearms or fireworks as defined in chapter 791.

699 (7) (a) "Fire equipment dealer Class A" means a licensed  
700 fire equipment dealer whose business is limited to servicing,

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701 recharging, repairing, installing, or inspecting all types of  
702 fire extinguishers and conducting hydrostatic tests on all types  
703 of fire extinguishers.

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

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

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

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

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

722 (b) Is manually operated.

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

725 (d) Is rechargeable or nonrechargeable.

726 (e) Is installed, serviced, repaired, recharged,  
727 inspected, and hydrotested according to applicable procedures of  
728 the manufacturer, standards of the National Fire Protection

729 Association, and the Code of Federal Regulations.

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

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

736 (10) "Fire service support personnel" means an individual  
737 who does not hold a current and valid certificate issued by the  
738 division and who is authorized only to perform support services.

739 (11)-(9) A "Fire hydrant" means ~~is~~ a connection to a water  
740 main, elevated water tank, or other source of water for the  
741 purpose of supplying water to a fire hose or other fire  
742 protection apparatus for fire suppression operations. The term  
743 does not include a fire protection system.

744 (12)-(10) A "Fire protection system" means ~~is~~ a system  
745 individually designed to protect the interior or exterior of a  
746 specific building or buildings, structure, or other special  
747 hazard from fire. Such systems include, but are not limited to,  
748 water sprinkler systems, water spray systems, foam-water  
749 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~  
750 systems, foam extinguishing systems, dry chemical systems, and  
751 Halon and other chemical systems used for fire protection use.  
752 Such systems also include any overhead and underground fire  
753 mains, fire hydrants and hydrant mains, standpipes and hoses  
754 connected to sprinkler systems, sprinkler tank heaters, air  
755 lines, thermal systems used in connection with fire sprinkler  
756 systems, and tanks and pumps connected to fire sprinkler

757 systems.

758 (13)~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual  
 759 who holds a current and valid Fire Safety Inspector Certificate  
 760 of Compliance issued ~~certified~~ by the division ~~State Fire~~  
 761 ~~Marshal~~ under s. 633.216 ~~633.081~~ and who is officially assigned  
 762 the duties of conducting firesafety inspections of buildings and  
 763 facilities on a recurring or regular basis on behalf of the  
 764 state or any county, municipality, or special district with fire  
 765 safety responsibilities.

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

773 (15)~~(12)~~ "Handling" means touching, holding, taking up,  
 774 moving, controlling, or otherwise affecting with the hand or by  
 775 any other agency.

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

- 778 ~~1. That contains combustible or explosive matter or~~
- 779 ~~flammable conditions dangerous to the safety of life or~~
- 780 ~~property.~~
- 781 ~~2. In which persons receive educational instruction.~~
- 782 ~~3. In which persons reside, excluding private dwellings.~~
- 783 ~~4. Containing three or more floor levels.~~

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

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

796 (16)~~(14)~~ "Highway" means every way or place of whatever  
797 nature within the state open to the use of the public, as a  
798 matter of right, for purposes of vehicular traffic and includes  
799 public streets, alleys, roadways, or driveways upon grounds of  
800 colleges, universities, and institutions and other ways open to  
801 travel by the public, notwithstanding that the same have been  
802 temporarily closed for the purpose of construction,  
803 reconstruction, maintenance, or repair. The term does not  
804 include a roadway or driveway upon grounds owned by a private  
805 person.

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

809 (18)~~(15)~~ "Keeping" means possessing, holding, retaining,  
810 maintaining, or having habitually in stock for sale.

811 (19)~~(16)~~ "Layout" as used in this chapter means the layout  
812 of risers, cross mains, branch lines, sprinkler heads, sizing of

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813 pipe, hanger locations, and hydraulic calculations in accordance  
814 with the design concepts established through the provisions of  
815 the Responsibility Rules adopted by the Board of Professional  
816 Engineers.

817 (20)~~(17)~~ "Manufacture" means the compounding, combining,  
818 producing, or making of anything or the working of anything by  
819 hand, by machinery, or by any other agency into forms suitable  
820 for use.

821 (21)~~(18)~~ A "Minimum firesafety standard" means is a  
822 requirement or group of requirements adopted pursuant to s.  
823 633.208 ~~633.025~~ by a county, municipality, or special district  
824 with firesafety responsibilities, or by the State Fire Marshal  
825 pursuant to s. 394.879, for the protection of life and property  
826 from loss by fire which shall be met, as a minimum, by every  
827 occupancy, facility, building, structure, premises, device, or  
828 activity to which it applies.

829 (22) "Minimum Standards Course" means training of at least  
830 360 hours as prescribed by rule adopted by the division, which  
831 is required to obtain a Firefighter Certificate of Compliance  
832 under s. 633.408.

833 (23)~~(19)~~ "Motor vehicle" means any device propelled by  
834 power other than muscular power in, upon, or by which any  
835 individual person or property is or may be transported or drawn  
836 upon a highway, except a device moved or used exclusively upon  
837 stationary rails or tracks.

838 (24)~~(20)~~ "Point-of-service" means the point at which the  
839 underground piping for a fire protection system as defined in  
840 this section using water as the extinguishing agent becomes used

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841 exclusively for the fire protection system.

842 (25)~~(21)~~(a) A "Preengineered system" means ~~is~~ a fire  
843 suppression system which:

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

845 2. Is designed to protect specific hazards.

846 3. Must be installed according to pretested limitations  
847 and configurations specified by the manufacturer and applicable  
848 National Fire Protection Association (NFPA) standards. Only  
849 those chapters within the National Fire Protection Association  
850 standards that pertain to servicing, recharging, repairing,  
851 installing, hydrotesting, or inspecting any type of  
852 preengineered fire extinguishing system may be used.

853 4. Must be installed using components specified by the  
854 manufacturer or components that are listed as equal parts by a  
855 nationally recognized testing laboratory such as Underwriters  
856 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

857 5. Must be listed by a nationally recognized testing  
858 laboratory.

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

865 (26)~~(22)~~ "Private carrier" means any motor vehicle,  
866 aircraft, or vessel operating intrastate in which there is  
867 identity of ownership between freight and carrier.

868 (27)~~(23)~~ "Sale" means the act of selling; the act whereby

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

873 ~~(28)-(24)~~ "Special state firesafety inspector" means an  
874 individual officially assigned to the duties of conducting  
875 firesafety inspections required by law on behalf of or by an  
876 agency of the state having authority for inspections other than  
877 the division of ~~State Fire Marshal~~.

878 ~~(29)-(25)~~ A "Sprinkler system" means ~~is~~ a type of fire  
879 protection system, either manual or automatic, using water as an  
880 extinguishing agent and installed in accordance with applicable  
881 National Fire Protection Association standards.

882 ~~(30)-(26)~~ "Storing" means accumulating, laying away, or  
883 depositing for preservation or as a reserve fund in a store,  
884 warehouse, or other source from which supplies may be drawn or  
885 within which they may be deposited. The term is limited in  
886 meaning and application to storage having a direct relationship  
887 to transportation.

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

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



897        ~~(33)-(27)~~ "Transportation" means the conveying or carrying  
 898 of property from one place to another by motor vehicle (except a  
 899 motor vehicle subject to the provisions of s. 316.302),  
 900 aircraft, or vessel, subject to such limitations as are set  
 901 forth in s. 552.12, in which only the motor vehicles, aircraft,  
 902 or vessels of the Armed Forces and other federal agencies are  
 903 specifically exempted.

904        ~~(34)-(28)~~ A "Uniform firesafety standard" means ~~is~~ a  
 905 requirement or group of requirements for the protection of life  
 906 and property from loss by fire which shall be met by every  
 907 building and structure specified in s. 633.206 ~~633.022(1)~~, and  
 908 is neither weakened nor exceeded by law, rule, or ordinance of  
 909 any other state agency or political subdivision or county,  
 910 municipality, or special district with firesafety  
 911 responsibilities.

912        ~~(35)-(29)~~ "Use" means application, employment; that  
 913 enjoyment of property which consists of its employment,  
 914 occupation, exercise, or practice.

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

918        Section 5. Section 633.01, Florida Statutes, is  
 919 transferred and renumbered as subsections (1) through (7) of  
 920 section 633.104, Florida Statutes, and subsections (1), (3),  
 921 (5), (6), and (7) of that section are amended, and subsection  
 922 (2) of section 633.517, Florida Statutes, is transferred and  
 923 renumbered as subsection (8) of that section and amended, to  
 924 read:

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

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

940           (2) Subject to the limitations of subsection (1), it is  
 941 the intent of the Legislature that the State Fire Marshal shall  
 942 have the responsibility to minimize the loss of life and  
 943 property in this state due to fire. The State Fire Marshal shall  
 944 enforce all laws and provisions of this chapter, and any rules  
 945 adopted pursuant thereto, relating to:

946           (a) The prevention of fire and explosion through the  
 947 regulation of conditions which could cause fire or explosion,  
 948 the spread of fire, and panic resulting therefrom;

949           (b) Installation and maintenance of fire alarm systems and  
 950 fire protection systems, including fire suppression systems,  
 951 fire-extinguishing equipment, and fire sprinkler systems;

952           (c)1. Servicing, repairing, recharging, testing, marking,

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953 inspecting, installing, maintaining, and tagging of fire  
954 extinguishers, preengineered systems, and individually designed  
955 fire protection systems;

956 2. The training and licensing of persons engaged in the  
957 business of servicing, repairing, recharging, testing, marking,  
958 inspecting, installing, maintaining, and tagging fire  
959 extinguishers, preengineered systems, and individually designed  
960 fire protection systems;

961 (d) The maintenance of fire cause and loss records; and

962 (e) Suppression of arson and the investigation of the  
963 cause, origin, and circumstances of fire.

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

967 (4) It is the intent of the Legislature that the rules  
968 promulgated by the State Fire Marshal pursuant to this section  
969 be enforced in such a manner as to prohibit the displacement of  
970 currently placed mobile homes unless there is a threat of  
971 imminent danger to the health, safety, or welfare of the general  
972 public.

973 (5) It is the intent of the Legislature that there are to  
974 be no conflicting requirements between the Florida Fire  
975 Prevention Code ~~and the Life Safety Code authorized by this~~  
976 ~~chapter~~ and the provisions of the Florida Building Code or  
977 conflicts in their enforcement and interpretation. Potential  
978 conflicts shall be resolved through coordination and cooperation  
979 of the State Fire Marshal and the Florida Building Commission as  
980 provided by this chapter and part IV of chapter 553.

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

986 (7) The State Fire Marshal, in consultation with the  
 987 Department of Education, shall adopt and administer rules  
 988 prescribing standards for the safety and health of occupants of  
 989 educational and ancillary facilities pursuant to ss. 633.206  
 990 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any  
 991 county, municipality, or special district that does not employ  
 992 or appoint a firesafety inspector certified under s. 633.216  
 993 ~~633.081~~, the State Fire Marshal shall assume the duties of the  
 994 local county, municipality, or independent special fire control  
 995 district as defined in s. 191.003 with respect to firesafety  
 996 inspections of educational property required under s.  
 997 1013.12(3)(b), and the State Fire Marshal may take necessary  
 998 corrective action as authorized under s. 1013.12(7).

999 ~~633.517 Authority of State Fire Marshal to adopt rules,~~  
 1000 ~~administer oaths, and take testimony.~~

1001 ~~(1) The State Fire Marshal is authorized, with the advice~~  
 1002 ~~of the board, to adopt rules pursuant to ss. 120.536(1) and~~  
 1003 ~~120.54 to implement the provisions of this act.~~

1004 (8)(2) The State Fire Marshal or her or his duly appointed  
 1005 hearing officer may administer oaths and take testimony about  
 1006 all matters within the jurisdiction of this chapter ~~act~~. Chapter  
 1007 120 governs hearings conducted by or on behalf of the State Fire  
 1008 Marshal.

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1009       (9) The State Fire Marshal may enter into a contract with  
1010 any qualified public entity or private company in accordance  
1011 with chapter 287 to provide examinations for any applicant for  
1012 any examination administered under the jurisdiction of the State  
1013 Fire Marshal. The State Fire Marshal may direct payments from  
1014 each applicant for each examination directly to such contracted  
1015 entity or company.

1016       Section 6. Section 633.163, Florida Statutes, is  
1017 transferred and renumbered as subsections (1), (2), and (3) of  
1018 section 633.106, Florida Statutes, and amended, and section  
1019 633.167, Florida Statutes, is transferred and renumbered as  
1020 subsection (4) of that section and amended, to read:

1021       633.106 ~~633.163~~ State Fire Marshal; disciplinary  
1022 authority; administrative fine and probation in lieu of  
1023 suspension, revocation, or refusal to issue a license, permit,  
1024 or certificate.—

1025       (1) The State Fire Marshal is authorized to deny, suspend,  
1026 or revoke the license, certificate, or permit of any individual  
1027 who does not meet the qualifications established by, or who  
1028 violates any provision under, this chapter or any rule  
1029 authorized by this chapter.

1030       (2)~~(1)~~ If the State Fire Marshal finds that one or more  
1031 grounds exist for the suspension, revocation, or refusal to  
1032 issue, renew, or continue any license, certificate, or permit  
1033 issued under this chapter, the State Fire Marshal may, in its  
1034 discretion, in lieu of the suspension, revocation, or refusal to  
1035 issue, renew, or continue, and, except on a second offense or  
1036 when the suspension, revocation, or refusal to issue, renew, or

1037 continue is mandatory, impose upon the licensee,  
 1038 certificateholder, or permittee one or more of the following:

1039 (a) An administrative fine not to exceed \$1,000 for each  
 1040 violation, and not to exceed a total of \$10,000 in any one  
 1041 proceeding.

1042 (b) Probation for a period not to exceed 2 years, as  
 1043 specified by the State Fire Marshal in her or his order.

1044 (3)-(2) The State Fire Marshal may allow the licensee,  
 1045 certificateholder, or permittee a reasonable period, not to  
 1046 exceed 30 days, within which to pay to the State Fire Marshal  
 1047 the amount of the fine. If the licensee, certificateholder, or  
 1048 permittee fails to pay the administrative fine in its entirety  
 1049 to the State Fire Marshal within such period, the license,  
 1050 permit, or certificate shall stand suspended until payment of  
 1051 the administrative fine.

1052 ~~633.167 Probation.—~~

1053 ~~(1) If the State Fire Marshal finds that one or more~~  
 1054 ~~grounds exist for the suspension, revocation, or refusal to~~  
 1055 ~~issue, renew, or continue any license, certification, or permit~~  
 1056 ~~issued under this chapter, the State Fire Marshal may, in her or~~  
 1057 ~~his discretion, except when an administrative fine is not~~  
 1058 ~~permissible under this chapter or when the suspension,~~  
 1059 ~~revocation, or refusal is mandatory, in lieu of suspension,~~  
 1060 ~~revocation, or refusal to issue, renew, or continue or, in~~  
 1061 ~~connection with any administrative fine imposed, place the~~  
 1062 ~~offending licensee, certificateholder, or permittee on probation~~  
 1063 ~~for a period not to exceed 2 years, as specified by the State~~  
 1064 ~~Fire Marshal in her or his order.~~

1065            ~~(4)-(2)~~ As a condition to probation or in connection  
 1066 therewith, the State Fire Marshal may specify in her or his  
 1067 order reasonable terms and conditions to be fulfilled by the  
 1068 probationer during the probation period. If during the probation  
 1069 period the State Fire Marshal has good cause to believe that the  
 1070 probationer has violated any of the terms and conditions, she or  
 1071 he shall suspend, revoke, or refuse to issue, renew, or continue  
 1072 the license, certificate, or permit of the probationer, as upon  
 1073 the original ground or grounds referred to in subsection ~~(2)-(1)~~.

1074            Section 7. Section 633.15, Florida Statutes, is renumbered  
 1075 as section 633.108, Florida Statutes.

1076            Section 8. Section 633.101, Florida Statutes, is  
 1077 transferred and renumbered as subsections (1), (2), (3), and (4)  
 1078 of section 633.112, Florida Statutes, and subsections (2), (3),  
 1079 and (4) are amended, section 633.18, Florida Statutes, is  
 1080 transferred and renumbered as subsection (5) of that section,  
 1081 section 633.03, Florida Statutes, is transferred and renumbered  
 1082 as subsection (6) of that section and amended, and section  
 1083 633.111, Florida Statutes, is transferred and renumbered as  
 1084 subsections (7) and (8) of that section and amended, to read:

1085            633.112 ~~633.101~~ State Fire Marshal; hearings;  
 1086 investigations; recordkeeping; investigatory powers of State  
 1087 ~~Fire Marshal; costs of service and witness fees.-~~

1088            (1) The State Fire Marshal may in his or her discretion  
 1089 take or cause to be taken the testimony on oath of all persons  
 1090 whom he or she believes to be cognizant of any facts in relation  
 1091 to matters under investigation.

1092            (2) If the State Fire Marshal shall be of the opinion that

1093 | there is sufficient evidence to charge any person with an  
 1094 | offense, he or she shall cause the arrest of such person and  
 1095 | shall furnish to the prosecuting officer of any court having  
 1096 | jurisdiction of said offense all information obtained by him or  
 1097 | her, including a copy of all pertinent and material testimony  
 1098 | taken, together with the names and addresses of all witnesses.  
 1099 | In the conduct of such investigations, the State Fire Marshal  
 1100 | ~~fire marshal~~ may request such assistance as may reasonably be  
 1101 | given by such prosecuting officers and other local officials.

1102 |         (3) The State Fire Marshal ~~fire marshal~~ may summon and  
 1103 | compel the attendance of witnesses before him or her to testify  
 1104 | in relation to any matter ~~manner~~ which is, by the provisions of  
 1105 | this chapter, a subject of inquiry and investigation, and he or  
 1106 | she may require the production of any book, paper, or document  
 1107 | deemed pertinent thereto by him or her, and may seize furniture  
 1108 | and other personal property to be held for evidence.

1109 |         (4) All persons so summoned and so testifying shall be  
 1110 | entitled to the same witness fees and mileage as provided for  
 1111 | witnesses testifying in the circuit courts of this state, and  
 1112 | officers serving subpoenas or orders of the State Fire Marshal  
 1113 | ~~fire marshal~~ shall be paid in like manner for like services in  
 1114 | such courts, from the funds herein provided.

1115 |         ~~633.18 State Fire Marshal; hearings and investigations;  
 1116 | subpoena of witnesses; orders of circuit court.~~

1117 |         (5) Any agent designated by the State Fire Marshal for  
 1118 | such purposes, may hold hearings, sign and issue subpoenas,  
 1119 | administer oaths, examine witnesses, receive evidence, and  
 1120 | require by subpoena the attendance and testimony of witnesses



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1121 and the production of such accounts, records, memoranda or other  
1122 evidence, as may be material for the determination of any  
1123 complaint or conducting any inquiry or investigation under this  
1124 law. In case of disobedience to a subpoena, the State Fire  
1125 Marshal or his or her agent may invoke the aid of any court of  
1126 competent jurisdiction in requiring the attendance and testimony  
1127 of witnesses and the production of accounts, records, memoranda  
1128 or other evidence and any such court may in case of contumacy or  
1129 refusal to obey a subpoena issued to any person, issue an order  
1130 requiring the person to appear before the State Fire Marshal's  
1131 agent or produce accounts, records, memoranda or other evidence,  
1132 as so ordered, or to give evidence touching any matter pertinent  
1133 to any complaint or the subject of any inquiry or investigation,  
1134 and any failure to obey such order of the court shall be  
1135 punished by the court as a contempt thereof.

1136 ~~633.03 Investigation of fire; reports.—~~

1137 (6) The State Fire Marshal shall investigate the cause,  
1138 origin, and circumstances of every fire or explosion occurring  
1139 in this state wherein property has been damaged or destroyed  
1140 where there is probable cause to believe that the fire or  
1141 explosion was the result of carelessness or design. Report of  
1142 all such investigations shall be made on approved forms to be  
1143 furnished by the State Fire Marshal ~~fire marshal~~.

1144 ~~633.111 State Fire Marshal to keep records of fires;~~  
1145 ~~reports of agents.—~~

1146 (7) The State Fire Marshal shall keep ~~in her or his office~~  
1147 a record of all fires and explosions occurring in this state  
1148 upon which she or he had caused an investigation to be made and

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1149 all facts concerning the same. These records, obtained or  
1150 prepared by the State Fire Marshal pursuant to her or his  
1151 investigation, include documents, papers, letters, maps,  
1152 diagrams, tapes, photographs, films, sound recordings, and  
1153 evidence. These records are confidential and exempt from the  
1154 provisions of s. 119.07(1) until the investigation is completed  
1155 or ceases to be active. For purposes of this section, an  
1156 investigation is considered "active" while such investigation is  
1157 being conducted by the department with a reasonable, good faith  
1158 belief that it may lead to the filing of administrative, civil,  
1159 or criminal proceedings. An investigation does not cease to be  
1160 active if the department is proceeding with reasonable dispatch,  
1161 and there is a good faith belief that action may be initiated by  
1162 the department or other administrative or law enforcement  
1163 agency. Further, these documents, papers, letters, maps,  
1164 diagrams, tapes, photographs, films, sound recordings, and  
1165 evidence relative to the subject of an investigation shall not  
1166 be subject to subpoena until the investigation is completed or  
1167 ceases to be active, unless the State Fire Marshal consents.  
1168 These records shall be made daily from the reports furnished the  
1169 State Fire Marshal by her or his agents or others.

1170 (8) Whenever the State Fire Marshal releases an  
1171 investigative report, any person requesting a copy of the report  
1172 shall pay in advance, and the State Fire Marshal shall collect  
1173 in advance, notwithstanding the provisions of s. 624.501(19)(a)  
1174 and (b), a fee of \$10 for the copy of the report, which fee  
1175 shall be deposited into the Insurance Regulatory Trust Fund. The  
1176 State Fire Marshal may release the report without charge to any

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1177 state attorney or to any law enforcement agency or fire  
 1178 department assisting in the investigation.

1179 Section 9. Section 633.02, Florida Statutes, is  
 1180 transferred and renumbered as subsection (1) of section 633.114,  
 1181 Florida Statutes, and amended, and section 633.13, Florida  
 1182 Statutes, is transferred and renumbered as subsection (2) of  
 1183 that section, to read:

1184 633.114 ~~633.02~~ State Fire Marshal Agents; authority;  
 1185 ~~powers and duties; compensation.-~~

1186 (1) The State Fire Marshal shall appoint such agents as  
 1187 may be necessary to carry out effectively the provisions of this  
 1188 chapter, who shall be reimbursed for travel expenses as provided  
 1189 in s. 112.061, in addition to their salary, when traveling or  
 1190 making investigations in the performance of their duties. Such  
 1191 agents shall be at all times under the direction and control of  
 1192 the State Fire Marshal ~~fire marshal~~, who shall fix their  
 1193 compensation, and all orders shall be issued in the State Fire  
 1194 Marshal's ~~fire marshal's~~ name and by her or his authority.

1195 ~~633.13 State Fire Marshal; authority of agents.-~~

1196 (2) The authority given the State Fire Marshal under this  
 1197 law may be exercised by his or her agents, either individually  
 1198 or in conjunction with any other state or local official charged  
 1199 with similar responsibilities.

1200 Section 10. Section 633.14, Florida Statutes, is  
 1201 renumbered as section 633.116, Florida Statutes.

1202 Section 11. Section 633.121, Florida Statutes, is  
 1203 transferred and renumbered as section 633.118, Florida Statutes,  
 1204 and amended to read:

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1205            633.118 ~~633.121~~ Persons authorized to enforce laws and  
 1206 rules of State Fire Marshal.—The chiefs of county, municipal,  
 1207 and special-district fire service providers ~~departments~~; other  
 1208 fire service provider ~~department~~ personnel designated by their  
 1209 respective chiefs; and personnel designated by local governments  
 1210 having no organized fire service providers ~~departments~~ are  
 1211 authorized to enforce this chapter ~~law~~ and all rules prescribed  
 1212 by the State Fire Marshal within their respective jurisdictions.  
 1213 Such personnel acting under the authority of this section shall  
 1214 be deemed to be agents of their respective jurisdictions, not  
 1215 agents of the State Fire Marshal.

1216            Section 12. Section 633.151, Florida Statutes, is  
 1217 transferred and renumbered as section 633.122, Florida Statutes,  
 1218 and amended to read:

1219            633.122 ~~633.151~~ Impersonating State Fire Marshal,  
 1220 firefighter ~~firefighters~~, volunteer firefighter, or firesafety  
 1221 inspector; criminal penalties.—A person who falsely assumes or  
 1222 pretends to be the State Fire Marshal, an agent of the division  
 1223 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a  
 1224 volunteer firefighter, or a firesafety inspector by identifying  
 1225 himself or herself as the State Fire Marshal, an agent of the  
 1226 division, a firefighter, a volunteer firefighter, or a  
 1227 firesafety inspector, by wearing a uniform or presenting or  
 1228 displaying a badge as credentials that would cause a reasonable  
 1229 person to believe that he or she is a State Fire Marshal, an  
 1230 agent of the division, a firefighter, a volunteer firefighter,  
 1231 or firesafety inspector commits ~~and who acts as such to require~~  
 1232 ~~a person to aid or assist him or her in any matter relating to~~

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1233 ~~the duties of the State Fire Marshal, an agent of the division,~~  
1234 ~~a firefighter, or a firesafety inspector is guilty of a felony~~  
1235 of the third degree, punishable as provided in ss. 775.082 and  
1236 775.083 or, if the impersonation occurs during the commission of  
1237 a separate felony by that person, commits ~~is guilty of~~ a felony  
1238 of the first degree, punishable as provided in ss. 775.082 and  
1239 775.083.

1240 Section 13. Section 633.171, Florida Statutes, is  
1241 transferred and renumbered as section 633.124, Florida Statutes,  
1242 and amended to read:

1243 633.124 ~~633.171~~ Penalty for violation of law, rule, or  
1244 order to cease and desist or for failure to comply with  
1245 corrective order.—

1246 (1) Any person who violates any provision of this chapter  
1247 ~~law~~, any order or rule of the State Fire Marshal, or any order  
1248 to cease and desist or to correct conditions issued under this  
1249 chapter commits a misdemeanor of the second degree, punishable  
1250 as provided in s. 775.082 or s. 775.083.

1251 (2) It is a misdemeanor of the first degree, punishable as  
1252 provided in s. 775.082 or s. 775.083, to intentionally or  
1253 willfully:

1254 (a) Render a fire protection system, fire extinguisher, or  
1255 preengineered system required by statute or by rule inoperative  
1256 except during such time as the fire protection system, fire  
1257 extinguisher, or preengineered system is being serviced,  
1258 hydrotested, tested, repaired, or recharged, except pursuant to  
1259 court order.

1260 (b) Obliterate the serial number on a fire extinguisher

1261 | for purposes of falsifying service records.

1262 |       (c) Improperly service, recharge, repair, hydrotest, test,  
1263 | or inspect a fire extinguisher or preengineered system.

1264 |       (d) Use the license, certificate, or permit ~~number~~ of  
1265 | another person.

1266 |       (e) Hold a license, certificate, or permit and allow  
1267 | another person to use the license, certificate, or said permit  
1268 | ~~number~~.

1269 |       (f) Use, or allow permit the use of, any license,  
1270 | certificate, or permit by any individual or organization other  
1271 | than the one to whom the license, certificate, or permit is  
1272 | issued.

1273 |       (3) (a) As used in this subsection, the term:

1274 |       1. "Pyrotechnic display" means a special effect created  
1275 | through the use of a pyrotechnic material or pyrotechnic device.

1276 |       2. "Pyrotechnic device" means any device containing  
1277 | pyrotechnic materials and capable of producing a special effect.

1278 |       3. "Pyrotechnic material" means a chemical mixture used to  
1279 | produce visible or audible effects by combustion, deflagration,  
1280 | or detonation when such chemical mixture consists predominantly  
1281 | of solids capable of producing a controlled, self-sustaining,  
1282 | and self-contained exothermic chemical reaction that results in  
1283 | heat, gas, sound, light, or a combination of such effects,  
1284 | without requiring external oxygen.

1285 |       (b) A person who initiates a pyrotechnic display within  
1286 | any structure commits a felony of the third degree, punishable  
1287 | as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1288 |       1. The structure has a fire protection system installed in

1289 compliance with s. 633.334 ~~633.065~~.

1290         2. The owner of the structure has authorized in writing  
1291 the pyrotechnic display.

1292         3. If the local jurisdiction requires a permit for the use  
1293 of a pyrotechnic display in an occupied structure, such permit  
1294 has been obtained and all conditions of the permit complied with  
1295 or, if the local jurisdiction does not require a permit for the  
1296 use of a pyrotechnic display in an occupied structure, the  
1297 person initiating the display has complied with National Fire  
1298 Protection Association, Inc., Standard 1126, 2001 Edition,  
1299 Standard for the Use of Pyrotechnics before a Proximate  
1300 Audience.

1301         (c) This subsection shall not be construed to preclude  
1302 prosecution for a more general offense resulting from the same  
1303 criminal transaction or episode. This subsection does not apply  
1304 to the manufacture, distribution, sale at wholesale or retail,  
1305 or seasonal sale of products regulated under chapter 791 if the  
1306 products are not used in an occupied structure.

1307         Section 14. Section 633.175, Florida Statutes, is  
1308 transferred and renumbered as section 633.126, Florida Statutes,  
1309 and subsections (1), (2), (3), (6), and (9) of that section are  
1310 amended, to read:

1311         633.126 ~~633.175~~ Investigation of fraudulent insurance  
1312 claims and crimes; immunity of insurance companies supplying  
1313 information.—

1314         (1) (a) As used in this section, the term "consultant"  
1315 means any individual or entity, or employee of the individual or  
1316 entity, retained by an insurer to assist in the investigation of

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1317 | a fire, explosion, or suspected fraudulent insurance act.

1318 |       **(b)** The State Fire Marshal or an agent appointed pursuant  
1319 | to s. 633.114 ~~633.02~~, any law enforcement officer as defined in  
1320 | s. 111.065, any law enforcement officer of a federal agency, or  
1321 | any fire service provider ~~department~~ official who is engaged in  
1322 | the investigation of a fire or explosion loss may request any  
1323 | insurance company or its agent, adjuster, employee, or attorney,  
1324 | investigating a claim under an insurance policy or contract with  
1325 | respect to a fire or explosion to release any information  
1326 | whatsoever in the possession of the insurance company or its  
1327 | agent, adjuster, employee, or attorney relative to a loss from  
1328 | that fire or explosion. The insurance company shall release the  
1329 | available information to and cooperate with any official  
1330 | authorized to request such information pursuant to this section.  
1331 | The information shall include, but shall not be limited to:

1332 |       1.~~(a)~~ Any insurance policy relevant to a loss under  
1333 | investigation and any application for such a policy.

1334 |       2.~~(b)~~ Any policy premium payment records.

1335 |       3.~~(c)~~ The records, reports, and all material pertaining to  
1336 | any previous claims made by the insured with the reporting  
1337 | company.

1338 |       4.~~(d)~~ Material relating to the investigation of the loss,  
1339 | including statements of any person, proof of loss, and other  
1340 | relevant evidence.

1341 |       5.~~(e)~~ Memoranda, notes, and correspondence relating to the  
1342 | investigation of the loss in the possession of the insurance  
1343 | company or its agents, adjusters, employees, or attorneys.

1344 |       (2) If an insurance company has reason to suspect that a



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1345 | fire or explosion loss to its insured's real or personal  
1346 | property was caused by intentional ~~incendiary~~ means, the company  
1347 | shall notify the State Fire Marshal and shall furnish her or him  
1348 | with all material acquired by the company during the course of  
1349 | its investigation. The State Fire Marshal may adopt rules to  
1350 | implement this subsection.

1351 |         (3) In the absence of fraud, bad faith, or malice, no  
1352 | representative of or consultant to an insurance company or of  
1353 | the National Insurance Crime Bureau employed to adjust or  
1354 | investigate losses caused by fire or explosion shall be liable  
1355 | for damages in a civil action for furnishing information  
1356 | concerning fires or explosion suspected to be other than  
1357 | accidental to investigators employed by other insurance  
1358 | companies or the National Insurance Crime Bureau.

1359 |         (4) No insurance company or person who furnishes  
1360 | information on its behalf shall be liable for damages in a civil  
1361 | action or subject to criminal prosecution for any oral or  
1362 | written statement made or any other action taken that is  
1363 | necessary and required by the provisions of this section.

1364 |         (5) At such time as the release of the investigative  
1365 | records is required by law, the official or agency in possession  
1366 | of such records shall provide written notice to the insurance  
1367 | company providing the information and to all parties, at least  
1368 | 10 days prior to releasing such records. Official, departmental,  
1369 | or agency personnel may discuss such matters with other  
1370 | official, departmental, or agency personnel, and any insurance  
1371 | company complying with this section, and may share such  
1372 | information, if such discussion is necessary to enable the

1373 orderly and efficient conduct of the investigation. These  
 1374 discussions are confidential and exempt from the provisions of  
 1375 s. 286.011.

1376 (6) The actions of an insurance company or of its agents,  
 1377 employees, adjusters, consultants, or attorneys, in complying  
 1378 with the statutory obligation of this section shall in no way be  
 1379 construed by a court as a waiver or abandonment of any privilege  
 1380 or confidentiality of attorney work product, attorney-client  
 1381 communication, or such other privilege or immunity as is  
 1382 provided by law.

1383 (7) Any official described in subsection (1) may be  
 1384 required to testify as to any information in her or his  
 1385 possession regarding an insurance loss in any civil action in  
 1386 which any person seeks recovery under a policy against an  
 1387 insurance company for an insurance loss, subject to the  
 1388 provisions of subsection (6).

1389 (8) No person may intentionally refuse to release any  
 1390 information requested pursuant to this section.

1391 (9) Any person who willfully violates the provisions of  
 1392 this section commits ~~is guilty of~~ a misdemeanor of the first  
 1393 degree, punishable as provided in s. 775.082 or s. 775.083.

1394 Section 15. Section 633.45, Florida Statutes, is  
 1395 transferred and renumbered as section 633.128, Florida Statutes,  
 1396 and amended to read:

1397 633.128 ~~633.45~~ Division of State Fire Marshal; powers,  
 1398 duties.-

1399 (1) The division shall:

1400 (a) Establish, by rule, uniform minimum standards for the

1401 ~~employment and training of firefighters and volunteer~~  
 1402 ~~firefighters.~~

1403 (b) Establish, by rule, minimum curriculum requirements  
 1404 and criteria used to approve education or training providers,  
 1405 including ~~for~~ schools operated by or for any fire service  
 1406 provider, ~~employing agency~~ for the specific purpose of training  
 1407 individuals seeking to become a firefighter recruits or  
 1408 volunteer firefighter firefighters.

1409 (c) Specify, by rule, standards for the approval, denial  
 1410 of approval, probation, suspension, and revocation of approval  
 1411 of education or training providers and facilities for training  
 1412 firefighters and volunteer firefighters. ~~Approve institutions,~~  
 1413 ~~instructors, and facilities for school operation by or for any~~  
 1414 ~~employing agency for the specific purpose of training~~  
 1415 ~~firefighters and firefighter recruits.~~

1416 (d) Specify, by rule, standards for the certification,  
 1417 denial of certification, probation, and revocation of  
 1418 certification for instructors, ~~approval, denial of approval,~~  
 1419 ~~probation, and revocation of approval of institutions,~~  
 1420 ~~instructors, and facilities for training firefighters and~~  
 1421 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~  
 1422 instructor to ~~must~~ complete 40 hours of continuing education  
 1423 every 3 years in order to maintain his or her certification ~~the~~  
 1424 ~~approval of the department.~~

1425 (e) Issue certificates of competency to persons who, by  
 1426 reason of experience and completion of basic inservice training,  
 1427 advanced education, or specialized training, are especially  
 1428 qualified for particular aspects or classes of firefighting

1429 ~~firefighter~~ duties.

1430 (f) Establish, by rule, minimum training qualifications  
 1431 for persons serving as firesafety coordinators for their  
 1432 respective departments of state government and certify all  
 1433 persons who satisfy such qualifications.

1434 (g) Establish a uniform lesson plan to be followed by  
 1435 firesafety instructors in the training of state employees in  
 1436 firesafety and emergency evacuation procedures.

1437 (h) Have complete jurisdiction over, and complete  
 1438 management and control of, the Florida State Fire College and be  
 1439 invested with full power and authority to make all rules and  
 1440 regulations necessary for the governance of said institution.

1441 (i) Appoint a superintendent of the Florida State Fire  
 1442 College and such other instructors, experimental helpers, and  
 1443 laborers as may be necessary and remove the same as in the  
 1444 division's ~~its~~ judgment and discretion may be best, fix their  
 1445 compensation, and provide for their payment.

1446 (j) Have full management, possession, and control of the  
 1447 lands, buildings, structures, and property belonging to the  
 1448 Florida State Fire College.

1449 (k) Provide for the courses of study and curriculum of the  
 1450 Florida State Fire College.

1451 (l) Make rules and regulations for the admission of  
 1452 trainees to the Florida State Fire College.

1453 (m) Visit and inspect the Florida State Fire College ~~and~~  
 1454 ~~every department thereof~~ and provide for the proper keeping of  
 1455 accounts and records thereof.

1456 (n) Make and prepare all necessary budgets of expenditures

1457 for the enlargement, proper furnishing, maintenance, support,  
 1458 and conduct of the Florida State Fire College.

1459 (o) Select and purchase all property, furniture, fixtures,  
 1460 and paraphernalia necessary for the Florida State Fire College.

1461 (p) Build, construct, change, enlarge, repair, and  
 1462 maintain any and all buildings or structures of the Florida  
 1463 State Fire College that may at any time be necessary for said  
 1464 institution and purchase and acquire all lands and property  
 1465 necessary for same, of every nature and description whatsoever.

1466 (q) Care for and maintain the Florida State Fire College  
 1467 and do and perform every other matter or thing requisite to the  
 1468 proper management, maintenance, support, and control of said  
 1469 institution, necessary or requisite to carry out fully the  
 1470 purpose of this chapter ~~act~~ and for raising it to, and  
 1471 maintaining it at, the proper efficiency and standard as  
 1472 required in and by the provisions of part IV ~~ss. 633.43-633.49~~.

1473 (r) Issue a license, certificate, or permit of a specific  
 1474 class to an individual who successfully completes the training,  
 1475 education, and examination required under this chapter or by  
 1476 rule for such class of license, certificate, or permit.

1477 (2) The division, subject to the limitations and  
 1478 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1479 (a) Adopt rules and regulations for the administration of  
 1480 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1481 (b) Adopt a seal and alter the same at its pleasure.

1482 (c) Sue and be sued.

1483 (d) Acquire any real or personal property by purchase,  
 1484 gift, or donation, and have water rights.

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1485 (e) Exercise the right of eminent domain to acquire any  
 1486 property and lands necessary to the establishment, operation,  
 1487 and expansion of the Florida State Fire College.

1488 (f) Make contracts and execute necessary or convenient  
 1489 instruments.

1490 (g) Undertake by contract or contracts, or by its own  
 1491 agent and employees, and otherwise than by contract, any project  
 1492 or projects, and operate and maintain such projects.

1493 (h) Accept grants of money, materials, or property of any  
 1494 kind from a federal agency, private agency, county, city, town,  
 1495 corporation, partnership, or individual upon such terms and  
 1496 conditions as the grantor may impose.

1497 (i) Perform all acts and do all things necessary or  
 1498 convenient to carry out the powers granted herein and the  
 1499 purposes of this chapter ~~ss. 633.30-633.49~~.

1500 (3) The title to all property referred to in part IV ~~ss.~~  
 1501 ~~633.43-633.49~~, however acquired, shall be vested in the  
 1502 department and shall only be transferred and conveyed by it.

1503 Section 16. Section 633.132, Florida Statutes, is created  
 1504 to read:

1505 633.132 Fees.-

1506 (1) The division shall collect in advance the following  
 1507 fees which it deems necessary to be charged:

1508 (a) Pursuant to part III of this chapter:

1509 1. Contractor certificate initial application: \$300 for  
 1510 each class of certificate.

1511 2. Contractor biennial renewal fee: \$150 for each class of  
 1512 certificate.

- 1513        3. Contractor permit initial application fee: \$100 for
- 1514 each class of permit.
- 1515        4. Contractor permit biennial renewal fee: \$50 for each
- 1516 class of permit.
- 1517        5. Contractor examination or reexamination fee: \$100 for
- 1518 each class of certificate.
- 1519        6. Fire equipment dealer license:
- 1520        a. Class A: \$250.
- 1521        b. Class B: \$150.
- 1522        c. Class C: \$150.
- 1523        d. Class D: \$200.
- 1524        7. Fire equipment dealer or contractor application and
- 1525 renewal fee for an inactive license: \$75.
- 1526        8. Fire equipment dealer license or permit exam or
- 1527 reexamination: \$50.
- 1528        9. Reinspection fee for a dealer equipment inspection
- 1529 conducted by the State Fire Marshal under s. 633.304(1): \$50 for
- 1530 each reinspection.
- 1531        10. Permit for a portable fire extinguisher
- 1532 installer/repairer/inspector: \$90.
- 1533        11. Permit for a preengineered fire extinguishing system
- 1534 installer/repairer/inspector: \$120.
- 1535        12. Conversion of a fire equipment dealer's license to a
- 1536 different category: \$10 for each permit and license.
- 1537        (b) Pursuant to part IV of this chapter:
- 1538        1. Certificate of compliance: \$30.
- 1539        2. Certificate of competency: \$30.
- 1540        3. Renewal fee for a certificate of compliance,

1541 competency, or instruction: \$15.

1542 (c) Duplicate or change of address for any license,  
 1543 permit, or certificate: \$10.

1544 (2) The division may establish by rule any fee necessary  
 1545 to cover administrative costs associated with administering this  
 1546 chapter and may provide by rule for the advance collection of  
 1547 such fees.

1548 (3) All moneys collected by the State Fire Marshal  
 1549 pursuant to this chapter are hereby appropriated for the use of  
 1550 the State Fire Marshal in the administration of this chapter and  
 1551 shall be deposited in the Insurance Regulatory Trust Fund.

1552 Section 17. Section 633.39, Florida Statutes, is  
 1553 transferred and renumbered as section 633.134, Florida Statutes.

1554 Section 18. Section 633.115, Florida Statutes, is  
 1555 transferred and renumbered as section 633.136, Florida Statutes,  
 1556 and amended to read:

1557 633.136 ~~633.115~~ Fire and Emergency Incident Information  
 1558 Reporting Program; duties; fire reports.—

1559 (1) (a) The Fire and Emergency Incident Information  
 1560 Reporting Program is created within the division ~~of State Fire~~  
 1561 ~~Marshal~~. The program shall:

1562 1. Establish and maintain an electronic communication  
 1563 system capable of transmitting fire and emergency incident  
 1564 information to and between fire protection agencies.

1565 2. Initiate a Fire and Emergency Incident Information  
 1566 Reporting System that shall be responsible for:

1567 a. Receiving fire and emergency incident information from  
 1568 fire protection agencies.



1569           b. Preparing and disseminating annual reports to the  
 1570 Governor, the President of the Senate, the Speaker of the House  
 1571 of Representatives, fire protection agencies, and, upon request,  
 1572 the public. Each report shall include, but not be limited to,  
 1573 the information listed in the National Fire Incident Reporting  
 1574 System.

1575           c. Upon request, providing other states and federal  
 1576 agencies with fire and emergency incident data of this state.

1577           3. Adopt rules to effectively and efficiently implement,  
 1578 administer, manage, maintain, and use the Fire and Emergency  
 1579 Incident Information Reporting Program. The rules shall be  
 1580 considered minimum requirements and shall not preclude a fire  
 1581 protection agency from implementing its own requirements which  
 1582 shall not conflict with the rules of the division ~~of State Fire~~  
 1583 ~~Marshal~~.

1584           4. By rule, establish procedures and a format for each  
 1585 fire protection agency to voluntarily monitor its records and  
 1586 submit reports to the program.

1587           5. Establish an electronic information database which is  
 1588 accessible and searchable by fire protection agencies.

1589           (b) The division ~~of State Fire Marshal~~ shall consult with  
 1590 the Florida Forest Service of the Department of Agriculture and  
 1591 Consumer Services and the State Surgeon General of the  
 1592 Department of Health to coordinate data, ensure accuracy of the  
 1593 data, and limit duplication of efforts in data collection,  
 1594 analysis, and reporting.

1595           (2) The Fire and Emergency Incident Information System  
 1596 Technical Advisory Panel is created within the division ~~of State~~

1597 ~~Fire Marshal~~. The panel shall advise, review, and recommend to  
 1598 the State Fire Marshal with respect to the requirements of this  
 1599 section. The membership of the panel shall consist of the  
 1600 following 15 members:

1601 (a) The current 13 members of the Firefighters Employment,  
 1602 Standards, and Training Council as established in s. 633.402  
 1603 ~~633.31~~.

1604 (b) One member from the Florida Forest Service of the  
 1605 Department of Agriculture and Consumer Services, appointed by  
 1606 the director of the Florida Forest Service.

1607 (c) One member from the Department of Health, appointed by  
 1608 the State Surgeon General.

1609 (3) For the purpose of this section, the term "fire  
 1610 protection agency" shall be defined by rule by the division ~~of~~  
 1611 ~~State Fire Marshal~~.

1612 Section 19. Section 633.138, Florida Statutes, is created  
 1613 to read:

1614 633.138 Notice of change of address of record; notice of  
 1615 felony actions.-

1616 (1) Any individual issued a license, permit, or  
 1617 certificate under this chapter shall notify the division in  
 1618 writing of any changes to his or her current mailing address, e-  
 1619 mail address, and place of practice as specified in rule adopted  
 1620 by the division.

1621 (2) Notwithstanding any other provision of law, delivery  
 1622 by regular mail or e-mail to a licensee, permittee, or  
 1623 certificateholder, using the last known mailing address or e-  
 1624 mail address on record with the division, constitutes adequate

1625 and sufficient notice to the licensee, permittee, or  
 1626 certificateholder of any official communication by the division.

1627 (3) Any individual issued a license, permit, or  
 1628 certificate under this chapter shall notify the division in  
 1629 writing within 30 days after pleading guilty or nolo contendere  
 1630 to, or being convicted or found guilty of, any felony or a crime  
 1631 punishable by imprisonment of 1 year or more under the law of  
 1632 the United States or of any state thereof, or under the law of  
 1633 any other country, without regard to whether a judgment of  
 1634 conviction has been entered by the court having jurisdiction of  
 1635 the case.

1636 Section 20. Section 633.042, Florida Statutes, is  
 1637 transferred and renumbered as subsections (1) through (11) of  
 1638 section 633.142, Florida Statutes, and amended, and section  
 1639 633.0421, Florida Statutes, is transferred and renumbered as  
 1640 paragraph (b) of subsection (11) of that section and amended, to  
 1641 read:

1642 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity  
 1643 Standard and Firefighter Protection Act; preemption.

1644 (1) SHORT TITLE.—This section may be cited as the "Reduced  
 1645 Cigarette Ignition Propensity Standard and Firefighter  
 1646 Protection Act."

1647 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
 1648 and declares that:

1649 (a) Cigarettes are the leading cause of fire deaths in  
 1650 this state and in the nation.

1651 (b) Each year in the United States, between 700 and 900  
 1652 persons are killed and around 3,000 persons are injured in fires

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1653 ignited by cigarettes, while in this state 153 residential fires  
1654 and 5 fatalities were attributable to fires caused by cigarettes  
1655 in 2006.

1656 (c) A high percentage of the victims of cigarette fires  
1657 are nonsmokers, including senior citizens and young children.

1658 (d) Fires caused by cigarettes result in billions of  
1659 dollars in property losses and damages in the United States and  
1660 millions of dollars in property losses and damages in this  
1661 state.

1662 (e) Cigarette fires unnecessarily jeopardize the safety of  
1663 firefighters and result in avoidable emergency response costs  
1664 for municipalities.

1665 (f) In 2004, the State of New York implemented a cigarette  
1666 firesafety regulation requiring cigarettes sold in that state to  
1667 meet a firesafety performance standard; in 2005, Vermont and  
1668 California enacted cigarette firesafety laws directly  
1669 incorporating New York's regulation into statute; and in 2006,  
1670 Illinois, New Hampshire, and Massachusetts joined these states  
1671 in enacting similar laws.

1672 (g) In 2005, Canada implemented the New York State  
1673 firesafety standard, becoming the first country to have a  
1674 nationwide cigarette firesafety standard.

1675 (h) New York State's cigarette firesafety standard is  
1676 based upon decades of research by the National Institute of  
1677 Standards and Technology, Congressional research groups, and  
1678 private industry. This cigarette firesafety standard minimizes  
1679 costs to the state; minimally burdens cigarette manufacturers,  
1680 distributors, and retail sellers; and, therefore, should become

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1681 law in this state.

1682 (i) It is therefore fitting and proper for this state to  
1683 adopt the cigarette firesafety standard that is in effect in the  
1684 State of New York to reduce the likelihood that cigarettes will  
1685 cause fires and result in deaths, injuries, and property  
1686 damages.

1687 (3) DEFINITIONS.—For the purposes of this section:

1688 (a) "Agent" means any person authorized by the Division of  
1689 Alcoholic Beverages and Tobacco of the Department of Business  
1690 and Professional Regulation to purchase and affix stamps on  
1691 packages of cigarettes.

1692 (b) "Cigarette" means:

1693 1. Any roll for smoking, whether made wholly or in part of  
1694 tobacco or any other substance, irrespective of size or shape,  
1695 and whether such tobacco or substance is flavored, adulterated,  
1696 or mixed with any other ingredient, the wrapper or cover of  
1697 which is made of paper or any other substance or material other  
1698 than tobacco; or

1699 2. Any roll for smoking that is wrapped in any substance  
1700 containing tobacco and that, because of the type of tobacco used  
1701 in the filler or its packaging and labeling, is likely to be  
1702 offered to, or purchased by, consumers as a cigarette as  
1703 described in subparagraph 1.

1704 (c) "Division" means the Division of Alcoholic Beverages  
1705 and Tobacco of the Department of Business and Professional  
1706 Regulation.

1707 (d) "Manufacturer" means:

1708 1. Any entity that manufactures or produces, or causes to

1709 | be manufactured or produced, regardless of location, cigarettes  
 1710 | that such manufacturer intends to be sold in this state,  
 1711 | including cigarettes intended to be sold in the United States  
 1712 | through an importer;

1713 |         2. Any entity, regardless of location, that first  
 1714 | purchases cigarettes manufactured anywhere and not intended by  
 1715 | the original manufacturer or maker to be sold in the United  
 1716 | States and that intends to resell such cigarettes in the United  
 1717 | States; or

1718 |         3. Any entity that becomes a successor of an entity  
 1719 | described in subparagraph 1. or subparagraph 2.

1720 |         (e) "Quality control and quality assurance program" means  
 1721 | laboratory procedures implemented to ensure that operator bias,  
 1722 | systematic and nonsystematic methodological errors, and  
 1723 | equipment-related problems do not affect the results of  
 1724 | laboratory testing. Such a program shall ensure that the testing  
 1725 | repeatability remains within the required repeatability values  
 1726 | stated in subparagraph (4)(a)6. for all test trials used to  
 1727 | certify cigarettes in accordance with this section.

1728 |         (f) "Repeatability" means the range of values within which  
 1729 | the results of repeated cigarette test trials from a single  
 1730 | laboratory will fall 95 percent of the time.

1731 |         (g) "Retail dealer" means:

1732 |             1. Any person, other than a manufacturer or wholesale  
 1733 | dealer, engaged in selling cigarettes; or

1734 |             2. Any person who owns, operates, or maintains one or more  
 1735 | cigarette or tobacco-product vending machines in, at, or upon  
 1736 | premises owned or occupied by any other person.

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1737 (h) "Sale" means any transfer of title or possession or  
1738 both, exchange or barter, conditional or otherwise, in any  
1739 manner or by any means whatever or any agreement therefor. In  
1740 addition to cash and credit sales, the giving of cigarettes as  
1741 samples, prizes, or gifts and the exchanging of cigarettes for  
1742 any consideration other than money are considered sales.

1743 (i) "Sell" means to execute a sale or to offer or agree to  
1744 execute a sale.

1745 (j) "Wholesale dealer" means any person, other than a  
1746 manufacturer, who sells cigarettes to retail dealers or other  
1747 persons for purposes of resale.

1748 (4) TEST METHOD AND PERFORMANCE STANDARD.—

1749 (a) Except as provided in paragraph (f), no cigarettes may  
1750 be sold or offered for sale in this state, or sold or offered  
1751 for sale to persons located in this state, unless the cigarettes  
1752 have been tested in accordance with the test method and meet the  
1753 performance standard specified in this subsection, a written  
1754 certification has been filed by the manufacturer with the  
1755 division in accordance with subsection (5), and the cigarettes  
1756 have been marked in accordance with subsection (6).

1757 1. Testing of cigarettes shall be conducted in accordance  
1758 with the American Society for Testing and Materials standard  
1759 E2187-04, "Standard Test Method for Measuring the Ignition  
1760 Strength of Cigarettes."

1761 2. Testing shall be conducted on 10 layers of filter  
1762 paper.

1763 3. No more than 25 percent of the cigarettes tested in a  
1764 test trial in accordance with this subsection shall exhibit

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1765 full-length burns. Forty replicate tests shall comprise a  
1766 complete test trial for each cigarette tested.

1767 4. The performance standard required by this subsection  
1768 shall only be applied to a complete test trial.

1769 5. Written certifications shall be based upon testing  
1770 conducted by a laboratory that has been accredited pursuant to  
1771 standard ISO/IEC 17025 of the International Organization for  
1772 Standardization or another comparable accreditation standard  
1773 required by the State Fire Marshal.

1774 6. Laboratories conducting testing in accordance with this  
1775 subsection shall implement a quality control and quality  
1776 assurance program that includes a procedure that will determine  
1777 the repeatability of the testing results. The repeatability  
1778 value shall be no greater than 0.19.

1779 7. This subsection does not require additional testing if  
1780 cigarettes are tested consistently with this section for any  
1781 other purpose.

1782 8. The State Fire Marshal may, in his or her discretion or  
1783 upon the request of the division, perform or sponsor testing to  
1784 determine a cigarette's compliance with the required performance  
1785 standard. Any such discretionary compliance testing by the State  
1786 Fire Marshal shall be conducted in accordance with this  
1787 subsection.

1788 (b) Each cigarette listed in a certification submitted  
1789 pursuant to subsection (5) that uses lowered permeability bands  
1790 in the cigarette paper to achieve compliance with the  
1791 performance standard set forth in this subsection shall have at  
1792 least two nominally identical bands on the paper surrounding the



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1793 tobacco column. At least one complete band shall be located at  
1794 least 15 millimeters from the lighting end of the cigarette. For  
1795 cigarettes on which the bands are positioned by design, there  
1796 shall be at least two bands fully located at least 15  
1797 millimeters from the lighting end and 10 millimeters from the  
1798 filter end of the tobacco column, or 10 millimeters from the  
1799 labeled end of the tobacco column for nonfiltered cigarettes.

1800 (c) A manufacturer of a cigarette that the State Fire  
1801 Marshal determines cannot be tested in accordance with the test  
1802 method prescribed in subparagraph (a)1. shall propose a test  
1803 method and performance standard for the cigarette to the State  
1804 Fire Marshal. Upon approval of the proposed test method and a  
1805 determination by the State Fire Marshal that the performance  
1806 standard proposed by the manufacturer is equivalent to the  
1807 performance standard prescribed in subparagraph (a)3., the  
1808 manufacturer may employ such test method and performance  
1809 standard to certify such cigarette pursuant to subsection (5).  
1810 If the State Fire Marshal determines that another state has  
1811 enacted reduced cigarette ignition propensity standards that  
1812 include a test method and performance standard that are the same  
1813 as those contained in this section, and if the State Fire  
1814 Marshal finds that the officials responsible for implementing  
1815 those requirements have approved the proposed alternative test  
1816 method and performance standard for a particular cigarette  
1817 proposed by a manufacturer as meeting the firesafety standards  
1818 of that state's law or regulation under a legal provision  
1819 comparable to this subsection, the State Fire Marshal shall  
1820 authorize that manufacturer to employ the alternative test

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1821 method and performance standard to certify that cigarette for  
1822 sale in this state unless the State Fire Marshal demonstrates a  
1823 reasonable basis why the alternative test should not be accepted  
1824 under this section. All other applicable requirements of this  
1825 subsection shall apply to the manufacturer.

1826 (d) Each manufacturer shall maintain copies of the reports  
1827 of all tests conducted on all cigarettes offered for sale for a  
1828 period of 3 years and shall make copies of the reports available  
1829 to the division, the State Fire Marshal, and the Attorney  
1830 General upon written request. Any manufacturer who fails to make  
1831 copies of the reports available within 60 days after receiving a  
1832 written request shall be subject to a civil penalty not to  
1833 exceed \$10,000 for each day after the 60th day that the  
1834 manufacturer does not make such copies available.

1835 (e) The State Fire Marshal may adopt a subsequent American  
1836 Society for Testing and Materials Standard Test Method for  
1837 Measuring the Ignition Strength of Cigarettes upon a finding  
1838 that such subsequent method does not result in a change in the  
1839 percentage of full-length burns exhibited by any tested  
1840 cigarette when compared to the percentage of full-length burns  
1841 the same cigarette would exhibit when tested in accordance with  
1842 American Society for Testing and Materials Standard E2187-04 and  
1843 the performance standard in subparagraph (a)3.

1844 (f) The requirements of paragraph (a) shall not prohibit:  
1845 1. Wholesale or retail dealers from selling their existing  
1846 inventory of cigarettes on or after the effective date of this  
1847 section if the wholesale or retail dealer can establish that  
1848 state tax stamps were affixed to the cigarettes prior to the

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1849 effective date and the wholesale or retail dealer can establish  
1850 that the inventory was purchased prior to the effective date in  
1851 comparable quantity to the inventory purchased during the same  
1852 period of the prior year; or

1853         2. The sale of cigarettes solely for the purpose of  
1854 consumer testing. For purposes of this subparagraph, the term  
1855 "consumer testing" means an assessment of cigarettes that is  
1856 conducted by or is under the control and direction of a  
1857 manufacturer for the purpose of evaluating consumer acceptance  
1858 of such cigarettes and that uses only the quantity of cigarettes  
1859 that is reasonably necessary for such assessment.

1860         (g) It is the intent of the Legislature by this section to  
1861 promote uniformity among the states in the regulation of reduced  
1862 cigarette ignition propensity. As a result, the resolution of  
1863 issues regarding the interpretation and implementation of this  
1864 section should be made in a manner consistent with the New York  
1865 Fire Safety Standards for Cigarettes, New York Executive Law,  
1866 Section 156-C, as amended, and Part 429 of Title 19 New York  
1867 Codes, Rules, and Regulations, as amended, and the  
1868 interpretation and implementation thereof, as they exist on  
1869 March 1, 2008.

1870         (5) CERTIFICATION AND PRODUCT CHANGE.—

1871         (a) Each manufacturer shall submit to the division a  
1872 written certification attesting that:

1873                 1. Each cigarette listed in the certification has been  
1874 tested in accordance with subsection (4).

1875                 2. Each cigarette listed in the certification meets the  
1876 performance standard set forth in subsection (4).

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- 1877 (b) Each cigarette listed in the certification shall be  
1878 described with the following information:
- 1879 1. Brand, or trade name, on the package.
  - 1880 2. Style, such as light or ultra light.
  - 1881 3. Length in millimeters.
  - 1882 4. Circumference in millimeters.
  - 1883 5. Flavor, such as menthol or chocolate, if applicable.
  - 1884 6. Filter or nonfilter.
  - 1885 7. Package description, such as soft pack or box.
  - 1886 8. Marking pursuant to subsection (6).
  - 1887 9. The name, address, and telephone number of the testing  
1888 laboratory, if different from the name, address, and telephone  
1889 number of the manufacturer that conducted the test.
  - 1890 10. The date the testing occurred.
- 1891 (c) Each certification shall be made available to the  
1892 Attorney General for purposes consistent with this section and  
1893 to the State Fire Marshal for the purposes of ensuring  
1894 compliance with this subsection.
- 1895 (d) Each cigarette certified under this subsection shall  
1896 be recertified every 3 years.
- 1897 (e) If a manufacturer has certified a cigarette pursuant  
1898 to this subsection and thereafter makes any change to such  
1899 cigarette that is likely to alter its compliance with the  
1900 reduced cigarette ignition propensity standards required by this  
1901 section, that cigarette shall not be sold or offered for sale in  
1902 this state until the manufacturer retests the cigarette in  
1903 accordance with the testing standards set forth in subsection  
1904 (4) and maintains records of that retesting as required by

1905 subsection (4). Any altered cigarette that does not meet the  
 1906 performance standard set forth in subsection (4) may not be sold  
 1907 in this state.

1908 (6) MARKING OF CIGARETTE PACKAGING.—

1909 (a) Cigarettes that are certified by a manufacturer in  
 1910 accordance with subsection (5) shall be marked to indicate  
 1911 compliance with the requirements of subsection (4). The marking  
 1912 shall be in 8-point type or larger and consist of:

1913 1. Modification of the universal product code to include a  
 1914 visible mark printed at or around the area of the universal  
 1915 product code. The mark may consist of alphanumeric or symbolic  
 1916 characters permanently stamped, engraved, embossed, or printed  
 1917 in conjunction with the universal product code;

1918 2. Any visible combination of alphanumeric or symbolic  
 1919 characters permanently stamped, engraved, or embossed upon the  
 1920 cigarette package or cellophane wrap; or

1921 3. Printed, stamped, engraved, or embossed text that  
 1922 indicates that the cigarettes meet the standards of this  
 1923 section.

1924 (b) A manufacturer shall use only one marking and shall  
 1925 apply this marking uniformly for all brands and all packages,  
 1926 including, but not limited to, packs, cartons, and cases,  
 1927 marketed by that manufacturer.

1928 (c) The division shall be notified as to the marking that  
 1929 is selected.

1930 (d) Prior to the certification of any cigarette, a  
 1931 manufacturer shall present its proposed marking to the division  
 1932 for approval. Upon receipt of the request, the division shall

1933 approve or disapprove the marking offered, except that the  
 1934 division shall approve:

1935 1. Any marking in use and approved for sale in the State  
 1936 of New York pursuant to the New York Fire Safety Standards for  
 1937 Cigarettes; or

1938 2. The letters "FSC," which signify "Fire Standards  
 1939 Compliant," appearing in 8-point type or larger and permanently  
 1940 printed, stamped, engraved, or embossed on the package at or  
 1941 near the universal product code.

1942  
 1943 Proposed markings shall be deemed approved if the division fails  
 1944 to act within 10 business days after receiving a request for  
 1945 approval.

1946 (e) No manufacturer shall modify its approved marking  
 1947 unless the modification has been approved by the division in  
 1948 accordance with this subsection.

1949 (f) Manufacturers certifying cigarettes in accordance with  
 1950 subsection (5) shall provide a copy of the certifications to all  
 1951 wholesale dealers and agents to which they sell cigarettes and  
 1952 shall also provide sufficient copies of an illustration of the  
 1953 package marking used by the manufacturer pursuant to this  
 1954 subsection for each retail dealer to which the wholesale dealers  
 1955 or agents sell cigarettes. Wholesale dealers and agents shall  
 1956 provide a copy of these package markings received from  
 1957 manufacturers to all retail dealers to which they sell  
 1958 cigarettes. Wholesale dealers, agents, and retail dealers shall  
 1959 permit the division, the State Fire Marshal, the Attorney  
 1960 General, and their employees to inspect markings of cigarette

1961 packaging marked in accordance with this subsection.

1962 (7) PENALTIES.—

1963 (a) A manufacturer, wholesale dealer, agent, or any other  
 1964 person or entity that knowingly sells or offers to sell  
 1965 cigarettes, other than through retail sale, in violation of  
 1966 subsection (4) shall be subject to a civil penalty not to exceed  
 1967 \$100 for each pack of such cigarettes sold or offered for sale.  
 1968 In no case shall the penalty against any such person or entity  
 1969 exceed \$100,000 during any 30-day period.

1970 (b) A retail dealer who knowingly sells or offers to sell  
 1971 cigarettes in violation of subsection (4) shall be subject to a  
 1972 civil penalty not to exceed \$100 for each pack of such  
 1973 cigarettes sold or offered for sale. In no case shall the  
 1974 penalty against any retail dealer exceed \$25,000 during any 30-  
 1975 day period.

1976 (c) In addition to any penalty prescribed by law, any  
 1977 corporation, partnership, sole proprietor, limited partnership,  
 1978 or association engaged in the manufacture of cigarettes that  
 1979 knowingly makes a false certification pursuant to subsection (5)  
 1980 shall be subject to a civil penalty of at least \$75,000 and not  
 1981 to exceed \$250,000 for each such false certification.

1982 (d) Any person violating any other provision of this  
 1983 section shall be subject to a civil penalty not to exceed \$1,000  
 1984 for a first offense and not to exceed \$5,000 for each subsequent  
 1985 offense.

1986 (e) Any penalties collected under this subsection shall be  
 1987 deposited into the Insurance Regulatory Trust Fund of the  
 1988 Department of Financial Services to support costs associated

1989 | with the responsibilities of the State Fire Marshal under this  
 1990 | section.

1991 |         (f) In addition to any other remedy provided by law, the  
 1992 | division, the State Fire Marshal, or the Attorney General may  
 1993 | file an action in circuit court for a violation of this section,  
 1994 | including petitioning for injunctive relief or to recover any  
 1995 | costs or damages suffered by the state because of a violation of  
 1996 | this section, including enforcement costs relating to the  
 1997 | specific violation and attorney's fees. Each violation of this  
 1998 | section or of rules adopted under this section constitutes a  
 1999 | separate civil violation for which the division, the State Fire  
 2000 | Marshal, or the Attorney General may obtain relief.

2001 |         (g) Whenever any law enforcement personnel or duly  
 2002 | authorized representative of the division discovers any  
 2003 | cigarettes that have not been marked in the manner required by  
 2004 | subsection (6), such personnel or representative is authorized  
 2005 | and empowered to seize and take possession of such cigarettes.  
 2006 | Such cigarettes shall be turned over to the division and shall  
 2007 | be forfeited to the state. Cigarettes seized pursuant to this  
 2008 | paragraph shall be destroyed; however, prior to the destruction  
 2009 | of any such cigarette, the true holder of the trademark rights  
 2010 | in the cigarette brand shall be permitted to inspect the  
 2011 | cigarette.

2012 |         (8) IMPLEMENTATION.—

2013 |         (a) The division and the State Fire Marshal may adopt  
 2014 | rules to implement the provisions of this section.

2015 |         (b) The division, in the regular course of conducting  
 2016 | inspections of wholesale dealers, agents, and retail dealers as



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2017 authorized pursuant to chapter 210, may inspect such cigarettes  
2018 to determine if the cigarettes are marked as required by  
2019 subsection (6).

2020 (9) INSPECTION.—To enforce the provisions of this section,  
2021 the Attorney General, the State Fire Marshal, the division, and  
2022 their duly authorized representatives and other law enforcement  
2023 personnel are authorized to examine the books, papers, invoices,  
2024 and other records of any person in possession, control, or  
2025 occupancy of any premises where cigarettes are placed, stored,  
2026 sold, or offered for sale, as well as the stock of cigarettes on  
2027 the premises. Every person in the possession, control, or  
2028 occupancy of any premises where cigarettes are placed, sold, or  
2029 offered for sale is directed and required to give the Attorney  
2030 General, the State Fire Marshal, the division, and their duly  
2031 authorized representatives and other law enforcement personnel  
2032 the means, facilities, and opportunity for the examinations  
2033 authorized by this subsection.

2034 (10) SALE OUTSIDE OF FLORIDA.—Nothing in this section  
2035 shall be construed to prohibit any person or entity from  
2036 manufacturing or selling cigarettes that do not meet the  
2037 requirements of subsection (4) if the cigarettes are or will be  
2038 stamped for sale in another state or are packaged for sale  
2039 outside the United States and that person or entity has taken  
2040 reasonable steps to ensure that such cigarettes will not be sold  
2041 or offered for sale to persons located in this state.

2042 (11) PREEMPTION.—

2043 (a) This section shall be repealed if a federal reduced  
2044 cigarette ignition propensity standard that preempts this

2045 section is adopted and becomes effective.

2046 ~~633.0421 Preemption of reduced cigarette ignition~~  
 2047 ~~propensity standard by state.—~~

2048 ~~(b) Effective upon this act becoming a law, and~~  
 2049 Notwithstanding any other provision of law, local government  
 2050 units of this state may neither enact nor enforce any ordinance  
 2051 or other local law or regulation conflicting with, or preempted  
 2052 by, any provision of this act or any policy of this state  
 2053 expressed by this act, whether that policy be expressed by  
 2054 inclusion of a provision in this act or by exclusion of that  
 2055 subject from this act.

2056 Section 21. Part II of chapter 633, consisting of sections  
 2057 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216,  
 2058 633.218, 633.222, 633.224, 633.226, and 633.228, Florida  
 2059 Statutes, is created and entitled "Fire Safety and Prevention."

2060 Section 22. Section 633.0215, Florida Statutes, is  
 2061 transferred and renumbered as section 633.202, Florida Statutes,  
 2062 and subsections (2), (4), (7), (9), (10), (12), (13), (14), and  
 2063 (15) of that section are amended, to read:

2064 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

2065 (1) The State Fire Marshal shall adopt, by rule pursuant  
 2066 to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code  
 2067 which shall contain or incorporate by reference all firesafety  
 2068 laws and rules that pertain to and govern the design,  
 2069 construction, erection, alteration, modification, repair, and  
 2070 demolition of public and private buildings, structures, and  
 2071 facilities and the enforcement of such firesafety laws and  
 2072 rules. The State Fire Marshal shall adopt a new edition of the

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2073 Florida Fire Prevention Code every third year.

2074 (2) The State Fire Marshal shall adopt the current edition  
2075 of National Fire Protection Association's Standard 1, Fire  
2076 Prevention Code but shall not adopt a building, mechanical, or  
2077 plumbing code. The State Fire Marshal shall adopt the current  
2078 edition of Life Safety Code, NFPA Pamphlet 101, current  
2079 editions, by reference. The State Fire Marshal may modify the  
2080 selected codes and standards as needed to accommodate the  
2081 specific needs of the state. Standards or criteria in the  
2082 selected codes shall be similarly incorporated by reference. The  
2083 State Fire Marshal shall incorporate within sections of the  
2084 Florida Fire Prevention Code provisions that address uniform  
2085 firesafety standards as established in s. 633.206 ~~633.022~~. The  
2086 State Fire Marshal shall incorporate within sections of the  
2087 Florida Fire Prevention Code provisions addressing regional and  
2088 local concerns and variations.

2089 (3) No later than 180 days before the triennial adoption  
2090 of the Florida Fire Prevention Code, the State Fire Marshal  
2091 shall notify each municipal, county, and special district fire  
2092 department of the triennial code adoption and steps necessary  
2093 for local amendments to be included within the code. No later  
2094 than 120 days before the triennial adoption of the Florida Fire  
2095 Prevention Code, each local jurisdiction shall provide the State  
2096 Fire Marshal with copies of its local fire code amendments. The  
2097 State Fire Marshal has the option to process local fire code  
2098 amendments that are received less than 120 days before the  
2099 adoption date of the Florida Fire Prevention Code.

2100 (a) The State Fire Marshal shall review or cause the

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2101 review of local amendments to determine:

2102 1. If the local amendment should be adopted as a statewide  
2103 provision;

2104 2. That the local amendment does not provide a lesser  
2105 degree of lifesafety than the code otherwise provides; and

2106 3. That the local amendment does not reference a different  
2107 edition of the national fire codes or other national standard  
2108 than the edition provided or referenced in the uniform or  
2109 minimum firesafety codes adopted by the State Fire Marshal or  
2110 prescribed by statute.

2111 (b) Any local amendment to the Florida Fire Prevention  
2112 Code adopted by a local government shall be effective only until  
2113 the adoption of the new edition of the Florida Fire Prevention  
2114 Code, which shall be every third year. At such time, the State  
2115 Fire Marshal shall adopt such amendment as part of the Florida  
2116 Fire Prevention Code or rescind the amendment. The State Fire  
2117 Marshal shall immediately notify the respective local government  
2118 of the rescission of the amendment and the reason for the  
2119 rescission. After receiving such notice, the respective local  
2120 government may readopt the rescinded amendment. Incorporation of  
2121 local amendments as regional and local concerns and variations  
2122 shall be considered as adoption of an amendment pursuant to this  
2123 section.

2124 (4) The State Fire Marshal shall update, by rule adopted  
2125 pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
2126 Prevention Code every 3 years. Once initially adopted and  
2127 subsequently updated, the Florida Fire Prevention Code ~~and the~~  
2128 ~~Life Safety Code~~ shall be adopted for use statewide without

2129 | adoptions by local governments. When updating the Florida Fire  
 2130 | Prevention Code ~~and the most recent edition of the Life Safety~~  
 2131 | ~~Code~~, the State Fire Marshal shall consider changes made by the  
 2132 | national model fire codes incorporated into the Florida Fire  
 2133 | Prevention Code, the State Fire Marshal's own interpretations,  
 2134 | declaratory statements, appellate decisions, and approved  
 2135 | statewide and local technical amendments.

2136 |         (5) Upon the conclusion of a triennial update to the  
 2137 | Florida Fire Prevention Code and notwithstanding any other  
 2138 | provisions of law, the State Fire Marshal may address the issues  
 2139 | identified in this subsection by amending the Florida Fire  
 2140 | Prevention Code, subject only to the rule adoption procedures of  
 2141 | chapter 120. Following the approval of any amendments to the  
 2142 | Florida Fire Prevention Code by the State Fire Marshal and  
 2143 | publication on the State Fire Marshal's website, authorities  
 2144 | having jurisdiction to enforce the Florida Fire Prevention Code  
 2145 | may enforce the amendments to the code. The State Fire Marshal  
 2146 | may approve only amendments that are needed to address:

2147 |         (a) Conflicts within the updated Florida Fire Prevention  
 2148 | Code;

2149 |         (b) Conflicts between the updated Florida Fire Prevention  
 2150 | Code and the Florida Building Code adopted pursuant to chapter  
 2151 | 553;

2152 |         (c) The omission of Florida-specific amendments that were  
 2153 | previously adopted in the Florida Fire Prevention Code; or

2154 |         (d) Unintended results from the integration of Florida-  
 2155 | specific amendments that were previously adopted with the model  
 2156 | code.

2157 (6) The Florida Fire Prevention Code does not apply to,  
 2158 and no code enforcement action shall be brought with respect to,  
 2159 zoning requirements or land use requirements. Additionally, a  
 2160 local code enforcement agency may not administer or enforce the  
 2161 Florida Fire Prevention Code to prevent the siting of any  
 2162 publicly owned facility, including, but not limited to,  
 2163 correctional facilities, juvenile justice facilities, or state  
 2164 universities, community colleges, or public education  
 2165 facilities. This section shall not be construed to prohibit  
 2166 local government from imposing built-in fire protection systems  
 2167 or fire-related infrastructure requirements needed to properly  
 2168 protect the intended facility.

2169 (7) Any local amendment adopted by a local government must  
 2170 strengthen the Fire Prevention Code requirements of the minimum  
 2171 firesafety code.

2172 (8) Within 30 days after a local government adopts a local  
 2173 amendment, the local government must transmit the amendment to  
 2174 the Florida Building Commission and the State Fire Marshal.

2175 (9) The State Fire Marshal shall make rules that implement  
 2176 this section and ss. 633.104 and 633.208 ~~633.01 and 633.025~~ for  
 2177 the purpose of accomplishing the objectives set forth in those  
 2178 sections.

2179 (10) Notwithstanding other provisions of this chapter, if  
 2180 a county or a municipality within that county adopts an  
 2181 ordinance providing for a local amendment to the Florida Fire  
 2182 Prevention Code and that amendment provides a higher level of  
 2183 protection to the public than the level specified in the Florida  
 2184 Fire Prevention Code, the local amendment becomes effective

2185 without approval of the State Fire Marshal and is not rescinded  
 2186 pursuant to the provisions of this section, provided that the  
 2187 ordinance meets one or more of the following criteria:

2188 (a) The local authority has adopted, by ordinance, a fire  
 2189 service facilities and operation plan that outlines goals and  
 2190 objectives for related equipment, personnel, and capital  
 2191 improvement needs of the local authority related to the specific  
 2192 amendment for the next 5 years;

2193 (b) The local authority has adopted, by ordinance, a  
 2194 provision requiring proportionate reduction in, or rebate or  
 2195 waivers of, impact or other fees or assessments levied on  
 2196 buildings that are built or modified in compliance with the more  
 2197 stringent firesafety standards required by the local amendment;  
 2198 or

2199 (c) The local authority has adopted, by ordinance, a  
 2200 growth management plan that requires buildings and structures to  
 2201 be equipped with more stringent firesafety requirements required  
 2202 by the local amendment when these firesafety requirements are  
 2203 used as the basis for planning infrastructure development, uses,  
 2204 or housing densities.

2205  
 2206 Except as provided in s. 633.206 ~~633.022~~, the local appeals  
 2207 process shall be the venue if there is a dispute between parties  
 2208 affected by the provisions of the more stringent local  
 2209 firesafety amendment adopted as part of the Florida Fire  
 2210 Prevention Code pursuant to the authority in this subsection.  
 2211 Local amendments adopted pursuant to this subsection shall be  
 2212 deemed local or regional variations and published as such in the

2213 Florida Fire Prevention Code. The act of publishing locally  
 2214 adopted firesafety amendments to the Florida Fire Prevention  
 2215 Code shall not be construed to mean that the State Fire Marshal  
 2216 approves or denies the authenticity or appropriateness of the  
 2217 locally adopted firesafety provision, and the burden of  
 2218 protecting the local firesafety amendment remains solely with  
 2219 the adopting local governmental authority.

2220 (11) The design of interior stairways within dwelling  
 2221 units, including stair tread width and riser height, landings,  
 2222 handrails, and guards, must be consistent with chapter 10 of the  
 2223 Florida Building Code.

2224 ~~(12) Notwithstanding other provisions of this section, the~~  
 2225 ~~State Fire Marshal shall study the use of managed, facilities-~~  
 2226 ~~based, voice-over-Internet-protocol telephone service for~~  
 2227 ~~monitoring fire alarm signals. If the study determines that~~  
 2228 ~~voice-over-Internet-protocol telephone service technology~~  
 2229 ~~provides a level of protection equivalent to that required by~~  
 2230 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~  
 2231 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~  
 2232 ~~December 1, 2008, to allow the use of this technology as an~~  
 2233 ~~additional method of monitoring fire alarm systems.~~

2234 (12) ~~(13)~~ (a) The State Fire Marshal shall issue an  
 2235 expedited declaratory statement relating to interpretations of  
 2236 provisions of the Florida Fire Prevention Code according to the  
 2237 following guidelines:

2238 1. The declaratory statement shall be rendered in  
 2239 accordance with s. 120.565, except that a final decision must be  
 2240 issued by the State Fire Marshal within 45 days after the



2241 division's receipt of a petition seeking an expedited  
 2242 declaratory statement. The State Fire Marshal shall give notice  
 2243 of the petition and the expedited declaratory statement or the  
 2244 denial of the petition in the next available issue of the  
 2245 Florida Administrative Weekly after the petition is filed and  
 2246 after the statement or denial is rendered.

2247 2. The petitioner must be the owner of the disputed  
 2248 project or the owner's representative.

2249 3. The petition for an expedited declaratory statement  
 2250 must be:

2251 a. Related to an active project that is under construction  
 2252 or must have been submitted for a permit.

2253 b. The subject of a written notice citing a specific  
 2254 provision of the Florida Fire Prevention Code which is in  
 2255 dispute.

2256 c. Limited to a single question that is capable of being  
 2257 answered with a "yes" or "no" response.

2258 (b) A petition for a declaratory statement which does not  
 2259 meet all of the requirements of this subsection must be denied  
 2260 without prejudice. This subsection does not affect the right of  
 2261 the petitioner as a substantially affected person to seek a  
 2262 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

2263 ~~(13)-(14)~~ (13) A condominium, cooperative, or multifamily  
 2264 residential building that is less than four stories in height  
 2265 and has an exterior corridor providing a means of egress is  
 2266 exempt from installing a manual fire alarm system as required in  
 2267 s. 9.6 of the most recent edition of the Life Safety Code  
 2268 adopted in the Florida Fire Prevention Code. ~~This is intended to~~

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2269 | ~~clarify existing law.~~

2270 |        (14)~~(15)~~ The Legislature finds that the electronic filing  
 2271 | of construction plans will increase governmental efficiency,  
 2272 | reduce costs, and increase timeliness of processing permits. If  
 2273 | the fire code administrator or fire official provides for  
 2274 | electronic filing, any construction plans, drawings,  
 2275 | specifications, reports, final documents, or documents prepared  
 2276 | or issued by a licensee may be dated and electronically signed  
 2277 | and sealed by the licensee in accordance with part I of chapter  
 2278 | 668, and may be transmitted electronically to the fire code  
 2279 | administrator or fire official for approval.

2280 |        Section 23. Section 633.72, Florida Statutes, is  
 2281 | transferred and renumbered as section 633.204, Florida Statutes,  
 2282 | subsection (1) of that section is amended, and new subsections  
 2283 | (3) and (4) are added to that section, to read:

2284 |        633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

2285 |        (1) There is created within the department the Florida  
 2286 | Fire Code Advisory Council with 11 members appointed by the  
 2287 | State Fire Marshal. The council shall advise and recommend to  
 2288 | the State Fire Marshal changes to and interpretation of the  
 2289 | uniform firesafety standards adopted under s. 633.206 ~~633.022~~,  
 2290 | the Florida Fire Prevention Code, and those portions of the  
 2291 | Florida Fire Prevention Code that have the effect of conflicting  
 2292 | with building construction standards that are adopted pursuant  
 2293 | to ss. 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of  
 2294 | the council shall represent the following groups and  
 2295 | professions:

2296 |        (a) One member shall be the State Fire Marshal, or his or

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2297 her designated appointee who shall be an administrative employee  
 2298 of the marshal;

2299 (b) One member shall be an administrative officer from a  
 2300 fire department representing a municipality, ~~or~~ a county, or a  
 2301 special district selected from a list of persons submitted by  
 2302 the Florida Fire Chiefs Association;

2303 (c) One member shall be an architect licensed in the state  
 2304 selected from a list of persons submitted by the Florida  
 2305 Association/American Institute of Architects;

2306 (d) One member shall be an engineer with fire protection  
 2307 design experience registered to practice in the state selected  
 2308 from a list of persons submitted by the Florida Engineering  
 2309 Society;

2310 (e) One member shall be an administrative officer from a  
 2311 building department of a county or municipality selected from a  
 2312 list of persons submitted by the Building Officials Association  
 2313 of Florida;

2314 (f) One member shall be a contractor licensed in the state  
 2315 selected from a list submitted by the Florida Home Builders  
 2316 Association;

2317 (g) One member shall be a Florida ~~certified~~ firefighter  
 2318 selected from a list submitted by the Florida Professional  
 2319 Firefighters' Association;

2320 (h) One member shall be a Florida certified firesafety  
 2321 ~~municipal fire~~ inspector selected from a list submitted by the  
 2322 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association;

2323 (i) One member shall be selected from a list submitted by  
 2324 the Department of Education;

2325 (j) One member shall be selected from a list submitted by  
 2326 the Chancellor of the State University System; and

2327 (k) One member shall be representative of the general  
 2328 public.

2329 (2) The State Fire Marshal and the Florida Building  
 2330 Commission shall coordinate efforts to provide consistency  
 2331 between the Florida Building Code and the Florida Fire  
 2332 Prevention Code ~~and the Life Safety Code.~~

2333 (3) The council shall meet at least semiannually if  
 2334 necessary to advise the State Fire Marshal's Office on matters  
 2335 subject to the provisions of this section.

2336 (4) The council may review proposed changes to the Florida  
 2337 Fire Prevention Code and the uniform fire safety standards  
 2338 pursuant to s. 633.202(4).

2339 (5)~~(3)~~ The council and Florida Building Commission shall  
 2340 cooperate through joint representation and coordination of codes  
 2341 and standards to resolve conflicts in their development,  
 2342 updating, and interpretation.

2343 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member  
 2344 shall serve more than two consecutive terms. No member of the  
 2345 council shall be paid a salary as such member, but each shall  
 2346 receive travel and expense reimbursement as provided in s.  
 2347 112.061.

2348 Section 24. Section 633.022, Florida Statutes, is  
 2349 transferred and renumbered as section 633.206, Florida Statutes,  
 2350 and paragraphs (a) and (b) of subsection (1) and paragraph (a)  
 2351 of subsection (4) of that section are amended, to read:

2352 633.206 ~~633.022~~ Uniform firesafety standards.—The

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2353 Legislature hereby determines that to protect the public health,  
2354 safety, and welfare it is necessary to provide for firesafety  
2355 standards governing the construction and utilization of certain  
2356 buildings and structures. The Legislature further determines  
2357 that certain buildings or structures, due to their specialized  
2358 use or to the special characteristics of the person utilizing or  
2359 occupying these buildings or structures, should be subject to  
2360 firesafety standards reflecting these special needs as may be  
2361 appropriate.

2362 (1) The department shall establish uniform firesafety  
2363 standards that apply to:

2364 (a) All new, existing, and proposed state-owned and state-  
2365 leased buildings, including state universities as defined under  
2366 s. 1000.21(6).

2367 (b) All new, existing, and proposed hospitals, nursing  
2368 homes, assisted living facilities, adult family-care homes,  
2369 correctional facilities, public schools, transient public  
2370 lodging establishments, ~~public food service establishments,~~  
2371 elevators, migrant labor camps, mobile home parks, ~~lodging~~  
2372 ~~parks, recreational vehicle parks, recreational camps,~~  
2373 residential and nonresidential child care facilities, facilities  
2374 for the developmentally disabled, motion picture and television  
2375 special effects productions, and tunnels, ~~and self-service~~  
2376 ~~gasoline stations~~, of which standards the State Fire Marshal is  
2377 the final administrative interpreting authority.

2378  
2379 In the event there is a dispute between the owners of the  
2380 buildings specified in paragraph (b) and a local authority

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2381 requiring a more stringent uniform firesafety standard for  
2382 sprinkler systems, the State Fire Marshal shall be the final  
2383 administrative interpreting authority and the State Fire  
2384 Marshal's interpretation regarding the uniform firesafety  
2385 standards shall be considered final agency action.

2386 (2) (a) With respect to the uniform firesafety standards,  
2387 the department shall develop uniform statewide standards which  
2388 are reasonably prudent with respect to protecting life, safety,  
2389 and property and which take into consideration the  
2390 characteristics of the people utilizing the subject buildings  
2391 and structures and other hazards associated with the subject  
2392 buildings and structures throughout the state.

2393 (b) A local authority may not require more stringent  
2394 uniform firesafety standards with respect to buildings or  
2395 structures subject to such standards except as provided in  
2396 paragraph (c). A local authority may, on a case-by-case basis,  
2397 in order to meet special situations arising from historic,  
2398 geographic, or unusual conditions, with respect to a building or  
2399 structure which is subject to the uniform firesafety standards,  
2400 authorize equivalent alternative standards for such building or  
2401 structure; however, the alternative requirements shall not  
2402 result in a level of protection to life, safety, or property  
2403 less stringent than the applicable uniform firesafety standards.  
2404 All such local authorities shall enforce, within their  
2405 firesafety jurisdiction, the uniform firesafety standards for  
2406 those buildings specified in paragraph (1) (b) and the minimum  
2407 firesafety standards adopted pursuant to s. 394.879.

2408 (c) A local authority may require more stringent uniform

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2409 firesafety standards for sprinkler systems in buildings  
2410 specified in paragraph (b), for which the construction contract  
2411 is let after January 1, 1994, if the following conditions are  
2412 met:

2413 1. The local authority has adopted, by ordinance, a fire  
2414 service facilities and operation plan that outlines goals and  
2415 objectives for related equipment, personnel, and capital  
2416 improvement needs of the local authority for the next 5 years.

2417 2. The local authority has adopted, by ordinance, a  
2418 provision requiring proportionate reductions in, or rebate or  
2419 waivers of, impact or other fees or assessments levied on  
2420 buildings that are built or modified in compliance with the more  
2421 stringent sprinkler standards.

2422 3. The local authority has adopted, by ordinance, a plan  
2423 that requires buildings specified in paragraph (b) to be  
2424 equipped with an automatic sprinkler system installed in  
2425 compliance with the provisions prescribed in standards as  
2426 established by the National Fire Protection Association and  
2427 adopted by the State Fire Marshal.

2428

2429 In the event there is a dispute between the owners of the  
2430 buildings specified in paragraph (b) and a local authority  
2431 requiring a more stringent uniform firesafety standard for  
2432 sprinkler systems, the State Fire Marshal shall be the final  
2433 administrative interpreting authority and the State Fire  
2434 Marshal's interpretation regarding the uniform firesafety  
2435 standards shall be considered final agency action.

2436 (3) In establishing the uniform firesafety standards and

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2437 the minimum firesafety standards, as required by s. 394.879, the  
2438 department shall consider types of construction materials and  
2439 their flame spread and smoke characteristics, occupancy levels,  
2440 means of egress, special hazard protection, smoke barriers,  
2441 interior finish, and fire protection systems or equipment and  
2442 occupancy features necessary to minimize danger to life from  
2443 fire, smoke, fumes, or panic. In considering these factors, the  
2444 department shall develop minimum standards which are reasonably  
2445 prudent with respect to protecting life, safety, and property.

2446 (4) (a) Notwithstanding any provision of law to the  
2447 contrary, each nursing home licensed under part II of chapter  
2448 400 shall be protected throughout by an approved, supervised  
2449 automatic sprinkler system in accordance with s. 9 of National  
2450 Fire Protection Association, Inc., Life Safety Code, no later  
2451 than December 31, 2010. ~~A nursing home licensee shall submit  
2452 complete sprinkler construction documents to the Agency for  
2453 Health Care Administration for review by December 31, 2008, and  
2454 the licensee must gain final approval to start construction from  
2455 the agency by June 30, 2009. The agency shall grant a 6-month  
2456 extension to a nursing home licensee if the completion and  
2457 submission of the sprinkler construction documents are  
2458 contingent upon the approval of the application for the loan  
2459 guarantee program authorized under s. 633.0245. In such case,  
2460 the agency may extend the deadline for final approval to begin  
2461 construction beyond June 30, 2009, but the deadline may not be  
2462 extended beyond December 31, 2009.~~

2463 (b) The division may grant up to two 1-year extensions of  
2464 the time limits for compliance in subparagraph (a)2. if the



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2465 | division determines that the nursing home has been prevented  
2466 | from complying for reasons beyond its control.

2467 |       (c) The division is authorized to adopt any rule necessary  
2468 | for the implementation and enforcement of this subsection. The  
2469 | division shall enforce this subsection in accordance with the  
2470 | provisions of this chapter, and any nursing home licensed under  
2471 | part II of chapter 400 that is in violation of this subsection  
2472 | may be subject to administrative sanctions by the division  
2473 | pursuant to this chapter.

2474 |       (d) Adjustments shall be made to the provider Medicaid  
2475 | rate to allow reimbursement over a 5-year period for Medicaid's  
2476 | portion of the costs incurred to meet the requirements of this  
2477 | subsection. Funding for this adjustment shall come from existing  
2478 | nursing home appropriations.

2479 |       Section 25. Section 633.025, Florida Statutes, is  
2480 | transferred and renumbered as section 633.208, Florida Statutes,  
2481 | and amended, to read:

2482 |       633.208 ~~633.025~~ Minimum firesafety standards.—

2483 |       (1) The Florida Fire Prevention Code ~~and the Life Safety~~  
2484 | ~~Code~~ adopted by the State Fire Marshal, which shall operate in  
2485 | conjunction with the Florida Building Code, shall be deemed  
2486 | adopted by each municipality, county, and special district with  
2487 | firesafety responsibilities. The minimum firesafety codes shall  
2488 | not apply to buildings and structures subject to the uniform  
2489 | firesafety standards under s. 633.206 ~~633.022~~ and buildings and  
2490 | structures subject to the minimum firesafety standards adopted  
2491 | pursuant to s. 394.879.

2492 |       (2) Pursuant to subsection (1), each municipality, county,

2493 and special district with firesafety responsibilities shall  
 2494 enforce the Florida Fire Prevention Code ~~and the Life Safety~~  
 2495 ~~Code~~ as the minimum firesafety code required by this section.

2496 ~~(3) The most current edition of the National Fire~~  
 2497 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~  
 2498 ~~the State Fire Marshal, shall be deemed to be adopted by each~~  
 2499 ~~municipality, county, and special district with firesafety~~  
 2500 ~~responsibilities as part of the minimum firesafety code.~~

2501 (3)~~(4)~~ Such code codes shall be a minimum code ~~codes~~ and a  
 2502 municipality, county, or special district with firesafety  
 2503 responsibilities may adopt more stringent firesafety standards,  
 2504 subject to the requirements of this subsection. Such county,  
 2505 municipality, or special district may establish alternative  
 2506 requirements to those requirements which are required under the  
 2507 minimum firesafety standards on a case-by-case basis, in order  
 2508 to meet special situations arising from historic, geographic, or  
 2509 unusual conditions, if the alternative requirements result in a  
 2510 level of protection to life, safety, or property equal to or  
 2511 greater than the applicable minimum firesafety standards. For  
 2512 the purpose of this subsection, the term "historic" means that  
 2513 the building or structure is listed on the National Register of  
 2514 Historic Places of the United States Department of the Interior.

2515 (a) The local governing body shall determine, following a  
 2516 public hearing which has been advertised in a newspaper of  
 2517 general circulation at least 10 days before the hearing, if  
 2518 there is a need to strengthen the requirements of the minimum  
 2519 firesafety code adopted by such governing body. The  
 2520 determination must be based upon a review of local conditions by

2521 the local governing body, which review demonstrates that local  
 2522 conditions justify more stringent requirements than those  
 2523 specified in the minimum firesafety code for the protection of  
 2524 life and property or justify requirements that meet special  
 2525 situations arising from historic, geographic, or unusual  
 2526 conditions.

2527 (b) Such additional requirements shall not be  
 2528 discriminatory as to materials, products, or construction  
 2529 techniques of demonstrated capabilities.

2530 (c) Paragraphs (a) and (b) apply solely to the local  
 2531 enforcing agency's adoption of requirements more stringent than  
 2532 those specified in the Florida Fire Prevention Code and the Life  
 2533 Safety Code that have the effect of amending building  
 2534 construction standards. Upon request, the enforcing agency shall  
 2535 provide a person making application for a building permit, or  
 2536 any state agency or board with construction-related regulation  
 2537 responsibilities, a listing of all such requirements and codes.

2538 (d) A local government which adopts amendments to the  
 2539 minimum firesafety code must provide a procedure by which the  
 2540 validity of such amendments may be challenged by any  
 2541 substantially affected party to test the amendment's compliance  
 2542 with the provisions of this section.

2543 1. Unless the local government agrees to stay enforcement  
 2544 of the amendment, or other good cause is shown, the challenging  
 2545 party shall be entitled to a hearing on the challenge within 45  
 2546 days.

2547 2. For purposes of such challenge, the burden of proof  
 2548 shall be on the challenging party, but the amendment shall not

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2549 | be presumed to be valid or invalid.

2550 |

2551 | This subsection gives local government the authority to  
2552 | establish firesafety codes that exceed the Florida Fire  
2553 | Prevention Code ~~minimum firesafety codes and standards~~ adopted  
2554 | by the State Fire Marshal. The Legislature intends that local  
2555 | government give proper public notice and hold public hearings  
2556 | before adopting more stringent firesafety codes ~~and standards~~. A  
2557 | substantially affected person may appeal, to the department, the  
2558 | local government's resolution of the challenge, and the  
2559 | department shall determine if the amendment complies with this  
2560 | section. Actions of the department are subject to judicial  
2561 | review pursuant to s. 120.68. The department shall consider  
2562 | reports of the Florida Building Commission, pursuant to part IV  
2563 | of chapter 553, when evaluating building code enforcement.

2564 |       (4)~~(5)~~ The new building or structure provisions enumerated  
2565 | within the Florida Fire Prevention Code ~~firesafety code~~ adopted  
2566 | pursuant to this section shall apply only to buildings or  
2567 | structures for which the building permit is issued on or after  
2568 | the effective date of the current edition of the Florida Fire  
2569 | Prevention Code ~~this act~~. Subject to the provisions of  
2570 | subsection (6), the existing building or structure provisions  
2571 | enumerated within the firesafety code adopted pursuant to this  
2572 | section shall apply to buildings or structures for which the  
2573 | building permit was issued or the building or structure was  
2574 | constructed prior to the effective date of this act.

2575 |       (5)~~(6)~~ With regard to existing buildings, the Legislature  
2576 | recognizes that it is not always practical to apply any or all

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2577 of the provisions of the Florida Fire Prevention Code ~~minimum~~  
2578 ~~firesafety code~~ and that physical limitations may require  
2579 disproportionate effort or expense with little increase in fire  
2580 or life safety. ~~Prior to applying the minimum firesafety code to~~  
2581 ~~an existing building, the local fire official shall determine~~  
2582 ~~that a threat to lifesafety or property exists.~~ If a threat to  
2583 lifesafety or property exists, the firesafety inspector ~~fire~~  
2584 ~~official~~ shall apply the applicable firesafety code for existing  
2585 buildings to the extent practical to assure a reasonable degree  
2586 of lifesafety and safety of property or the firesafety inspector  
2587 ~~fire official~~ shall fashion a reasonable alternative which  
2588 affords an equivalent degree of lifesafety and safety of  
2589 property. The decision of the local firesafety inspector ~~fire~~  
2590 ~~official~~ may be appealed to the local administrative board  
2591 described in s. 553.73.

2592 ~~(6)-(7)~~ Nothing herein shall preclude a municipality,  
2593 county, or special district from requiring a structure to be  
2594 maintained in accordance with the Florida Fire Prevention Code  
2595 ~~applicable firesafety code.~~

2596 ~~(7)-(8)~~ Electrically operated single station smoke  
2597 detectors required for residential buildings are not required to  
2598 be interconnected within individual living units in all  
2599 buildings having direct access to the outside from each living  
2600 unit and having three stories or less. This subsection does not  
2601 apply to any residential building required to have a manual or  
2602 an automatic fire alarm system.

2603 ~~(8)-(9)~~ The provisions of the Life Safety Code, as  
2604 contained in the Florida Fire Prevention Code, shall not apply

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2605 | to newly constructed one-family and two-family dwellings.  
2606 | However, fire sprinkler protection may be permitted by local  
2607 | government in lieu of other fire protection-related development  
2608 | requirements for such structures. While local governments may  
2609 | adopt fire sprinkler requirements for one- and two-family  
2610 | dwellings under this subsection, it is the intent of the  
2611 | Legislature that the economic consequences of the fire sprinkler  
2612 | mandate on home owners be studied before the enactment of such a  
2613 | requirement. After the effective date of this act, any local  
2614 | government that desires to adopt a fire sprinkler requirement on  
2615 | one- or two-family dwellings must prepare an economic cost and  
2616 | benefit report that analyzes the application of fire sprinklers  
2617 | to one- or two-family dwellings or any proposed residential  
2618 | subdivision. The report must consider the tradeoffs and specific  
2619 | cost savings and benefits of fire sprinklers for future owners  
2620 | of property. The report must include an assessment of the cost  
2621 | savings from any reduced or eliminated impact fees if  
2622 | applicable, the reduction in special fire district tax,  
2623 | insurance fees, and other taxes or fees imposed, and the waiver  
2624 | of certain infrastructure requirements including the reduction  
2625 | of roadway widths, the reduction of water line sizes, increased  
2626 | fire hydrant spacing, increased dead-end roadway length and a  
2627 | reduction in cul-de-sac sizes relative to the costs from fire  
2628 | sprinkling. A failure to prepare an economic report shall result  
2629 | in the invalidation of the fire sprinkler requirement to any  
2630 | one- or two-family dwelling or any proposed subdivision. In  
2631 | addition, a local jurisdiction or utility may not charge any  
2632 | additional fee, above what is charged to a non-fire sprinklered

2633 dwelling, on the basis that a one- or two-family dwelling unit  
 2634 is protected by a fire sprinkler system.

2635 (9)~~(10)~~ Before imposing a fire sprinkler requirement on  
 2636 any one- or two-family dwelling, a local government must provide  
 2637 the owner of any one- or two-family dwelling a letter  
 2638 documenting specific infrastructure or other tax or fee  
 2639 allowances and waivers that are listed in but not limited to  
 2640 those described in subsection (8)~~(9)~~ for the dwelling. The  
 2641 documentation must show that the cost savings reasonably  
 2642 approximate the cost of the purchase and installation of a fire  
 2643 protection system.

2644 (10)~~(11)~~ Notwithstanding the provisions of subsection  
 2645 (8)~~(9)~~, a property owner shall not be required to install fire  
 2646 sprinklers in any residential property based upon the use of  
 2647 such property as a rental property or any change in or  
 2648 reclassification of the property's primary use to a rental  
 2649 property.

2650 Section 26. Section 633.026, Florida Statutes, is  
 2651 renumbered as section 633.212, Florida Statutes, and amended to  
 2652 read:

2653 633.212 ~~633.026~~ Legislative intent; informal  
 2654 interpretations of the Florida Fire Prevention Code.—It is the  
 2655 intent of the Legislature that the Florida Fire Prevention Code  
 2656 be interpreted by fire officials and local enforcement agencies  
 2657 in a manner that reasonably and cost-effectively protects the  
 2658 public safety, health, and welfare; ensures uniform  
 2659 interpretations throughout this state; and provides just and  
 2660 expeditious processes for resolving disputes regarding such

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2661 interpretations. It is the further intent of the Legislature  
2662 that such processes provide for the expeditious resolution of  
2663 the issues presented and that the resulting interpretation of  
2664 such issues be published on the website of the division ~~of State~~  
2665 ~~Fire Marshal~~.

2666 (1) The division ~~of State Fire Marshal~~ shall by rule  
2667 establish an informal process of rendering nonbinding  
2668 interpretations of the Florida Fire Prevention Code. The  
2669 division ~~of State Fire Marshal~~ may contract with and refer  
2670 interpretive issues to a third party, selected based upon cost  
2671 effectiveness, quality of services to be performed, and other  
2672 performance-based criteria, which has experience in interpreting  
2673 and enforcing the Florida Fire Prevention Code. It is the intent  
2674 of the Legislature that the division ~~of State Fire Marshal~~  
2675 establish a Fire Code Interpretation Committee composed of seven  
2676 persons and seven alternates, equally representing each area of  
2677 the state, to which a party can pose questions regarding the  
2678 interpretation of the Florida Fire Prevention Code provisions.

2679 (2) Each member and alternate member of the Fire Code  
2680 Interpretation Committee must be certified as a firesafety  
2681 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a  
2682 minimum of 5 years of experience interpreting and enforcing the  
2683 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each  
2684 member and alternate member must be approved by the division ~~of~~  
2685 ~~State Fire Marshal~~ and deemed by the division to have met these  
2686 requirements for at least 30 days before participating in a  
2687 review of a nonbinding interpretation.

2688 (3) Each nonbinding interpretation of code provisions must



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2689 | be provided within 10 business days after receipt of a request  
2690 | for interpretation. The response period established in this  
2691 | subsection may be waived only with the written consent of the  
2692 | party requesting the nonbinding interpretation and the division  
2693 | ~~of State Fire Marshal~~. Nonbinding interpretations shall be  
2694 | advisory only and nonbinding on the parties or the State Fire  
2695 | Marshal.

2696 |         (4) In order to administer this section, the division ~~of~~  
2697 | ~~State Fire Marshal~~ shall charge a fee for nonbinding  
2698 | interpretations. The fee may not exceed \$150 for each request  
2699 | for a review or interpretation. The division may authorize  
2700 | payment of fees directly to the nonprofit organization under  
2701 | contract pursuant to subsection (1).

2702 |         (5) A party requesting a nonbinding interpretation who  
2703 | disagrees with the interpretation issued under this section may  
2704 | apply for a declaratory statement ~~formal interpretation~~ from the  
2705 | State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2706 |         (6) The division ~~of State Fire Marshal~~ shall issue or  
2707 | cause to be issued a nonbinding interpretation of the Florida  
2708 | Fire Prevention Code pursuant to this section when requested to  
2709 | do so upon submission of a petition by a fire official or by the  
2710 | owner or owner's representative or the contractor or  
2711 | contractor's representative of a project in dispute. The  
2712 | division shall adopt a petition form by rule, and the petition  
2713 | form must be published on the State Fire Marshal's website. The  
2714 | form shall, at a minimum, require:

2715 |             (a) The name and address of the local fire official,  
2716 | including the address of the county, municipality, or special

2717 district.

2718 (b) The name and address of the owner or owner's  
 2719 representative or the contractor or contractor's representative.

2720 (c) A statement of the specific sections of the Florida  
 2721 Fire Prevention Code being interpreted by the local fire  
 2722 official.

2723 (d) An explanation of how the petitioner's substantial  
 2724 interests are being affected by the local interpretation of the  
 2725 Florida Fire Prevention Code.

2726 (e) A statement of the interpretation of the specific  
 2727 sections of the Florida Fire Prevention Code by the local fire  
 2728 official.

2729 (f) A statement of the interpretation that the petitioner  
 2730 contends should be given to the specific sections of the Florida  
 2731 Fire Prevention Code and a statement supporting the petitioner's  
 2732 interpretation.

2733 (7) Upon receipt of a petition that meets the requirements  
 2734 of subsection (6), the division ~~of State Fire Marshal~~ shall  
 2735 immediately provide copies of the petition to the Fire Code  
 2736 Interpretation Committee, and shall publish the petition and any  
 2737 response submitted by the local fire official on the State Fire  
 2738 Marshal's website.

2739 (8) The committee shall conduct proceedings as necessary  
 2740 to resolve the issues and give due regard to the petition, the  
 2741 facts of the matter at issue, specific code sections cited, and  
 2742 any statutory implications affecting the Florida Fire Prevention  
 2743 Code. The committee shall issue an interpretation regarding the  
 2744 provisions of the Florida Fire Prevention Code within 10 days

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2745 after the filing of a petition. The committee shall issue an  
2746 interpretation based upon the Florida Fire Prevention Code or,  
2747 if the code is ambiguous, the intent of the code. The  
2748 committee's interpretation shall be provided to the petitioner  
2749 and shall include a notice that if the petitioner disagrees with  
2750 the interpretation, the petitioner may file a request for a  
2751 declaratory statement ~~formal interpretation~~ by the State Fire  
2752 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's  
2753 interpretation shall be provided to the State Fire Marshal, and  
2754 the division shall publish the declaratory statement  
2755 ~~interpretation~~ on the State Fire Marshal's website and in the  
2756 Florida Administrative Weekly.

2757 Section 27. Section 633.052, Florida Statutes, is  
2758 transferred and renumbered as section 633.214, Florida Statutes,  
2759 and paragraph (a) and (b) of subsection (1), paragraph (d) of  
2760 subsection (2), and subsections (3) and (4) of that section are  
2761 amended, to read:

2762 633.214 ~~633.052~~ Ordinances relating to firesafety;  
2763 definitions; penalties.—

2764 (1) As used in this section:

2765 (a) A "firesafety inspector" is an individual certified by  
2766 the division ~~of State Fire Marshal~~, officially assigned the  
2767 duties of conducting firesafety inspections of buildings and  
2768 facilities on a recurring or regular basis, investigating civil  
2769 infractions relating to firesafety, and issuing citations  
2770 pursuant to this section on behalf of the state or any county,  
2771 municipality, or special district with firesafety  
2772 responsibilities.

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2773 (b) "Citation" means a written notice, issued only after a  
2774 written warning has been previously issued and a minimum time  
2775 period of 45 days, except for major structural changes, which  
2776 may be corrected within an extended adequate period of time,  
2777 from the date of the issuance of the warning whereby the party  
2778 warned may correct the alleged violation, issued to a person by  
2779 a firesafety inspector, that the firesafety inspector has  
2780 probable cause to believe that the person has committed a civil  
2781 infraction in violation of a duly enacted ordinance and that the  
2782 county court will hear the charge. The citation shall contain:

- 2783 1. The date and time of issuance.
- 2784 2. The name and address of the person.
- 2785 3. The date and time the civil infraction was committed.
- 2786 4. The facts constituting probable cause.
- 2787 5. The Florida Fire Prevention Code ordinance violated.
- 2788 6. The name and authority of the firesafety inspector  
2789 ~~officer~~.
- 2790 7. The procedure for the person to follow in order to pay  
2791 the civil penalty or to contest the citation.
- 2792 8. The applicable civil penalty if the person elects to  
2793 contest the citation.
- 2794 9. The applicable civil penalty if the person elects not  
2795 to contest the citation.
- 2796 10. A conspicuous statement that if the person fails to  
2797 pay the civil penalty within the time allowed or fails to appear  
2798 in court to contest the citation, then she or he shall be deemed  
2799 to have waived her or his right to contest the citation and  
2800 that, in such case, judgment may be entered against the person

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2801 for an amount up to the maximum civil penalty.

2802 (c) "Ordinance" means any ordinance enacted by the  
 2803 governing body of a county or municipality that is a civil  
 2804 infraction relating to firesafety codes.

2805 (2) A county or municipality that has created a code  
 2806 enforcement board or special magistrate system pursuant to  
 2807 chapter 162 may enforce firesafety code violations as provided  
 2808 in chapter 162. The governing body of a county or municipality  
 2809 which has not created a code enforcement board or special  
 2810 magistrate system for firesafety under chapter 162 is authorized  
 2811 to enact ordinances relating to firesafety codes, which  
 2812 ordinances shall provide:

2813 (a) That a violation of such an ordinance is a civil  
 2814 infraction.

2815 (b) A maximum civil penalty not to exceed \$500.

2816 (c) A civil penalty of less than the maximum civil penalty  
 2817 if the person who has committed the civil infraction does not  
 2818 contest the citation.

2819 (d) For the issuance of a citation by an officer who has  
 2820 probable cause to believe that a person has committed a  
 2821 violation of an ordinance relating to firesafety or the Florida  
 2822 Fire Prevention Code.

2823 (e) For the contesting of a citation in the county court.

2824 (f) Such procedures and provisions necessary to implement  
 2825 any ordinances enacted under the authority of this section.

2826 (3) Any person who willfully refuses to sign and accept a  
 2827 citation issued by a firesafety inspector commits ~~shall be~~  
 2828 ~~guilty of~~ a misdemeanor of the second degree, punishable as

2829 provided in s. 775.082 or s. 775.083.

2830 (4) Nothing contained in this section shall prevent any  
 2831 county, ~~or~~ municipality, or special district from enacting any  
 2832 ordinance relating to firesafety codes which is identical to the  
 2833 provisions of this chapter or any state law, except as to  
 2834 penalty; however, no county or municipal ordinance relating to  
 2835 firesafety codes shall conflict with the provisions of this  
 2836 chapter or any other state law.

2837 Section 28. Section 633.081, Florida Statutes, is  
 2838 transferred and renumbered as section 633.216, Florida Statutes,  
 2839 and amended to read:

2840 633.216 ~~633.081~~ Inspection of buildings and equipment;  
 2841 orders; firesafety inspection training requirements;  
 2842 certification; disciplinary action.—The State Fire Marshal and  
 2843 her or his agents or persons authorized to enforce laws and  
 2844 rules of the State Fire Marshal shall, at any reasonable hour,  
 2845 when the State Fire Marshal has reasonable cause to believe that  
 2846 a violation of this chapter or s. 509.215, or a rule promulgated  
 2847 thereunder, or a minimum firesafety code adopted by the State  
 2848 Fire Marshal or a local authority, may exist, inspect any and  
 2849 all buildings and structures which are subject to the  
 2850 requirements of this chapter or s. 509.215 and rules promulgated  
 2851 thereunder. The authority to inspect shall extend to all  
 2852 equipment, vehicles, and chemicals which are located on or  
 2853 within the premises of any such building or structure.

2854 (1) Each county, municipality, and special district that  
 2855 has firesafety enforcement responsibilities shall employ or  
 2856 contract with a firesafety inspector. Except as provided in s.

2857 633.312(2) ~~633.082(2)~~ and subsection (3), the firesafety  
 2858 inspector must conduct all firesafety inspections that are  
 2859 required by law. The governing body of a county, municipality,  
 2860 or special district that has firesafety enforcement  
 2861 responsibilities may provide a schedule of fees to pay only the  
 2862 costs of inspections conducted pursuant to this subsection and  
 2863 related administrative expenses. Two or more counties,  
 2864 municipalities, or special districts that have firesafety  
 2865 enforcement responsibilities may jointly employ or contract with  
 2866 a firesafety inspector.

2867 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every  
 2868 firesafety inspection conducted pursuant to state or local  
 2869 firesafety requirements shall be by a person certified as having  
 2870 met the inspection training requirements set by the State Fire  
 2871 Marshal. Such person shall meet the requirements of s.  
 2872 633.412(1)(a)-(d), and:

2873 (a) ~~Be a high school graduate or the equivalent as~~  
 2874 ~~determined by the department;~~

2875 (b) ~~Not have been found guilty of, or having pleaded~~  
 2876 ~~guilty or nolo contendere to, a felony or a crime punishable by~~  
 2877 ~~imprisonment of 1 year or more under the law of the United~~  
 2878 ~~States, or of any state thereof, which involves moral turpitude,~~  
 2879 ~~without regard to whether a judgment of conviction has been~~  
 2880 ~~entered by the court having jurisdiction of such cases;~~

2881 (c) ~~Have her or his fingerprints on file with the~~  
 2882 ~~department or with an agency designated by the department;~~

2883 (d) ~~Have good moral character as determined by the~~  
 2884 ~~department;~~

2885 ~~(e) Be at least 18 years of age;~~  
 2886 ~~(f)~~ Have satisfactorily completed the firesafety inspector  
 2887 certification examination as prescribed by division rule ~~the~~  
 2888 ~~department~~; and

2889 (b) ~~(g)~~ 1. Have satisfactorily completed, as determined by  
 2890 division rule ~~the department~~, a firesafety inspector training  
 2891 program of not less than 200 hours established by the department  
 2892 and administered by education or training providers ~~agencies and~~  
 2893 ~~institutions~~ approved by the department for the purpose of  
 2894 providing basic certification training for firesafety  
 2895 inspectors; or

2896 2. Have received in another state training which is  
 2897 determined by the division ~~department~~ to be at least equivalent  
 2898 to that required by the department for approved firesafety  
 2899 inspector education and training programs in this state.

2900 (3) (a) 1. Effective July 1, 2013, the classification of  
 2901 special state firesafety inspector is abolished, and all special  
 2902 state firesafety inspector certifications shall expire at  
 2903 midnight June 30, 2013.

2904 2. Any person who is a special state firesafety inspector  
 2905 on June 30, 2013, and who has failed to comply with paragraph  
 2906 (b) or paragraph (c) may not perform any firesafety inspection  
 2907 required by law.

2908 3. A special state firesafety inspector certificate may  
 2909 not be issued after June 30, 2011.

2910 (b) 1. Any person who is a special state firesafety  
 2911 inspector on July 1, 2011, and who has at least 5 years of  
 2912 experience as a special state firesafety inspector as of July 1,



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2913 2011, may take the firesafety inspection examination as provided  
2914 in paragraph (2) (a) ~~(f)~~ for firesafety inspectors before July 1,  
2915 2013, to be certified as a firesafety inspector under this  
2916 section.

2917 2. Upon passing the examination, the person shall be  
2918 certified as a firesafety inspector as provided in this section.

2919 3. A person who fails to become certified must comply with  
2920 paragraph (c) to be certified as a firesafety inspector under  
2921 this section.

2922 (c)1. To be certified as a firesafety inspector under this  
2923 section, any person who:

2924 a. Is a special state firesafety inspector on July 1,  
2925 2011, and who does not have 5 years of experience as a special  
2926 state firesafety inspector as of July 1, 2011; or

2927 b. Has 5 years of experience as a special state firesafety  
2928 inspector but has failed the examination taken as provided in  
2929 paragraph (2) (a) ~~(f)~~, must take an additional 80 hours of the  
2930 courses described in paragraph (2) (b) ~~(g)~~.

2931 2. After successfully completing the courses described in  
2932 this paragraph, such person may take the firesafety inspection  
2933 examination as provided in paragraph (2) (a) ~~(f)~~, if such  
2934 examination is taken before July 1, 2013.

2935 3. Upon passing the examination, the person shall be  
2936 certified as a firesafety inspector as provided in this section.

2937 4. A person who fails the course of study or the  
2938 examination described in this paragraph may not perform any  
2939 firesafety inspection required by law on or after July 1, 2013.

2940 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~

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2941 may conduct firesafety inspections, under the supervision of a  
2942 certified firesafety inspector, while on duty as a member of a  
2943 fire department company conducting inservice firesafety  
2944 inspections without being certified as a firesafety inspector,  
2945 if such firefighter has satisfactorily completed an inservice  
2946 fire department company inspector training program of at least  
2947 24 hours' duration as provided by rule of the department.

2948 (5) Every firesafety inspector certificate is valid for a  
2949 period of 4 ~~3~~ years from the date of issuance. Renewal of  
2950 certification is subject to the affected person's completing  
2951 proper application for renewal and meeting all of the  
2952 requirements for renewal as established under this chapter or by  
2953 rule adopted under this chapter, which shall include completion  
2954 of at least 54 ~~40~~ hours during the preceding 4-year ~~3-year~~  
2955 period of continuing education as required by the rule of the  
2956 department or, in lieu thereof, successful passage of an  
2957 examination as established by the department.

2958 (6) A previously certified fire safety inspector whose  
2959 certification has lapsed for 8 years or more must repeat the  
2960 fire safety inspector training as specified by the division.

2961 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,  
2962 suspend, or revoke the certificate of a firesafety inspector if  
2963 the State Fire Marshal finds that any of the following grounds  
2964 exist:

2965 (a) Any cause for which issuance of a certificate could  
2966 have been refused had it then existed and been known to the  
2967 division ~~State Fire Marshal~~.

2968 (b) Violation of this chapter or any rule or order of the

2969 State Fire Marshal.

2970 (c) Falsification of records relating to the certificate.

2971 ~~(d) Having been found guilty of or having pleaded guilty~~

2972 ~~or nolo contendere to a felony, whether or not a judgment of~~

2973 ~~conviction has been entered.~~

2974 (d)~~(e)~~ Failure to meet any of the renewal requirements.

2975 ~~(f) Having been convicted of a crime in any jurisdiction~~

2976 ~~which directly relates to the practice of fire code inspection,~~

2977 ~~plan review, or administration.~~

2978 (e)~~(g)~~ Making or filing a report or record that the

2979 certificateholder knows to be false, or knowingly inducing

2980 another to file a false report or record, or knowingly failing

2981 to file a report or record required by state or local law, or

2982 knowingly impeding or obstructing such filing, or knowingly

2983 inducing another person to impede or obstruct such filing.

2984 (f)~~(h)~~ Failing to properly enforce applicable fire codes

2985 or permit requirements within this state which the

2986 certificateholder knows are applicable by committing willful

2987 misconduct, gross negligence, gross misconduct, repeated

2988 negligence, or negligence resulting in a significant danger to

2989 life or property.

2990 (g)~~(i)~~ Accepting labor, services, or materials at no

2991 charge or at a noncompetitive rate from any person who performs

2992 work that is under the enforcement authority of the

2993 certificateholder and who is not an immediate family member of

2994 the certificateholder. For the purpose of this paragraph, the

2995 term "immediate family member" means a spouse, child, parent,

2996 sibling, grandparent, aunt, uncle, or first cousin of the person

2997 | or the person's spouse or any person who resides in the primary  
 2998 | residence of the certificateholder.

2999 |        (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida  
 3000 | Building Code Administrators and Inspectors Board, established  
 3001 | pursuant to s. 468.605, shall enter into a reciprocity agreement  
 3002 | to facilitate joint recognition of continuing education  
 3003 | recertification hours for certificateholders licensed under s.  
 3004 | 468.609 and firesafety inspectors certified under subsection  
 3005 | (2).

3006 |        (9)~~(8)~~ The State Fire Marshal shall develop by rule an  
 3007 | advanced training and certification program for firesafety  
 3008 | inspectors having fire code management responsibilities. The  
 3009 | program must be consistent with the appropriate provisions of  
 3010 | NFPA 1037, or similar standards adopted by the division, and  
 3011 | establish minimum training, education, and experience levels for  
 3012 | firesafety inspectors having fire code management  
 3013 | responsibilities.

3014 |        (10)~~(9)~~ The department shall provide by rule for the  
 3015 | certification of firesafety inspectors and Fire Code  
 3016 | Administrators.

3017 |        Section 29. Section 633.085, Florida Statutes, is  
 3018 | renumbered as section 633.218, Florida Statutes, and amended to  
 3019 | read:

3020 |        633.218 ~~633.085~~ Inspections of state buildings and  
 3021 | premises; tests of firesafety equipment; building plans to be  
 3022 | approved.—

3023 |        (1) (a) It is the duty of the State Fire Marshal and her or  
 3024 | his agents to inspect, or cause to be inspected, each state-

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3025 owned building on a recurring basis established by rule, and to  
3026 ensure that high-hazard occupancies are inspected at least  
3027 annually, for the purpose of ascertaining and causing to be  
3028 corrected any conditions liable to cause fire or endanger life  
3029 from fire and any violation of the firesafety standards for  
3030 state-owned buildings, the provisions of this chapter, or the  
3031 rules or regulations adopted and promulgated pursuant hereto.  
3032 The State Fire Marshal shall, within 7 days following an  
3033 inspection, submit a report of such inspection to the head of  
3034 the ~~department of state~~ agency ~~government~~ responsible for the  
3035 building.

3036 (b) Except as provided in s. 255.45, the department head  
3037 is responsible for ensuring that deficiencies noted in the  
3038 inspection are corrected as soon as practicable.

3039 (c) Each department shall, in its annual budget proposal,  
3040 include requests for sufficient funds to correct any firesafety  
3041 deficiencies noted by the State Fire Marshal.

3042 (d) Each department shall, in its annual budget proposal  
3043 and for all proposals for new construction or renovations to  
3044 existing structures, include requests for sufficient funds to  
3045 pay for any charges or fees imposed by the State Fire Marshal  
3046 for review of plans, renovations, occupancy, or inspections,  
3047 whether recurring or high hazard.

3048 (e) For purposes of this section:

3049 1.a. The term "high-hazard occupancy" means any building  
3050 or structure:

3051 (I) That contains combustible or explosive matter or  
3052 flammable conditions dangerous to the safety of life or

3053 property;  
 3054 (II) At which persons receive educational instruction;  
 3055 (III) At which persons reside, excluding private  
 3056 dwellings; or  
 3057 (IV) Containing three or more floor levels.  
 3058 b. As used in this subparagraph, the phrase "building or  
 3059 structure":  
 3060 (I) Includes, but is not limited to, all hospitals and  
 3061 residential health care facilities, nursing homes and other  
 3062 adult care facilities, correctional or detention facilities,  
 3063 public schools, public lodging establishments, migrant labor  
 3064 camp, residential child care facilities, and self-service  
 3065 gasoline stations.  
 3066 (II) Does not include any residential condominium where  
 3067 the declaration of condominium or the bylaws provide that the  
 3068 rental of units shall not be permitted for less than 90 days.  
 3069 2. The term "state-owned building," includes private  
 3070 correctional facilities as defined under s. 944.710(3) and state  
 3071 universities as defined under s. 1000.21(6).  
 3072 (f) State-owned building or state-leased building or space  
 3073 shall be identified through use of the United States National  
 3074 Grid Coordinate System.  
 3075 (2) The State Fire Marshal and her or his agents may ~~shall~~  
 3076 conduct performance tests on any electronic fire warning and  
 3077 smoke detection system, and any pressurized air-handling unit,  
 3078 in any state-owned building or state-leased building or space on  
 3079 a recurring basis as provided in subsection (1). The State Fire  
 3080 Marshal and her or his agents shall also ensure that fire drills

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3081 are conducted in all high-hazard state-owned buildings or high-  
3082 hazard state-leased ~~high-hazard~~ occupancies at least annually.

3083 (3) All construction of any new state-owned building or  
3084 state-leased building or space, or any renovation, alteration,  
3085 or change of occupancy of any existing, state-owned building or  
3086 state-leased building or space shall comply with the uniform  
3087 firesafety standards of the State Fire Marshal.

3088 (a) For all new construction or renovation, alteration, or  
3089 change of occupancy of state-leased space, compliance with the  
3090 uniform firesafety standards shall be determined by reviewing  
3091 the plans for the proposed construction or occupancy submitted  
3092 by the lessor to the division ~~of State Fire Marshal~~ for review  
3093 and approval prior to commencement of construction or occupancy,  
3094 which review shall be completed within 10 working days after  
3095 receipt of the plans by the division ~~of State Fire Marshal~~.

3096 (b) The plans for all construction of any new, or  
3097 renovation or alteration of any existing, state-owned building  
3098 are subject to the review and approval of the division ~~of State~~  
3099 ~~Fire Marshal~~ for compliance with the uniform firesafety  
3100 standards prior to commencement of construction or change of  
3101 occupancy, which review shall be completed within 30 calendar  
3102 days of receipt of the plans by the division ~~of State Fire~~  
3103 ~~Marshal~~.

3104 (4) The division ~~of State Fire Marshal~~ may inspect state-  
3105 owned buildings and space and state-leased buildings and space  
3106 as necessary prior to occupancy or during construction,  
3107 renovation, or alteration to ascertain compliance with the  
3108 uniform firesafety standards. Whenever the division ~~of State~~

3109 | ~~Fire Marshal~~ determines by virtue of such inspection or by  
 3110 | review of plans that construction, renovation, or alteration of  
 3111 | state-owned buildings and state-leased buildings or space is not  
 3112 | in compliance with the uniform firesafety standards, the  
 3113 | division ~~of State Fire Marshal~~ shall issue an order to cease  
 3114 | construction, renovation, or alteration, or to preclude  
 3115 | occupancy, of a building until compliance is obtained, except  
 3116 | for those activities required to achieve such compliance.

3117 | (5) The division ~~of State Fire Marshal~~ shall by rule  
 3118 | provide a schedule of fees to pay for the costs of the  
 3119 | inspections, whether recurring or high hazard, any firesafety  
 3120 | review or plans for proposed construction, renovations, or  
 3121 | occupancy, and related administrative expenses.

3122 | Section 30. Section 633.027, Florida Statutes, is  
 3123 | transferred and renumbered as section 633.222, Florida Statutes,  
 3124 | and subsection (3) of that section is amended, to read:

3125 | 633.222 ~~633.027~~ Buildings with light-frame truss-type  
 3126 | construction; notice requirements; enforcement.-

3127 | (1) The owner of any commercial or industrial structure,  
 3128 | or any multiunit residential structure of three units or more,  
 3129 | that uses light-frame truss-type construction shall mark the  
 3130 | structure with a sign or symbol approved by the State Fire  
 3131 | Marshal in a manner sufficient to warn persons conducting fire  
 3132 | control and other emergency operations of the existence of  
 3133 | light-frame truss-type construction in the structure.

3134 | (2) The State Fire Marshal shall adopt rules necessary to  
 3135 | implement the provisions of this section, including, but not  
 3136 | limited to:



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3137 (a) The dimensions and color of such sign or symbol.

3138 (b) The time within which commercial, industrial, and  
3139 multiunit residential structures that use light-frame truss-type  
3140 construction shall be marked as required by this section.

3141 (c) The location on each commercial, industrial, and  
3142 multiunit residential structure that uses light-frame truss-type  
3143 construction where such sign or symbol must be posted.

3144 (3) The State Fire Marshal, and local fire officials in  
3145 accordance with s. 633.118 ~~633.121~~, shall enforce the provisions  
3146 of this section. Any owner who fails to comply with the  
3147 requirements of this section is subject to penalties as provided  
3148 in s. 633.228 ~~633.161~~.

3149 Section 31. Section 633.60, Florida Statutes, is  
3150 renumbered as section 633.224, Florida Statutes, and subsection  
3151 (1) of that section is amended, to read:

3152 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-  
3153 family dwellings, two-family dwellings, and mobile homes.-

3154 (1) It is unlawful for any person to engage in the  
3155 business or act in the capacity of a contractor of automatic  
3156 fire sprinkler systems for one-family dwellings, two-family  
3157 dwellings, and mobile homes without having been duly certified  
3158 and holding a current certificate as a Contractor I, Contractor  
3159 II, or Contractor IV as defined in s. 633.102(3) ~~633.021~~.

3160 (2) A person who violates any provision of this section  
3161 commits a misdemeanor of the second degree, punishable as  
3162 provided in s. 775.082 or s. 775.083.

3163 Section 32. Section 633.557, Florida Statutes, is  
3164 transferred and renumbered as section 633.226, Florida Statutes.

3165 Section 33. Section 633.161, Florida Statutes, is  
 3166 transferred and renumbered as section 633.228, Florida Statutes,  
 3167 and amended to read:

3168 633.228 ~~633.161~~ Violations; orders to cease and desist,  
 3169 correct hazardous conditions, preclude occupancy, or vacate;  
 3170 enforcement; penalties.—

3171 (1) If it is determined by the department that a violation  
 3172 specified in this subsection exists, the State Fire Marshal or  
 3173 her or his deputy may issue and deliver to the person committing  
 3174 the violation an order to cease and desist from such violation,  
 3175 to correct any hazardous condition, to preclude occupancy of the  
 3176 affected building or structure, or to vacate the premises of the  
 3177 affected building or structure. Such violations are:

3178 (a) Except as set forth in paragraph (b), a violation of  
 3179 any provision of this chapter, of any rule adopted pursuant  
 3180 thereto, of any applicable uniform firesafety standard adopted  
 3181 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed  
 3182 by any alternative requirements adopted on a local level, or of  
 3183 any minimum firesafety standard adopted pursuant to s. 394.879.

3184 (b) A substantial violation of an applicable minimum  
 3185 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which  
 3186 is not reasonably addressed by any alternative requirement  
 3187 imposed at the local level, or an unreasonable interpretation of  
 3188 an applicable minimum firesafety standard, and which violation  
 3189 or interpretation clearly constitutes a danger to lifesafety.

3190 (c) A building or structure which is in a dilapidated  
 3191 condition and as a result thereof creates a danger to life,  
 3192 safety, or property.

3193 (d) A building or structure which contains explosive  
 3194 matter or flammable liquids or gases constituting a danger to  
 3195 life, safety, or property.

3196 (2)(a) If, during the conduct of a firesafety inspection  
 3197 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is  
 3198 determined that a violation described in this section exists  
 3199 which poses an immediate danger to the public health, safety, or  
 3200 welfare, the State Fire Marshal may issue an order to vacate the  
 3201 building in question, which order shall be immediately effective  
 3202 and shall be an immediate final order under s. 120.569(2)(n).  
 3203 With respect to a facility under the jurisdiction of a district  
 3204 school board or community college board of trustees, the order  
 3205 to vacate shall be issued jointly by the district superintendent  
 3206 or college president and the State Fire Marshal.

3207 (b) The State Fire Marshal may seek an injunction in the  
 3208 circuit court of the county in which the building is located to  
 3209 enforce an order issued pursuant to this subsection.

3210 (3) Any person who violates or fails to comply with any  
 3211 order under subsection (1) or subsection (2) commits ~~is guilty~~  
 3212 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

3213 Section 34. Part III of chapter 633, Florida Statutes,  
 3214 consisting of sections 633.302, 633.304, 633.306, 633.308,  
 3215 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,  
 3216 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,  
 3217 633.346, 633.348, and 633.3482, is created and entitled "Fire  
 3218 Protection and Suppression."

3219 Section 35. Section 633.511, Florida Statutes, is  
 3220 transferred and renumbered as subsections (1), (2), and (3) of

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3221 section 633.302, Florida Statutes, and section 633.514, Florida  
 3222 Statutes, is transferred and renumbered as subsections (4) and  
 3223 (5) of that section, to read:

3224 633.302 ~~633.511~~ Florida Fire Safety Board; membership;  
 3225 duties; meetings.—

3226 (1) The Florida Fire Safety Board is created consisting of  
 3227 seven members who are citizens and residents of this state. One  
 3228 shall be the State Fire Marshal, or her or his designee  
 3229 ~~designated appointee~~ who shall be an administrative employee of  
 3230 the marshal; one shall be an administrative officer from a  
 3231 building department representing an incorporated municipality or  
 3232 a county; one shall be an administrative officer from a fire  
 3233 department representing an incorporated municipality or a  
 3234 county; two shall be contractors licensed pursuant to s. 633.318  
 3235 ~~633.521~~; and two shall be persons who hold valid licenses under  
 3236 s. 633.304 ~~633.061~~.

3237 (2) (a) To be eligible for appointment, each contractor  
 3238 shall personally hold a current certificate of competency and a  
 3239 current license issued by the division ~~State Fire Marshal~~,  
 3240 together with an unexpired occupational license to operate as a  
 3241 contractor issued by an incorporated municipality or a county;  
 3242 be actively engaged in such business and have been so engaged  
 3243 for a period of not less than 5 consecutive years before the  
 3244 date of her or his appointment; and be a citizen and resident of  
 3245 the state.

3246 (b) To be eligible for appointment, each fire equipment  
 3247 dealer shall personally hold a current Class A, B, or C and  
 3248 Class D fire equipment dealer license issued by the division

3249 | ~~State Fire Marshal~~, together with an unexpired occupational  
 3250 | license to operate as a fire equipment dealer issued by an  
 3251 | incorporated municipality or a county; shall be actively engaged  
 3252 | in such business and have been so engaged for a period of not  
 3253 | less than 5 consecutive years before the date of appointment;  
 3254 | and shall be a citizen and resident of this state.

3255 |         (3) The State Fire Marshal's term on the board, or that of  
 3256 | her or his designee ~~designated administrative employee~~, shall  
 3257 | coincide with the State Fire Marshal's term of office. Of the  
 3258 | other six members of the board, one member shall be appointed  
 3259 | for a term of 1 year, one member for a term of 2 years, two  
 3260 | members for terms of 3 years, and two members for terms of 4  
 3261 | years. All terms expire on June 30 of the last year of the term.  
 3262 | When Effective July 1, 1997, as the term of a ~~each~~ member  
 3263 | expires, the State Fire Marshal shall appoint a member to fill  
 3264 | the vacancy for a term of 4 years. The State Fire Marshal may  
 3265 | remove any appointed member for cause. A vacancy in the  
 3266 | membership of the board for any cause shall be filled by  
 3267 | appointment by the State Fire Marshal for the balance of the  
 3268 | unexpired term.

3269 |         ~~633.514 Board duties; meetings; officers; quorum;~~  
 3270 | ~~compensation; seal.~~

3271 |         (4) ~~(1)~~ The board shall act in an advisory capacity to the  
 3272 | State Fire Marshal and shall meet regularly as the need presents  
 3273 | itself. The board shall have the authority to review complaints  
 3274 | and disputed administrative action and make recommendations for  
 3275 | disciplinary action to the division at the request of the  
 3276 | licenseholder, permitholder, or certificateholder. The board

3277 will serve in an advisory capacity to the division regarding  
 3278 rules, codes, standards, interpretations, and training. As soon  
 3279 as practicable after the effective date of this act, the board  
 3280 shall meet to elect officers from its membership, whose terms  
 3281 shall expire on June 30 and annually thereafter. A majority of  
 3282 the board shall constitute a quorum. No member of the advisory  
 3283 board shall be paid a salary as such member, but each shall  
 3284 receive necessary expenses while attending advisory board  
 3285 meetings and reimbursement, including travel in performance of  
 3286 his or her duties, as provided in s. 112.061.

3287 (5)~~(2)~~ The board shall adopt a seal for its use containing  
 3288 the words "Florida Fire Safety Board."

3289 Section 36. Section 633.061, Florida Statutes, is  
 3290 renumbered as section 633.304, Florida Statutes, and subsections  
 3291 (1), (2), (3), (4), and (9) of that section are amended, to  
 3292 read:

3293 633.304 ~~633.061~~ Fire suppression equipment; license to  
 3294 install or maintain.—

3295 (1) It is unlawful for any organization or individual to  
 3296 engage in the business of servicing, repairing, recharging,  
 3297 testing, marking, inspecting, installing, or hydrotesting any  
 3298 fire extinguisher or preengineered system in this state except  
 3299 in conformity with the provisions of this chapter. Each  
 3300 organization or individual that engages in such activity must  
 3301 possess a valid and subsisting license issued by the division  
 3302 ~~State Fire Marshal~~. All fire extinguishers and preengineered  
 3303 systems required by statute or by rule must be serviced by an  
 3304 organization or individual licensed under the provisions of this

3305 chapter. A licensee who receives appropriate training shall not  
 3306 be prohibited by a manufacturer from servicing any particular  
 3307 brand of fire extinguisher or preengineered system. The licensee  
 3308 is legally qualified to act for the business organization in all  
 3309 matters connected with its business, and the licensee must  
 3310 supervise all activities undertaken by such business  
 3311 organization. Each licensee shall maintain a specific business  
 3312 location. A further requirement, in the case of multiple  
 3313 locations where such servicing or recharging is taking place, is  
 3314 that each licensee who maintains more than one place of business  
 3315 where actual work is carried on must possess an additional  
 3316 license, as set forth in this section, for each location, except  
 3317 that a licensed individual may not qualify for more than five  
 3318 locations. A licensee is limited to a specific type of work  
 3319 performed depending upon the class of license held. Licenses ~~and~~  
 3320 ~~license fees~~ are required for the following:

3321 (a) Class A: .....\$250  
 3322 To service, recharge, repair, install, or inspect all types of  
 3323 fire extinguishers and to conduct hydrostatic tests on all types  
 3324 of fire extinguishers.

3325 (b) Class B: .....\$150  
 3326 To service, recharge, repair, install, or inspect all types of  
 3327 fire extinguishers, including recharging carbon dioxide units  
 3328 and conducting hydrostatic tests on all types of fire  
 3329 extinguishers, except carbon dioxide units.

3330 (c) Class C: .....\$150  
 3331 To service, recharge, repair, install, or inspect all types of  
 3332 fire extinguishers, except recharging carbon dioxide units, and

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3333 to conduct hydrostatic tests on all types of fire extinguishers,  
 3334 except carbon dioxide units.

3335 (d) Class D: .....\$200

3336 To service, repair, recharge, hydrotest, install, or inspect all  
 3337 types of preengineered fire extinguishing systems.

3338 ~~(e) Licenses issued as duplicates or to reflect a change~~  
 3339 ~~of address.....\$10~~

3340  
 3341 Any fire equipment dealer licensed pursuant to this subsection  
 3342 who does not want to engage in the business of servicing,  
 3343 inspecting, recharging, repairing, hydrotesting, or installing  
 3344 halon equipment must file an affidavit on a form provided by the  
 3345 division so stating. Licenses will be issued by the division to  
 3346 reflect the work authorized thereunder. It is unlawful,  
 3347 unlicensed activity for any person or firm to falsely hold  
 3348 himself or herself or a business organization out to perform any  
 3349 service, inspection, recharge, repair, hydrotest, or  
 3350 installation except as specifically described in the license.

3351 Any fire equipment dealer licensed pursuant to this subsection  
 3352 who wishes to withdraw a previously filed halon equipment  
 3353 exemption affidavit and engage in the business of servicing,  
 3354 inspecting, recharging, repairing, hydrotesting, or installing  
 3355 halon equipment must submit a written statement requesting the  
 3356 withdrawal to the division. The dealer must also submit to an  
 3357 inspection by the State Fire Marshal or his or her designee in  
 3358 order to determine that the dealer possesses the equipment  
 3359 required to service, inspect, recharge, repair, hydrotest, or  
 3360 install halon equipment.



3361 (2) A person who holds a valid fire equipment dealer  
 3362 license may maintain such license in an inactive status during  
 3363 which time he or she may not engage in any work under the  
 3364 definition of the license held. An inactive status license shall  
 3365 be void after 2 years or at the time that the license is  
 3366 renewed, whichever comes first. ~~The biennial renewal fee for an~~  
 3367 ~~inactive status license shall be \$75.~~ An inactive status license  
 3368 may not be reactivated unless the continuing education  
 3369 requirements of this chapter have been fulfilled.

3370 (3) Each individual actually performing the work of  
 3371 servicing, recharging, repairing, hydrotesting, installing,  
 3372 testing, or inspecting fire extinguishers or preengineered  
 3373 systems must possess a valid and subsisting permit issued by the  
 3374 division ~~State Fire Marshal~~. Permittees are limited as to  
 3375 specific type of work performed to allow work no more extensive  
 3376 than the class of license held by the licensee under whom the  
 3377 permittee is working. Permits will be issued by the division ~~and~~  
 3378 ~~the fees required are~~ as follows:

3379 (a) Portable permit.....\$90

3380 "Portable permittee" means a person who is limited to performing  
 3381 work no more extensive than the employing licensee in the  
 3382 servicing, recharging, repairing, installing, or inspecting all  
 3383 types of portable fire extinguishers.

3384 (b) Preengineered permit.....\$120

3385 "Preengineered permittee" means a person who is limited to the  
 3386 servicing, recharging, repairing, installing, or inspecting of  
 3387 all types of preengineered fire extinguishing systems.

3388 ~~(c) Permits issued as duplicates or to reflect a change of~~

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3389 | address.....\$10

3390

3391 | Any fire equipment permittee licensed pursuant to this  
 3392 | subsection who does not want to engage in servicing, inspecting,  
 3393 | recharging, repairing, hydrotesting, or installing halon  
 3394 | equipment must file an affidavit on a form provided by the  
 3395 | division so stating. Permits will be issued by the division to  
 3396 | reflect the work authorized thereunder. It is unlawful,  
 3397 | unlicensed activity for any person or firm to falsely hold  
 3398 | himself or herself out to perform any service, inspection,  
 3399 | recharge, repair, hydrotest, or installation except as  
 3400 | specifically described in the permit.

3401 |       (4) (a) Such licenses and permits shall be issued by the  
 3402 | division ~~State Fire Marshal~~ for 2 years beginning January 1,  
 3403 | 2000, and each 2-year period thereafter and expiring December 31  
 3404 | of the second year. All licenses or permits issued will expire  
 3405 | on December 31 of each odd-numbered year. The failure to renew a  
 3406 | license or permit by December 31 of the second year will cause  
 3407 | the license or permit to become inoperative. The holder of an  
 3408 | inoperative license or permit shall not engage in any activities  
 3409 | for which a license or permit is required by this section. A  
 3410 | license or permit which is inoperative because of the failure to  
 3411 | renew it shall be restored upon payment of the applicable fee  
 3412 | plus a penalty equal to the applicable fee, if the application  
 3413 | for renewal is filed no later than the following March 31. If  
 3414 | the application for restoration is not made before the March  
 3415 | 31st deadline, the fee for restoration shall be equal to the  
 3416 | original application fee and the penalty provided for herein,

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3417 and, in addition, the State Fire Marshal shall require  
3418 reexamination of the applicant. The fee for a license or permit  
3419 issued for 1 year or less shall be prorated at 50 percent of the  
3420 applicable fee for a biennial license or permit.

3421 (b) After initial licensure, each licensee or permittee  
3422 must successfully complete a course or courses of continuing  
3423 education for fire equipment technicians of at least 16 hours. A  
3424 license or permit may not be renewed unless the licensee or  
3425 permittee produces documentation of the completion of at least  
3426 16 hours of continuing education for fire equipment technicians  
3427 during the biennial licensure period. A person who is both a  
3428 licensee and a permittee shall be required to complete 16 hours  
3429 of continuing education during each renewal period. Each  
3430 licensee shall ensure that all permittees in his or her  
3431 employment meet their continuing education requirements. The  
3432 State Fire Marshal shall adopt rules describing the continuing  
3433 education requirements and shall have the authority upon  
3434 reasonable belief, to audit a fire equipment dealer to determine  
3435 compliance with continuing education requirements.

3436 (c) ~~(b)~~ The forms of such licenses and permits and  
3437 applications therefor shall be prescribed by the State Fire  
3438 Marshal; in addition to such other information and data as that  
3439 officer determines is appropriate and required for such forms,  
3440 there shall be included in such forms the following matters.  
3441 Each such application shall be in such form as to provide that  
3442 the data and other information set forth therein shall be sworn  
3443 to by the applicant or, if a corporation, by an officer thereof.  
3444 An application for a permit shall include the name of the

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3445 licensee employing such permittee, and the permit issued in  
3446 pursuance of such application shall also set forth the name of  
3447 such licensee. A permit is valid solely for use by the holder  
3448 thereof in his or her employment by the licensee named in the  
3449 permit.

3450 (d)~~(e)~~ A license of any class shall not be issued or  
3451 renewed by the division ~~State Fire Marshal~~ and a license of any  
3452 class shall not remain operative unless:

3453 1. The applicant has submitted to the State Fire Marshal  
3454 evidence of registration as a Florida corporation or evidence of  
3455 compliance with s. 865.09.

3456 2. The State Fire Marshal or his or her designee has by  
3457 inspection determined that the applicant possesses the equipment  
3458 required for the class of license sought. The State Fire Marshal  
3459 shall give an applicant a reasonable opportunity to correct any  
3460 deficiencies discovered by inspection. To obtain such  
3461 inspection, an applicant with facilities located outside this  
3462 state must:

3463 a. Provide a notarized statement from a professional  
3464 engineer licensed by the applicant's state of domicile  
3465 certifying that the applicant possesses the equipment required  
3466 for the class of license sought and that all such equipment is  
3467 operable; or

3468 b. Allow the State Fire Marshal or his or her designee to  
3469 inspect the facility. All costs associated with the State Fire  
3470 Marshal's inspection shall be paid by the applicant. The State  
3471 Fire Marshal shall, in accordance with s. 120.54, adopt by rule  
3472 standards for the calculation and establishment of the amount of

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3473 costs associated with any inspection conducted by the State Fire  
3474 Marshal under this section. Such rules shall include procedures  
3475 for invoicing and receiving funds in advance of the inspection.  
3476 ~~A fee of \$50, payable to the State Fire Marshal, shall be~~  
3477 ~~required for any subsequent reinspection.~~

3478 3. The applicant has submitted to the State Fire Marshal  
3479 proof of insurance providing coverage for comprehensive general  
3480 liability for bodily injury and property damage, products  
3481 liability, completed operations, and contractual liability. The  
3482 State Fire Marshal shall adopt rules providing for the amounts  
3483 of such coverage, but such amounts shall not be less than  
3484 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
3485 licenses, and \$100,000 for Class C licenses; and the total  
3486 coverage for any class of license held in conjunction with a  
3487 Class D license shall not be less than \$300,000. The State Fire  
3488 Marshal may, at any time after the issuance of a license or its  
3489 renewal, require upon demand, and in no event more than 30 days  
3490 after notice of such demand, the licensee to provide proof of  
3491 insurance, on a form provided by the State Fire Marshal,  
3492 containing confirmation of insurance coverage as required by  
3493 this chapter. Failure, for any length of time, to provide proof  
3494 of insurance coverage as required shall result in the immediate  
3495 suspension of the license until proof of proper insurance is  
3496 provided to the State Fire Marshal. An insurer which provides  
3497 such coverage shall notify the State Fire Marshal of any change  
3498 in coverage or of any termination, cancellation, or nonrenewal  
3499 of any coverage.

3500 4. The applicant applies to the State Fire Marshal,

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3501 provides proof of experience, and successfully completes a  
3502 prescribed training course offered by the State Fire College or  
3503 an equivalent course approved by the State Fire Marshal. This  
3504 subparagraph does not apply to any holder of or applicant for a  
3505 permit under paragraph (g)~~(f)~~ or to a business organization or a  
3506 governmental entity seeking initial licensure or renewal of an  
3507 existing license solely for the purpose of inspecting,  
3508 servicing, repairing, marking, recharging, and maintaining fire  
3509 extinguishers used and located on the premises of and owned by  
3510 such organization or entity.

3511 5. The applicant has a current retestor identification  
3512 number that is appropriate for the license for which the  
3513 applicant is applying and that is listed with the United States  
3514 Department of Transportation.

3515 6. The applicant has passed, with a grade of at least 70  
3516 percent, a written examination testing his or her knowledge of  
3517 the rules and statutes regulating the activities authorized by  
3518 the license and demonstrating his or her knowledge and ability  
3519 to perform those tasks in a competent, lawful, and safe manner.  
3520 Such examination shall be developed and administered by the  
3521 State Fire Marshal, or his or her designee in accordance with  
3522 policies and procedures of the State Fire Marshal. An applicant  
3523 shall pay a nonrefundable examination fee of \$50 for each  
3524 examination or reexamination scheduled. No reexamination shall  
3525 be scheduled sooner than 30 days after any administration of an  
3526 examination to an applicant. No applicant shall be permitted to  
3527 take an examination for any level of license more than a total  
3528 of four times during 1 year, regardless of the number of

3529 applications submitted. As a prerequisite to licensure of the  
 3530 applicant, he or she:

3531 a. Must be at least 18 years of age.

3532 b. Must have 4 years of proven experience as a fire  
 3533 equipment permittee at a level equal to or greater than the  
 3534 level of license applied for or have a combination of education  
 3535 and experience determined to be equivalent thereto by the State  
 3536 Fire Marshal. Having held a permit at the appropriate level for  
 3537 the required period constitutes the required experience.

3538 c. Must not have been convicted of a felony or a crime  
 3539 punishable by imprisonment of 1 year or more under the law of  
 3540 the United States or of any state thereof or under the law of  
 3541 any other country, or pled nolo contendere to, any felony.  
 3542 "Convicted" means a finding of guilt or the acceptance of a plea  
 3543 of guilty or nolo contendere in any federal or state court or a  
 3544 court in any other country, without regard to whether a judgment  
 3545 of conviction has been entered by the court having jurisdiction  
 3546 of the case. If an applicant has been convicted of any such  
 3547 felony, the applicant shall be excluded from licensure for a  
 3548 period of 4 years after expiration of sentence or final release  
 3549 by the Parole Commission unless the applicant, before the  
 3550 expiration of the 4-year period, has received a full pardon or  
 3551 has had his or her civil rights restored ~~must comply with s.~~  
 3552 ~~112.011(1)(b).~~

3553  
 3554 This subparagraph does not apply to any holder of or applicant  
 3555 for a permit under paragraph (g) ~~(f)~~ or to a business  
 3556 organization or a governmental entity seeking initial licensure

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3557 or renewal of an existing license solely for the purpose of  
3558 inspecting, servicing, repairing, marking, recharging,  
3559 hydrotesting, and maintaining fire extinguishers used and  
3560 located on the premises of and owned by such organization or  
3561 entity.

3562 ~~(d) An applicant who fails the examination may take it~~  
3563 ~~three more times during the 1-year period after he or she~~  
3564 ~~originally filed an application for the examination. If the~~  
3565 ~~applicant fails the examination within 1 year after the~~  
3566 ~~application date and seeks to retake the examination, he or she~~  
3567 ~~must file a new application, pay the application and examination~~  
3568 ~~fees, and successfully complete a prescribed training course~~  
3569 ~~approved by the State Fire College or an equivalent course~~  
3570 ~~approved by the State Fire Marshal. An applicant may not submit~~  
3571 ~~a new application within 6 months after the date of his or her~~  
3572 ~~last reexamination.~~

3573 (e) A fire equipment dealer licensed under this section  
3574 may apply to convert ~~upgrade~~ the license currently held to a  
3575 higher licensing category, if the licensed dealer:

3576 1. Submits an application for the license on a form in  
3577 conformance with paragraph (c) ~~(b)~~. The application must be  
3578 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~  
3579 for the type of license requested.

3580 2. Provides evidence of 2 years' experience as a licensed  
3581 dealer and meets such relevant educational requirements as are  
3582 established by rule by the State Fire Marshal for purposes of  
3583 upgrading a license.

3584 3. Meets the requirements of paragraph (d) ~~(e)~~.



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3585           (f) A fire equipment dealer licensed under this section  
3586 may apply to convert the license currently held to a lower  
3587 licensing category, if the license dealer:

3588           1. Submits an application for the license on a form in  
3589 conformance with paragraph (c). The application must be  
3590 accompanied by a fee as prescribed in s. 633.132 for the type of  
3591 license requested.

3592           2. Submits proof of insurance providing coverage meeting  
3593 the requirements prescribed in subparagraph (d)3.

3594           3. Submits to an inspection of the facility to ensure all  
3595 equipment associated with the higher class of license has been  
3596 removed and submits the required reinspection fee.

3597           (g) No permit of any class shall be issued or renewed to a  
3598 person by the division ~~State Fire Marshal~~, and no permit of any  
3599 class shall remain operative, unless the person has:

3600           1. Submitted a nonrefundable examination fee in the amount  
3601 of \$50;

3602           2. Successfully completed a training course offered by the  
3603 State Fire College or an equivalent course approved by the State  
3604 Fire Marshal; and

3605           3. Passed, with a grade of at least 70 percent, a written  
3606 examination testing his or her knowledge of the rules and  
3607 statutes regulating the activities authorized by the permit and  
3608 demonstrating his or her knowledge and ability to perform those  
3609 tasks in a competent, lawful, and safe manner. Such examination  
3610 shall be developed and administered by the State Fire Marshal in  
3611 accordance with the policies and procedures of the State Fire  
3612 Marshal. An examination fee shall be paid for each examination

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3613 | scheduled. No reexamination shall be scheduled sooner than 30  
3614 | days after any administration of an examination to an applicant.  
3615 | No applicant shall be permitted to take an examination for any  
3616 | level of permit more than four times during 1 year, regardless  
3617 | of the number of applications submitted. As a prerequisite to  
3618 | taking the permit examination, the applicant must be at least 16  
3619 | years of age.

3620 |        ~~(h)(g)~~ An applicant for a license or permit under this  
3621 | section who fails the examination may take it three more times  
3622 | during the 1-year period after he or she originally filed an  
3623 | application for the examination. If the applicant fails the  
3624 | examination within 1 year after the application date and he or  
3625 | she seeks to retake the examination, he or she must file a new  
3626 | application, pay the application and examination fees, and  
3627 | successfully complete a prescribed training course offered by  
3628 | the State Fire College or an equivalent course approved by the  
3629 | State Fire Marshal. The applicant may not submit a new  
3630 | application within 6 months after the date of his or her fourth  
3631 | ~~last~~ reexamination. An applicant who passes the examination but  
3632 | does not meet the remaining qualifications prescribed by law and  
3633 | rule within 1 year after the application date must file a new  
3634 | application, pay the application and examination fee,  
3635 | successfully complete a prescribed training course approved by  
3636 | the State Fire College or an equivalent course approved by the  
3637 | State Fire Marshal, and pass the written examination.

3638 |        (5) (a) No one that is being trained shall perform work  
3639 | requiring a permit unless an individual possessing a valid and  
3640 | current fire equipment permit for the type of work performed is

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3641 physically present. The trainee must:

3642 1. Be 18 years of age.

3643 2. Possess on his or her person at all times a valid  
3644 Florida driver's license or a valid state identification card,  
3645 issued by the Department of Highway Safety and Motor Vehicles. A  
3646 trainee must produce identification to the State Fire Marshal or  
3647 his or her designated representative upon demand.

3648 (b) No more than two trainees shall be under the  
3649 supervision of a single trainer, who shall be directly  
3650 responsible for all work performed by any trainee while under  
3651 his or her supervision. No trainee shall perform any work not  
3652 within the scope of the license or permit held by the fire  
3653 equipment dealer or permittee directly supervising his or her  
3654 work.

3655 (6) The State Fire Marshal shall adopt rules providing for  
3656 the approval of the time, place, and curriculum of each training  
3657 course required by this section.

3658 (7) Every permittee must have a valid and subsisting  
3659 permit upon his or her person at all times while engaging in the  
3660 servicing, recharging, repairing, testing, inspecting, or  
3661 installing of fire extinguishers and preengineered systems, and  
3662 every licensee or permittee must be able to produce such license  
3663 or permit upon demand. In addition, every permittee shall at all  
3664 times carry an identification card containing his or her  
3665 photograph and other identifying information as prescribed by  
3666 the State Fire Marshal or the State Fire Marshal's designee,  
3667 which shall be produced on demand. The State Fire Marshal shall  
3668 supply this card at a fee which shall be related to the cost of

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3669 producing the card.

3670 (8) The fees collected for any such licenses and permits  
3671 and the filing fees for license and permit examination are  
3672 hereby appropriated for the use of the State Fire Marshal in the  
3673 administration of this chapter and shall be deposited in the  
3674 Insurance Regulatory Trust Fund.

3675 (9) The provisions of this section ~~chapter~~ do not apply to  
3676 inspections by fire chiefs, fire inspectors, fire marshals, or  
3677 insurance company inspectors.

3678 (10) All fire extinguishers and preengineered systems that  
3679 are required by statute or by rule must be serviced, recharged,  
3680 repaired, hydrotested, tested, inspected, and installed in  
3681 compliance with this chapter and with the rules adopted by the  
3682 State Fire Marshal. The State Fire Marshal may adopt by rule the  
3683 standards of the National Fire Protection Association and of  
3684 other reputable national organizations.

3685 (11) If the licensee leaves the business organization or  
3686 dies, the business organization shall immediately notify the  
3687 State Fire Marshal of the licensee's departure, shall return the  
3688 license to the State Fire Marshal, and shall have a grace period  
3689 of 60 days in which to license another person under the  
3690 provisions of this chapter, failing which the business shall no  
3691 longer perform those activities for which a license under this  
3692 section is required.

3693 Section 37. Section 633.065, Florida Statutes, is  
3694 transferred and renumbered as section 633.306, Florida Statutes,  
3695 and paragraph (a) of subsection (1) of that section is amended,  
3696 to read:

3697 |       633.306 ~~633.065~~ Requirements for installation, inspection,  
 3698 | and maintenance of fire suppression equipment.—

3699 |       (1) The requirements for installation of fire  
 3700 | extinguishers and preengineered systems are as follows:

3701 |       (a) Fire equipment dealers shall be licensed under s.  
 3702 | 633.304 ~~633.061~~.

3703 |       (b) Equipment supplied shall be listed by a nationally  
 3704 | recognized testing laboratory, such as Underwriters  
 3705 | Laboratories, Inc., or Factory Mutual Laboratories, Inc.  
 3706 | Equipment supplied for new installations or alterations of  
 3707 | existing systems must be currently listed as described in this  
 3708 | section. The State Fire Marshal shall adopt by rule procedures  
 3709 | for determining whether a laboratory is nationally recognized,  
 3710 | taking into account the laboratory's facilities, procedures, use  
 3711 | of nationally recognized standards, and any other criteria  
 3712 | reasonably calculated to reach an informed determination.

3713 |       (c) Equipment shall be installed in accordance with the  
 3714 | applicable standards of the National Fire Protection Association  
 3715 | and the manufacturer's drawings and specifications.

3716 |       (d) Each piece of equipment supplied shall be guaranteed  
 3717 | for a period of 1 year against defects in material or operation.

3718 |       (e) The fire equipment dealer shall furnish the consumer  
 3719 | with: the manufacturer's descriptive literature, including the  
 3720 | specifications and maintenance requirements as approved by the  
 3721 | nationally recognized testing laboratory; the operating  
 3722 | instructions for all equipment installed; the mechanical  
 3723 | drawings and specifications for proper installation and use of  
 3724 | equipment; and a diagram of the final installation, if

3725 applicable.

3726 (2) Equipment shall be inspected, serviced, and maintained  
 3727 in accordance with the manufacturer's maintenance procedures and  
 3728 with the applicable National Fire Protection Association  
 3729 standards.

3730 Section 38. Section 633.071, Florida Statutes, is  
 3731 renumbered as section 633.308, Florida Statutes, and subsection  
 3732 (2) of that section is amended, to read:

3733 633.308 ~~633.071~~ Standard service tag required on all fire  
 3734 extinguishers and preengineered systems; serial number required  
 3735 on all portable fire extinguishers; standard inspection tags  
 3736 required on all fire protection systems.—

3737 (1) The State Fire Marshal shall adopt by rule  
 3738 specifications as to the size, shape, color, and information and  
 3739 data contained thereon of service tags to be attached to all  
 3740 fire extinguishers and preengineered systems required by statute  
 3741 or by rule, whether they be portable, stationary, or on wheels  
 3742 when they are placed in service, installed, serviced, repaired,  
 3743 tested, recharged, or inspected. Fire extinguishers may be  
 3744 tagged only after meeting all standards as set forth by this  
 3745 chapter, the standards of the National Fire Protection  
 3746 Association, and manufacturer's specifications. Preengineered  
 3747 systems may be tagged only after a system has been inspected,  
 3748 serviced, installed, repaired, tested, recharged, and  
 3749 hydrottested in compliance with this chapter, the standards of  
 3750 the National Fire Protection Association, and the manufacturer's  
 3751 specifications, and after a report, as specified by rule, has  
 3752 been completed in detail, indicating any and all deficiencies or

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3753 deviations from the manufacturer's specifications and the  
3754 standards of the National Fire Protection Association. A copy of  
3755 the inspection report shall be provided to the owner at the time  
3756 of inspection, and, if a system is found to be in violation of  
3757 this chapter, the manufacturer's specifications, or the  
3758 standards of the National Fire Protection Association, a copy  
3759 shall be forwarded to the state or local authority having  
3760 jurisdiction within 30 days from the date of service. It shall  
3761 be unlawful to place in service, service, test, repair, inspect,  
3762 install, hydrotest, or recharge any fire extinguisher or  
3763 preengineered system without attaching one of these tags  
3764 completed in detail, including the actual month work was  
3765 performed, or to use a tag not meeting the specifications set  
3766 forth by the State Fire Marshal.

3767 (2) All portable fire extinguishers required by statute or  
3768 by rule shall be listed by Underwriters Laboratories, Inc., or  
3769 approved by Factory Mutual Laboratories, Inc., or listed by a  
3770 nationally recognized testing laboratory in accordance with  
3771 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and  
3772 carry an Underwriters Laboratories, Inc., or manufacturer's  
3773 serial number. These listings, approvals, and serial numbers may  
3774 be stamped on the manufacturer's identification and instructions  
3775 plate or on a separate Underwriters Laboratories, Inc., or  
3776 Factory Mutual Laboratories, Inc., plate soldered or attached to  
3777 the extinguisher shell in some permanent manner.

3778 (3) The State Fire Marshal shall adopt by rule  
3779 specifications as to the size, shape, color, information, and  
3780 data contained thereon of inspection tags to be attached to all

3781 types of fire protection systems and information required on an  
 3782 inspection report of such an inspection.

3783 Section 39. Section 633.082, Florida Statutes, is  
 3784 transferred and renumbered as section 633.312, Florida Statutes,  
 3785 and subsections (2) and (3) of that section are amended, to  
 3786 read:

3787 633.312 ~~633.082~~ Inspection of fire control systems, fire  
 3788 hydrants, and fire protection systems.—

3789 (1) The State Fire Marshal shall have the right to inspect  
 3790 any fire control system during and after construction to  
 3791 determine that such system meets the standards set forth in the  
 3792 laws and rules of the state.

3793 (2) Fire hydrants and fire protection systems installed in  
 3794 public and private properties, except one-family or two-family  
 3795 dwellings, shall be inspected following procedures established  
 3796 in the nationally recognized inspection, testing, and  
 3797 maintenance standards publications NFPA-24 and NFPA-25 as set  
 3798 forth in the edition adopted by the State Fire Marshal.

3799 Quarterly, annual, 3-year, and 5-year inspections consistent  
 3800 with the contractual provisions with the owner shall be  
 3801 conducted by the certificateholder or permittees employed by the  
 3802 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

3803 (a) Public fire hydrants owned by a governmental entity  
 3804 shall be inspected following procedures established in the  
 3805 inspection, testing, and maintenance standards adopted by the  
 3806 State Fire Marshal or equivalent standards such as those  
 3807 contained in the latest edition of the American Water Works  
 3808 Association's Manual M17, "Installation, Field Testing, and



3809 Maintenance of Fire Hydrants."

3810 (b) County, municipal, and special district utilities may  
 3811 perform fire hydrant inspections required by this section using  
 3812 designated employees. Such designated employees need not be  
 3813 certified under this chapter. However, counties, municipalities,  
 3814 or special districts that use designated employees are  
 3815 responsible for ensuring that the designated employees are  
 3816 qualified to perform such inspections.

3817 (3) The inspecting contractor shall provide to the  
 3818 building owner or hydrant owner and the local authority having  
 3819 jurisdiction a copy of the applicable inspection report  
 3820 established under this chapter. The maintenance of fire hydrant  
 3821 and fire protection systems as well as corrective actions on  
 3822 deficient systems is the responsibility of the owner of the  
 3823 system or hydrant. Equipment requiring periodic testing or  
 3824 operation to ensure its maintenance shall be tested or operated  
 3825 as specified in the Fire Prevention Code, Life Safety Code,  
 3826 National Fire Protection Association standards, or as directed  
 3827 by the appropriate authority ~~agency having jurisdiction~~,  
 3828 provided that such appropriate authority ~~agency~~ shall not  
 3829 require a sprinkler system not required by the Fire Prevention  
 3830 Code, Life Safety Code, or National Fire Protection Association  
 3831 standards to be removed regardless of its condition. This  
 3832 section does not prohibit governmental entities from inspecting  
 3833 and enforcing firesafety codes.

3834 (4) At least once each year, each fire hydrant shall be  
 3835 opened fully and the water allowed to flow until all foreign  
 3836 materials have cleared the hydrant. The flow shall be maintained

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3837 | for not less than 1 minute.

3838 |         (5) If a fire hydrant is made nonfunctional by the closing  
 3839 | of a water supply valve, the valve must immediately be tagged  
 3840 | with a red tag that is boldly marked "nonfunctional" and the  
 3841 | local fire authority notified that the hydrant is nonfunctional.

3842 |         Section 40. Section 633.083, Florida Statutes, is  
 3843 | transferred and renumbered as section 633.314, Florida Statutes,  
 3844 | and subsection (3) of that section is amended, to read:

3845 |         633.314 ~~633.083~~ Sale or use of certain types of fire  
 3846 | extinguishers prohibited; penalty.—

3847 |         (1) (a) It is unlawful to have for use any of the following  
 3848 | types of fire extinguishers:

- 3849 |         1. Carbon tetrachloride;
- 3850 |         2. Chlorobromomethane;
- 3851 |         3. Dibromodifluoromethane (commonly known as Halon 1202);
- 3852 |         4. Dichlorodifluoromethane;
- 3853 |         5. Azeotropic chloromethane;
- 3854 |         6. 1,2 dibromo-2-chloro-1, 1,2 trifluoroethane;
- 3855 |         7. 1,2 dibromo-2, 2-difluoroethane;
- 3856 |         8. Methyl bromide;
- 3857 |         9. Ethylene dibromide;
- 3858 |         10. Hydrogen bromide;
- 3859 |         11. Methylene bromide;
- 3860 |         12. Bromodifluoromethane;
- 3861 |         13. Any other toxic or poisonous vaporizing liquid fire  
 3862 | extinguishers using extinguishing agents determined by the State  
 3863 | Fire Marshal to be unacceptably harmful; and
- 3864 |         14. Inverting water fire extinguishers.

3865 (b) It is unlawful to offer for sale, sell, or give in  
 3866 this state any of the types of fire extinguishers listed in  
 3867 paragraph (a).

3868 (2) It is unlawful for any person, directly or through an  
 3869 agent, to sell, offer for sale, or give in this state any make,  
 3870 type, or model of fire extinguisher, either new or used, unless  
 3871 such make, type, or model of extinguisher has first been tested  
 3872 and is currently approved or listed by Underwriters  
 3873 Laboratories, Inc., Factory Mutual Laboratories, Inc., or  
 3874 another testing laboratory recognized by the State Fire Marshal  
 3875 as nationally recognized in accordance with procedures adopted  
 3876 by rule, taking into account the laboratory's facilities,  
 3877 procedures, use of nationally recognized standards, and any  
 3878 other criteria reasonably calculated to reach an informed  
 3879 determination, and unless such extinguisher carries an  
 3880 Underwriters Laboratories, Inc., or manufacturer's serial  
 3881 number. Such serial number shall be permanently stamped on the  
 3882 manufacturer's identification and instruction plate.

3883 (3) A person who violates any of the provisions of this  
 3884 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
 3885 punishable as provided in s. 775.082 or s. 775.083.

3886 Section 41. Section 633.162, Florida Statutes, is  
 3887 transferred and renumbered as section 633.316, Florida Statutes,  
 3888 and subsection (1) and paragraph (e) of subsection (4) of that  
 3889 section are amended, to read:

3890 633.316 ~~633.162~~ Fire suppression system contractors;  
 3891 disciplinary action.—

3892 (1) The violation of any provision of this chapter or any

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3893 rule adopted and promulgated pursuant hereto or the failure or  
3894 refusal to comply with any notice or order to correct a  
3895 violation or any cease and desist order by any person who  
3896 possesses a license or permit issued pursuant to s. 633.304  
3897 ~~633.061~~ is cause for denial, nonrenewal, revocation, or  
3898 suspension of such license or permit by the State Fire Marshal  
3899 after such officer has determined that the person is guilty of  
3900 such violation. An order of suspension shall state the period of  
3901 time of such suspension, which period may not be in excess of 2  
3902 years from the date of such order. An order of revocation may be  
3903 entered for a period not exceeding 5 years. Such orders shall  
3904 effect suspension or revocation of all licenses or permits  
3905 issued by the division to ~~then held by~~ the person, and during  
3906 such period of time no license or permit shall be issued by the  
3907 division to such person. During the suspension or revocation of  
3908 any license or permit, the former licensee or permittee shall  
3909 not engage in or attempt or profess to engage in any transaction  
3910 or business for which a license or permit is required under this  
3911 chapter or directly or indirectly own, control, or be employed  
3912 in any manner by any firm, business, or corporation for which a  
3913 license or permit under this chapter is required. If, during the  
3914 period between the beginning of proceedings and the entry of an  
3915 order of suspension or revocation by the State Fire Marshal, a  
3916 new license or permit has been issued by the division to the  
3917 person so charged, the order of suspension or revocation shall  
3918 operate to suspend or revoke such new license or permit held by  
3919 such person.

3920 (2) The department shall not, so long as the revocation or

3921 suspension remains in effect, grant any new license or permit  
 3922 for the establishment of any new firm, business, or corporation  
 3923 of any person or qualifier that has or will have the same or  
 3924 similar management, ownership, control, employees, permittees,  
 3925 or licensees, or will use a same or similar name as a previously  
 3926 revoked or suspended firm, business, corporation, person, or  
 3927 qualifier.

3928 (3) The State Fire Marshal may deny, nonrenew, suspend, or  
 3929 revoke the license or permit of:

3930 (a) Any person, firm, or corporation the license of which  
 3931 under this chapter has been suspended or revoked;

3932 (b) Any firm or corporation if an officer, qualifier,  
 3933 director, stockholder, owner, or person interested directly or  
 3934 indirectly in the firm or corporation has had his or her license  
 3935 or permit under this chapter suspended or revoked; or

3936 (c) Any person who is or has been an officer, qualifier,  
 3937 director, stockholder, or owner of a firm or corporation, or who  
 3938 was interested directly or indirectly in a firm or corporation,  
 3939 the license or permit of which has been suspended or revoked  
 3940 under this chapter.

3941 (4) In addition to the grounds set forth in subsection  
 3942 (1), it is cause for denial, nonrenewal, revocation, or  
 3943 suspension of a license or permit by the State Fire Marshal if  
 3944 she or he determines that the licensee or permittee has:

3945 (a) Rendered inoperative a fire extinguisher or  
 3946 preengineered system required by statute or by rule, except  
 3947 during such time as the extinguisher or preengineered system is  
 3948 being inspected, serviced, repaired, hydrotested, or recharged,

3949 or except pursuant to court order.

3950 (b) Falsified any record required to be maintained by this  
3951 chapter or rules adopted pursuant hereto.

3952 (c) Improperly serviced, recharged, repaired, hydrottested,  
3953 tested, or inspected a fire extinguisher or preengineered  
3954 system.

3955 (d) While holding a permit or license, allowed another  
3956 person to use the permit number or license number, or used a  
3957 license number or permit number other than her or his valid  
3958 license number or permit number.

3959 (e) Failed to provide proof of insurance to the State Fire  
3960 Marshal or failed to maintain in force the insurance coverage  
3961 required by s. 633.304 ~~633.061~~.

3962 (f) Failed to obtain, retain, or maintain one or more of  
3963 the qualifications for a license or permit as specified in this  
3964 chapter.

3965 (g) Made a material misstatement, misrepresentation, or  
3966 committed a fraud in obtaining or attempting to obtain a license  
3967 or permit.

3968 (h) Failed to notify the State Fire Marshal, in writing,  
3969 within 30 days after a change of residence, principal business  
3970 address, or name.

3971 (5) In addition, the department shall not issue a new  
3972 license or permit if it finds that the circumstance or  
3973 circumstances for which the license or permit was previously  
3974 revoked or suspended still exist or are likely to recur.

3975 Section 42. Section 633.521, Florida Statutes, is  
3976 transferred and renumbered as section 633.318, Florida Statutes,

3977 and subsection (1), paragraph (a) of subsection (2), paragraphs  
 3978 (c) and (g) of subsection (3), and subsections (4), (8), and  
 3979 (11) of that section are amended, to read:

3980 633.318 ~~633.521~~ Certificate application and issuance;  
 3981 permit issuance; examination and investigation of applicant.—

3982 (1) To obtain a fire protection system contractor's  
 3983 certificate, an applicant shall submit to the division ~~State~~  
 3984 ~~Fire Marshal~~ an application in writing, on a form provided by  
 3985 the division ~~State Fire Marshal~~ containing the information  
 3986 prescribed, which shall be accompanied by the fee fixed herein,  
 3987 containing a statement that the applicant desires the issuance  
 3988 of a certificate and stating the class of certificate requested.

3989 (2) (a) Examinations shall be administered by the division  
 3990 ~~State Fire Marshal~~ and held at times and places within the state  
 3991 as the division ~~State Fire Marshal~~ determines, but there shall  
 3992 be at least two examinations a year. Each applicant shall take  
 3993 and pass an objective, written examination of her or his fitness  
 3994 for a certificate in the class for which the application is  
 3995 requested. There shall be a type of examination for each class  
 3996 of certificate for contractors as of the classes of certificates  
 3997 defined in s. 633.102(3) ~~633.021(5)~~. The examination shall test  
 3998 the applicant's ability to lay out, fabricate, install, alter,  
 3999 repair, and inspect fire protection systems and their  
 4000 appurtenances and shall test the applicant's fitness in business  
 4001 and financial management. The test shall be based on applicable  
 4002 standards of the National Fire Protection Association and on  
 4003 relevant Florida and federal laws pertaining to the construction  
 4004 industry, safety standards, administrative procedures, and

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4005 | pertinent technical data.

4006 |         (b) A passing grade on the examination is 70 percent, and  
4007 | such examinations may be developed by an independent  
4008 | professional testing agency. The tests shall be prepared,  
4009 | administered, and scored in compliance with generally accepted  
4010 | professional testing standards.

4011 |         (c) The division shall solicit suggestions from affected  
4012 | persons regarding the content of examinations.

4013 |         (d) A reexamination may not be scheduled sooner than 30  
4014 | days after any administration of an examination to an applicant.

4015 |         (e) An applicant may not be examined more than four times  
4016 | during 1 year for certification as a contractor pursuant to this  
4017 | section unless the person is or has been certified and is taking  
4018 | the examination to change classifications. If an applicant does  
4019 | not pass one or more parts of the examination, she or he may  
4020 | take any part of the examination three more times during the 1-  
4021 | year period beginning upon the date she or he originally filed  
4022 | an application to take the examination. If the applicant does  
4023 | not pass the examination within that 1-year period, she or he  
4024 | must file a new application and pay the application and  
4025 | examination fees in order to take the examination or a part of  
4026 | the examination again. However, the applicant may not file a new  
4027 | application sooner than 6 months after the date of her or his  
4028 | last examination. An applicant who passes the examination but  
4029 | does not meet the remaining qualifications as provided in  
4030 | applicable statutes and rules within 1 year after the  
4031 | application date must file a new application, pay the  
4032 | application and examination fee, successfully complete a



4033 | prescribed training course approved by the State Fire College or  
 4034 | an equivalent course approved by the State Fire Marshal, and  
 4035 | retake and pass the written examination.

4036 |       (3) (a) As a prerequisite to taking the examination for  
 4037 | certification as a Contractor I, the applicant must be at least  
 4038 | 18 years of age, be of good moral character, and possess 4  
 4039 | years' proven experience in the employment of a fire protection  
 4040 | system Contractor I or a combination of equivalent education and  
 4041 | experience in both water-based and chemical fire suppression  
 4042 | systems.

4043 |       (b) As a prerequisite to taking the examination for  
 4044 | certification as a Contractor II, the applicant must be at least  
 4045 | 18 years of age, be of good moral character, and have 4 years of  
 4046 | verifiable employment experience with a fire protection system  
 4047 | as a Contractor I or Contractor II, or a combination of  
 4048 | equivalent education and experience in water-based fire  
 4049 | suppression systems.

4050 |       (c) Required education and experience for certification as  
 4051 | a Contractor I, Contractor II, Contractor III, or Contractor IV  
 4052 | includes training and experience in both installation and system  
 4053 | layout as defined in s. 633.102 ~~633.021~~.

4054 |       (d) As a prerequisite to taking the examination for  
 4055 | certification as a Contractor III, the applicant must be at  
 4056 | least 18 years of age, be of good moral character, and have 4  
 4057 | years of verifiable employment experience with a fire protection  
 4058 | system as a Contractor I or Contractor II, or a combination of  
 4059 | equivalent education and experience in chemical fire suppression  
 4060 | systems.

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4061 (e) As a prerequisite to taking the examination for  
4062 certification as a Contractor IV, the applicant must be at least  
4063 18 years old, be of good moral character, be licensed as a  
4064 certified plumbing contractor under chapter 489, and  
4065 successfully complete a training program acceptable to the State  
4066 Fire Marshal of not less than 40 contact hours regarding the  
4067 applicable installation standard used by the Contractor IV as  
4068 described in NFPA 13D. The State Fire Marshal may adopt rules to  
4069 administer this subsection.

4070 (f) As a prerequisite to taking the examination for  
4071 certification as a Contractor V, the applicant must be at least  
4072 18 years old, be of good moral character, and have been licensed  
4073 as a certified underground utility and excavation contractor or  
4074 certified plumbing contractor pursuant to chapter 489, have  
4075 verification by an individual who is licensed as a certified  
4076 utility contractor or certified plumbing contractor pursuant to  
4077 chapter 489 that the applicant has 4 years' proven experience in  
4078 the employ of a certified underground utility and excavation  
4079 contractor or certified plumbing contractor, or have a  
4080 combination of education and experience equivalent to 4 years'  
4081 proven experience in the employ of a certified underground  
4082 utility and excavation contractor or certified plumbing  
4083 contractor.

4084 (g) Within 30 days after the date of the examination, the  
4085 division ~~State Fire Marshal~~ shall inform the applicant in  
4086 writing whether she or he has qualified or not and, if the  
4087 applicant has qualified, that she or he is eligible ~~ready~~ to be  
4088 issued ~~issue~~ a certificate of competency, subject to compliance

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4089 | with the requirements of subsection (4).

4090 |       (4) As a prerequisite to issuance of a certificate, the  
4091 | division ~~State Fire Marshal~~ shall require the applicant to  
4092 | submit satisfactory evidence that she or he has obtained  
4093 | insurance providing coverage for comprehensive general liability  
4094 | for bodily injury and property damages, products liability,  
4095 | completed operations, and contractual liability. The division  
4096 | ~~State Fire Marshal~~ may adopt rules providing for the amount of  
4097 | insurance, but such amount shall not be less than \$500,000 for a  
4098 | Contractor I, Contractor II, Contractor III, or Contractor V and  
4099 | shall not be less than \$250,000 for a Contractor IV. An insurer  
4100 | which provides such coverage shall notify within 30 days the  
4101 | division ~~State Fire Marshal~~ of any material change in coverage  
4102 | or any termination, cancellation, or nonrenewal of such  
4103 | coverage. An insurer which fails to so notify the division ~~State~~  
4104 | ~~Fire Marshal's office~~ shall be subject to the penalties provided  
4105 | under s. 624.4211.

4106 |       (5) Upon satisfaction of the requirements of subsections  
4107 | (1), (2), (3), and (4), the certificate shall be issued  
4108 | forthwith. However, no certificate shall remain in effect if,  
4109 | after issuance, the certificateholder fails to maintain the  
4110 | insurance coverage required by this section.

4111 |       (6) If an applicant for an original certificate, after  
4112 | having been notified to do so, does not appear for examination  
4113 | or does not pass the examination within 1 year from the date of  
4114 | filing her or his application, the fee paid by the applicant  
4115 | shall be forfeited. New applications for a certificate shall be  
4116 | accompanied by another application fee fixed by this chapter.

4117 (7) The State Fire Marshal may, at any time subsequent to  
 4118 the issuance of the certificate or its renewal, require, upon  
 4119 demand and in no event more than 30 days after notice of the  
 4120 demand, the certificateholder to provide proof of insurance  
 4121 coverage on a form provided by the State Fire Marshal containing  
 4122 confirmation of insurance coverage as required by this chapter.  
 4123 Failure to provide proof of insurance coverage as required, for  
 4124 any length of time, shall result in the immediate suspension of  
 4125 the certificate until proof of insurance is provided to the  
 4126 State Fire Marshal.

4127 (8) An individual employed by a Contractor I or Contractor  
 4128 II certificateholder, as established in this section, who will  
 4129 be inspecting water-based fire protection systems as required  
 4130 under s. 633.312 ~~633.082~~, must be issued a permit by the  
 4131 division ~~State Fire Marshal~~ to conduct such work. The permit is  
 4132 valid solely for use by the holder thereof in his or her  
 4133 employment by the certificateholder named in the permit. A  
 4134 permittee must have a valid and subsisting permit upon his or  
 4135 her person at all times while engaging in inspecting fire  
 4136 protection systems, and a permitholder must be able to produce  
 4137 such a permit upon demand. In addition, a permittee shall, at  
 4138 all times while performing inspections, carry an identification  
 4139 card containing his or her photograph and other identifying  
 4140 information as prescribed by the State Fire Marshal, and the  
 4141 permittee must produce the identification card and information  
 4142 upon demand. The permit and the identification may be one and  
 4143 the same. A permittee is limited as to the specific type of work  
 4144 performed, depending upon the class of certificate held by the

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4145 certificateholder under whom the permittee is working. The  
4146 permit class shall be known as a Water-Based Fire Protection  
4147 Inspector whose permit allows the holder to inspect water  
4148 sprinkler systems, water spray systems, foam-water sprinkler  
4149 systems, foam-water spray systems, standpipes, combination  
4150 standpipes and sprinkler systems, all piping that is an integral  
4151 part of the system beginning at the point where the piping is  
4152 used exclusively for fire protection, sprinkler tank heaters,  
4153 air lines, thermal systems used in connection with sprinklers,  
4154 and tanks and pumps connected thereto, excluding preengineered  
4155 systems.

4156 (9) It is the intent of the Legislature that the  
4157 inspections and testing of automatic fire sprinkler systems for  
4158 detached one-family dwellings, detached two-family dwellings,  
4159 and mobile homes be accomplished by the owner, who is  
4160 responsible for requesting service from a contractor when  
4161 necessary. It is further intended that the NFPA-25 inspection of  
4162 exposed underground piping and any attached appurtenances  
4163 supplying a fire protection system be conducted by a Contractor  
4164 I or Contractor II.

4165 (10) The State Fire Marshal shall require the National  
4166 Institute of Certification in Engineering Technologies (NICET),  
4167 Sub-field of Inspection and Testing of Fire Protection Systems  
4168 Level II or equivalent training and education as determined by  
4169 the division as proof that the permitholders are knowledgeable  
4170 about nationally accepted standards for the inspection of fire  
4171 protection systems.

4172 (11) It is intended that a certificateholder, or a

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4173 | permitholder who is employed by a certificateholder, conduct  
4174 | inspections required by this chapter. It is understood that  
4175 | after July 1, 2008, employee turnover may result in a depletion  
4176 | of personnel who are certified under the NICET Sub-field of  
4177 | Inspection and Testing of Fire Protection Systems Level II or  
4178 | equivalent training and education as required by the Division of  
4179 | division ~~State Fire Marshal~~. A certificateholder may obtain a  
4180 | provisional permit with an endorsement for inspection, testing,  
4181 | and maintenance of water-based fire extinguishing systems for an  
4182 | employee if the employee has initiated procedures for obtaining  
4183 | Level II certification from the National Institute for  
4184 | Certification in Engineering Technologies Sub-field of  
4185 | Inspection and Testing of Fire Protection Systems and achieved  
4186 | Level I certification or an equivalent level as determined by  
4187 | the State Fire Marshal through verification of experience,  
4188 | training, and examination. The division ~~State Fire Marshal~~ may  
4189 | establish rules to administer this subsection. After 2 years of  
4190 | provisional certification, the employee must have achieved NICET  
4191 | Level II certification or obtain equivalent training and  
4192 | education as determined by the division, or cease performing  
4193 | inspections requiring Level II certification. The provisional  
4194 | permit is valid only for the 2 calendar years after the date of  
4195 | issuance, may not be extended, and is not renewable. After the  
4196 | initial 2-year provisional permit expires, the certificateholder  
4197 | must wait 2 additional years before a new provisional permit may  
4198 | be issued. The intent is to prohibit the certificateholder from  
4199 | using employees who never reach NICET Level II status, or  
4200 | equivalent training and education as determined by the division,

4201 by continuously obtaining provisional permits.

4202 Section 43. Section 633.551, Florida Statutes, is  
 4203 transferred and renumbered as section 633.322, Florida Statutes,  
 4204 and subsections (1), (2), and (3) of that section are amended,  
 4205 to read:

4206 633.322 ~~633.551~~ County and municipal powers; effect of ch.  
 4207 75-240.—

4208 (1) Nothing in this chapter ~~act~~ limits the power of a  
 4209 municipality, ~~or county,~~ or special district to regulate the  
 4210 quality and character of work performed by contractors through a  
 4211 system of permits, fees, and inspections which are designed to  
 4212 secure compliance with, and aid in the implementation of, state  
 4213 and local building laws or to enforce other local laws for the  
 4214 protection of the public health and safety.

4215 (2) Nothing in this chapter ~~act~~ limits the power of a  
 4216 municipality, ~~or county,~~ or special district to adopt any system  
 4217 of permits requiring submission to and approval by the  
 4218 municipality, ~~or county,~~ or special district of plans and  
 4219 specifications for work to be performed by contractors before  
 4220 commencement of the work, except that no municipality or county  
 4221 shall require a fire protection system contractor's shop  
 4222 drawings to be sealed by a professional engineer.

4223 (3) Any official authorized to issue building or other  
 4224 related permits shall ascertain that the applicant contractor is  
 4225 duly certified before issuing the permit. The evidence shall  
 4226 consist only of the exhibition to him or her of ~~current~~  
 4227 of current certification.

4228 (4) The State Fire Marshal shall inform each county and

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4229 municipal building department, prior to November 1 of each year,  
4230 of the names of the certified contractors and the type of  
4231 certificate held.

4232 Section 44. Section 633.527, Florida Statutes, is  
4233 transferred and renumbered as section 633.324, Florida Statutes.

4234 Section 45. Section 633.531, Florida Statutes, is  
4235 transferred and renumbered as section 633.326, Florida Statutes.

4236 Section 46. Section 633.534, Florida Statutes, is  
4237 transferred and renumbered as section 633.328, Florida Statutes,  
4238 and subsection (4) of that section is amended, to read:

4239 633.328 ~~633.534~~ Issuance of certificate to individuals and  
4240 business organizations.—

4241 (1) When an individual proposes to do business in her or  
4242 his own name, certifications, when granted, shall be issued only  
4243 to that individual.

4244 (2) If the applicant proposing to engage in contracting is  
4245 a business organization, such as a partnership, corporation,  
4246 business trust, or other legal entity, the application shall  
4247 state the name of the partnership and its partners, the name of  
4248 the corporation and its officers and directors, the name of the  
4249 business trust and its trustees, or the name of such other legal  
4250 entity and its members and shall furnish evidence of statutory  
4251 compliance if a fictitious name is used. Such application shall  
4252 also show that the person applying for the examination is an  
4253 employee of and is legally qualified to act for the business  
4254 organization in all matters connected with its contracting  
4255 business and that she or he has authority to supervise and will  
4256 supervise any construction undertaken by such business



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4257 organization. The certification, when issued upon application of  
4258 a business organization, shall be in the name of such business  
4259 organization, and the name of the qualifying individual or  
4260 individuals shall be noted thereon.

4261 (3) (a) At least one member or supervising employee of the  
4262 business organization as designated to the State Fire Marshal by  
4263 such organization shall be certified under this chapter in order  
4264 for the business organization to hold a current certificate as a  
4265 contractor. If any individual so certified on behalf of such  
4266 business organization ceases to be affiliated with such business  
4267 organization, she or he shall inform the State Fire Marshal as  
4268 provided in paragraph (b). A certified individual who is the  
4269 sole contractor on behalf of a business organization may not  
4270 affiliate simultaneously with another business organization. In  
4271 addition, if such individual was the only certified individual  
4272 affiliated with the business organization, the business  
4273 organization shall immediately notify the State Fire Marshal of  
4274 the individual's termination and shall have a grace period of 60  
4275 days from the date of termination in which to certify another  
4276 person under the provisions of this chapter, failing which the  
4277 certification of the business organization shall expire without  
4278 further operation of law.

4279 (b) The certified individual shall also inform the State  
4280 Fire Marshal in writing when she or he proposes to engage in  
4281 contracting in her or his own name or to affiliate with another  
4282 business organization, and she or he or such new business  
4283 organization shall supply the same information to the State Fire  
4284 Marshal as is required of applicants under this chapter. Each

4285 certified individual must pay to the department an amount equal  
 4286 to the original fee for certification of a new business entity.

4287 (c) In the event of the death of a sole proprietor or in  
 4288 the event that a business organization has only one  
 4289 certificateholder and that person dies, the individual's estate  
 4290 or personal representative or the business organization, as the  
 4291 case may be, shall immediately notify the State Fire Marshal of  
 4292 the individual's death and shall have a grace period of 60 days  
 4293 from the date of death in which to certify another person under  
 4294 the provisions of this chapter, failing which the certification  
 4295 of the business organization shall expire without further  
 4296 operation of law.

4297 (4) When the certified business organization makes  
 4298 application for an occupational license in any municipality or  
 4299 county of this state, the application shall be made with the tax  
 4300 collector in the name of the business organization, and the  
 4301 license, when issued, shall be issued to the business  
 4302 organization upon payment of the appropriate licensing fee and  
 4303 exhibition to the tax collector of a valid certificate issued by  
 4304 the division ~~State Fire Marshal~~.

4305 Section 47. Section 633.537, Florida Statutes, is  
 4306 transferred and renumbered as section 633.332, Florida Statutes,  
 4307 and subsections (1) and (2) and paragraph (a) of subsection (3)  
 4308 are amended, to read:

4309 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive  
 4310 certificate; continuing education.—

4311 (1) Certificates shall expire every 2 years at midnight on  
 4312 June 30. ~~Effective with the June 30, 1998, renewal, All~~

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4313 certificates must be renewed every 2 years. The failure to renew  
4314 a certificate before ~~during~~ June 30, shall cause the certificate  
4315 to become inoperative, and it is unlawful thereafter for any  
4316 person to engage, offer to engage, or hold herself or himself  
4317 out as engaging in contracting under the certificate unless the  
4318 certificate is restored or reissued. A certificate which is  
4319 inoperative because of failure to renew shall be restored on  
4320 payment of the proper renewal fee if the application for  
4321 restoration is made within 90 days after June 30. If the  
4322 application for restoration is not made within the 90-day  
4323 period, the fee for restoration shall be equal to the original  
4324 application fee, and, in addition, the State Fire Marshal shall  
4325 require examination or reexamination of the applicant.

4326 (2) A person who holds a valid certificate may maintain  
4327 such certificate in an inactive status during which time she or  
4328 he may not engage in contracting. An inactive status certificate  
4329 shall be void after a 2-year period. ~~The biennial renewal fee~~  
4330 ~~for an inactive status certificate shall be \$75.~~ An inactive  
4331 status certificate may be reactivated upon application to the  
4332 State Fire Marshal and payment of the initial application fee.

4333 (3) (a) A certificate for the Contractor I, II, and III  
4334 classifications as defined in this chapter shall not be renewed  
4335 unless the certificateholder produces documentation of at least  
4336 32 contact hours of continuing education in the fire protection  
4337 discipline during the biennial licensure period. Holders of  
4338 Contractor IV certificates are required to obtain 14 contact  
4339 hours of continuing education encompassing the appropriate  
4340 National Fire Protection Association fire sprinkler documents

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4341 prior to renewal.  Holders of Contractor V certificates are  
4342 required to obtain 14 contact hours of continuing education  
4343 prior to renewal, at least 1 hour of which is in the fire  
4344 protection discipline. Any continuing education hours approved  
4345 pursuant to chapter 489 by the Construction Industry Licensing  
4346 Board for underground utility and excavation contractors shall  
4347 be considered as also approved to comply with Contractor V  
4348 continuing education requirements. A Contractor V  
4349 certificateholder shall provide to the State Fire Marshal  
4350 evidence of approval of such coursework by the Construction  
4351 Industry Licensing Board.

4352 (b) Any continuing education hours approved by the  
4353 department for a Contractor I, Contractor II, Contractor III,  
4354 Contractor IV, or Contractor V certificateholder shall be  
4355 considered as also approved to comply with continuing education  
4356 requirements for licensees under the Construction Industry  
4357 Licensing Board. Such continuing education requirements under  
4358 this section may include seminars and conferences if the program  
4359 and subject thereof is acceptable to the State Fire Marshal.

4360 (c) The contact hours of continuing education must be  
4361 obtained within the licensure period.

4362 (4) The renewal period for the permit class is the same as  
4363 that for the employing certificateholder. The continuing  
4364 education requirements for permit holders are what is required to  
4365 maintain NICET Sub-field of Inspection and Testing of Fire  
4366 Protection Systems Level II, equivalent training and education  
4367 as determined by the division, or higher certification plus 8  
4368 contact hours of continuing education approved by the State Fire

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4369 Marshal during each biennial renewal period thereafter. It is  
4370 the responsibility of the permitholder to maintain NICET II  
4371 certification or equivalent training and education as determined  
4372 by the division as a condition of permit renewal after July 1,  
4373 2008.

4374 Section 48. Section 633.539, Florida Statutes, is  
4375 transferred and renumbered as section 633.334, Florida Statutes,  
4376 and paragraph (a) of subsection (1) and subsection (2) are  
4377 amended, to read:

4378 633.334 ~~633.539~~ Requirements for installation, inspection,  
4379 and maintenance of fire protection systems.—

4380 (1) The requirements for installation of fire protection  
4381 systems are as follows:

4382 (a) Contractors of fire protection systems shall be  
4383 certified under s. 633.318 ~~633.521~~.

4384 (b) Equipment shall be listed by a nationally recognized  
4385 testing laboratory, such as Underwriters Laboratories, Inc., or  
4386 Factory Mutual Laboratories, Inc., or shall comply with  
4387 nationally accepted standards. The State Fire Marshal shall  
4388 adopt by rule procedures for determining whether a laboratory is  
4389 nationally recognized, taking into account the laboratory's  
4390 facilities, procedures, use of nationally recognized standards,  
4391 and any other criteria reasonably calculated to reach an  
4392 informed determination.

4393 (c) Equipment shall be installed in accordance with the  
4394 applicable standards of the National Fire Protection Association  
4395 and the manufacturer's specifications.

4396 (d) Each piece of equipment supplied shall be guaranteed

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4397 | for a period of 1 year against defects in material or  
4398 | operations.

4399 |       (e) The contractor shall furnish the user with operating  
4400 | instructions for all equipment installed, together with a  
4401 | diagram of the final installation.

4402 |       (2) Equipment shall be inspected, serviced, and maintained  
4403 | in accordance with the manufacturer's maintenance procedures and  
4404 | with applicable National Fire Protection Association standards.  
4405 | The inspection of fire protection systems shall be conducted by  
4406 | a certificateholder or holder of a permit issued by the division  
4407 | ~~State Fire Marshal~~. The permitholder may perform inspections on  
4408 | fire protection systems only while employed by the  
4409 | certificateholder. This section does not prohibit the authority  
4410 | having jurisdiction or insurance company representatives from  
4411 | reviewing the system in accordance with acceptable oversight  
4412 | standards.

4413 |       (3) For contracts written after June 30, 2005, the  
4414 | contractor who installs the underground piping from the point of  
4415 | service is responsible for completing the installation to the  
4416 | aboveground connection flange, which by definition in this  
4417 | chapter is no more than 1 foot above the finished floor, before  
4418 | completing the Contractor's Material and Test Certificate for  
4419 | Underground Piping document. Aboveground contractors may not  
4420 | complete the Contractor's Material and Test Certificate for  
4421 | Underground Piping document for underground piping or portions  
4422 | thereof which have been installed by others.

4423 |       (4) The Contractor V may install the cross-connection  
4424 | backflow prevention device as defined in this chapter on new

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4425 installations. The retrofitting of a backflow device on an  
4426 existing fire protection system will cause a reduction in  
4427 available water pressure and probable system malfunction. The  
4428 development of aboveground fire protection system hydraulic  
4429 calculations is a task of the Contractor I and II, as defined in  
4430 this chapter. Accordingly, a Contractor V is expressly  
4431 prohibited from retrofitting cross-connection backflow  
4432 prevention devices on an existing fire protection system, and  
4433 only a Contractor I or Contractor II who is tasked to  
4434 recalculate the system and take corrective actions to ensure  
4435 that the system will function with the available water supply  
4436 may retroactively install these backflow devices on existing  
4437 fire protection systems.

4438 Section 49. Section 633.541, Florida Statutes, is  
4439 transferred and renumbered as section 633.336, Florida Statutes,  
4440 and subsections (1), (3), and (4) of that section are amended,  
4441 to read:

4442 633.336 ~~633.541~~ Contracting without certificate  
4443 prohibited; violations; penalty.—

4444 (1) It is unlawful for any organization or individual to  
4445 engage in the business of layout, fabrication, installation,  
4446 inspection, alteration, repair, or service of a fire protection  
4447 system, other than a preengineered system, act in the capacity  
4448 of a fire protection contractor, or advertise itself as being a  
4449 fire protection contractor without having been duly certified  
4450 and holding a valid and existing certificate, except as  
4451 hereinafter provided. The holder of a certificate used to  
4452 qualify an organization must be a full-time employee of the

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4453 | qualified organization or business. A certificateholder who is  
4454 | employed by more than one fire protection contractor during the  
4455 | same period of time is deemed not to be a full-time employee of  
4456 | either contractor. The State Fire Marshal shall revoke, for a  
4457 | period of time determined by the State Fire Marshal, the  
4458 | certificate of a certificateholder who allows the use of the  
4459 | certificate to qualify a company of which the certificateholder  
4460 | is not a full-time employee. A contractor who maintains more  
4461 | than one place of business must employ a certificateholder at  
4462 | each location. Nothing in this subsection prohibits an employee  
4463 | acting on behalf of governmental entities from inspecting and  
4464 | enforcing firesafety codes, provided such employee is certified  
4465 | under s. 633.216 ~~633.081~~.

4466 |         (2) A fire protection contractor certified under this  
4467 | chapter may not:

4468 |             (a) Enter into a written or oral agreement to authorize,  
4469 | or otherwise knowingly allow, a contractor who is not certified  
4470 | under this chapter to engage in the business of, or act in the  
4471 | capacity of, a fire protection contractor.

4472 |             (b) Apply for or obtain a construction permit for fire  
4473 | protection work unless the fire protection contractor or the  
4474 | business organization qualified by the fire protection  
4475 | contractor has contracted to conduct the work specified in the  
4476 | application for the permit.

4477 |         (3) Any person who violates any provision of this act or  
4478 | commits any of the acts constituting cause for disciplinary  
4479 | action as herein set forth commits ~~is guilty of~~ a misdemeanor of  
4480 | the second degree, punishable as provided in s. 775.082 or s.



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4481 775.083.

4482 (4) In addition to the penalties provided in subsection  
4483 (3), a fire protection contractor certified under this chapter  
4484 who violates any provision of this section or who commits any  
4485 act constituting cause for disciplinary action is subject to  
4486 suspension or revocation of the certificate and administrative  
4487 fines pursuant to s. 633.338 ~~633.547~~.

4488 Section 50. Section 633.547, Florida Statutes, is  
4489 transferred and renumbered as section 633.338, Florida Statutes,  
4490 and paragraphs (d) and (h) of subsection (2) and subsections (3)  
4491 and (4) of that section are amended, to read:

4492 633.338 ~~633.547~~ Disciplinary action; fire protection  
4493 system contractors; grounds for denial, nonrenewal, suspension,  
4494 or revocation of certificate or permit.—

4495 (1) The State Fire Marshal shall investigate the alleged  
4496 illegal action of any fire protection system contractor or  
4497 permittee certified under this chapter and hold hearings  
4498 pursuant to chapter 120.

4499 (2) The following acts constitute cause for disciplinary  
4500 action:

4501 (a) Violation of any provision of this chapter or of any  
4502 rule adopted pursuant thereto.

4503 (b) Violation of the applicable building codes or laws of  
4504 this state or any municipality or county thereof.

4505 (c) Diversion of funds or property received for  
4506 prosecution or completion of a specified construction project or  
4507 operation when, as a result of the diversion, the contractor is,  
4508 or will be, unable to fulfill the terms of her or his obligation

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4509 or contract.

4510 (d) Disciplinary action by any municipality, ~~or~~ county, or  
 4511 special district, which action shall be reviewed by the State  
 4512 Fire Marshal before taking any disciplinary action.

4513 (e) Failure to supervise the installation of the fire  
 4514 protection system covered by the building permit signed by the  
 4515 contractor.

4516 (f) Rendering a fire protection system, standpipe system,  
 4517 or underground water supply main connecting to the system  
 4518 inoperative except when the fire protection system, standpipe  
 4519 system, or underground water supply main is being inspected,  
 4520 serviced, tested, or repaired, or except pursuant to court  
 4521 order.

4522 (g) Improperly servicing, repairing, testing, or  
 4523 inspecting a fire protection, standpipe system, or underground  
 4524 water supply main connecting to the system.

4525 (h) Failing to provide proof of insurance to the State  
 4526 Fire Marshal or failing to maintain in force the insurance  
 4527 coverage required by s. 633.318 ~~633.521~~.

4528 (i) Failing to obtain, retain, or maintain one or more of  
 4529 the qualifications for a certificate as specified in this  
 4530 chapter.

4531 (j) Making a material misstatement, misrepresentation, or  
 4532 committing a fraud in obtaining or attempting to obtain a  
 4533 certificate.

4534 (k) Failing to notify the State Fire Marshal, in writing,  
 4535 within 30 days after a change of residence address, principal  
 4536 business address, or name.

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4537 (3) The State Fire Marshal ~~is authorized to take the~~  
4538 ~~following disciplinary action:~~

4539 ~~(a) She or he may suspend the contractor's certificate~~  
4540 ~~certificateholder for a period not to exceed 2 years. During~~  
4541 ~~that period, the contractor must cease all operations as a~~  
4542 ~~contractor, but the State Fire Marshal may authorize the~~  
4543 ~~certificateholder from all operations as a contractor during the~~  
4544 ~~period fixed by the State Fire Marshal, but she or he may permit~~  
4545 ~~the certificateholder to complete any contracts then incomplete.~~

4546 ~~(b) She or he may revoke a certificate for a period not to~~  
4547 ~~exceed 5 years.~~

4548 (4) During the suspension or revocation of the  
4549 certificate, the former certificateholder shall not engage in or  
4550 attempt ~~to profess~~ to engage in any transaction or business for  
4551 which a certificate is required under this chapter or directly  
4552 or indirectly own, control, or be employed in any manner by any  
4553 firm or corporation for which a certificate under this chapter  
4554 is required. The department shall not, so long as the revocation  
4555 or suspension remains in effect, grant any new certificate for  
4556 the establishment of any new firm, business, or corporation of  
4557 any person that has or will have the same or similar management,  
4558 ownership, control, or employees or that will use a same or  
4559 similar name as a previously revoked or suspended firm,  
4560 business, or corporation.

4561 (5) The State Fire Marshal may deny, suspend, or revoke  
4562 the certificate of:

4563 (a) Any person, firm, or corporation the certificate of  
4564 which under this chapter has been suspended or revoked.

4565 (b) Any firm or corporation if an officer, director,  
 4566 stockholder, owner, or person interested directly or indirectly  
 4567 has had his or her certificate under this chapter suspended or  
 4568 revoked.

4569 (c) Any person who is or has been an officer, director,  
 4570 stockholder, or owner of a firm or corporation, or who was  
 4571 interested directly or indirectly in a corporation, the  
 4572 certificate of which has been suspended or revoked under this  
 4573 chapter.

4574 (6) The lapse or suspension of a certificate by operation  
 4575 of law or by order of the State Fire Marshal or a court or its  
 4576 voluntary surrender by a certificateholder does not deprive the  
 4577 State Fire Marshal of jurisdiction to investigate or act in  
 4578 disciplinary proceedings against the certificateholder.

4579 (7) The filing of a petition in bankruptcy, either  
 4580 voluntary or involuntary, or the making of a composition of  
 4581 creditors or the appointment of a receiver for the business of  
 4582 the certificateholder may be considered by the State Fire  
 4583 Marshal as just cause for suspension of a certificate.

4584 Section 51. Section 633.549, Florida Statutes, is  
 4585 transferred and renumbered as section 633.342, Florida Statutes,  
 4586 and amended to read:

4587 633.342 ~~633.549~~ Violations subject to injunction.—Any  
 4588 person who operates as a contractor without a current  
 4589 certificate or who violates any part of this chapter or any  
 4590 rule, decision, order, direction, demand, or requirement of the  
 4591 State Fire Marshal in relation thereto, or any part or provision  
 4592 thereof, may be enjoined by the courts of the state from any

4593 | such violation or such unauthorized or unlawful contracting at  
 4594 | the request ~~instance~~ of the State Fire Marshal, the board, or  
 4595 | any citizen or taxpayer of the state.

4596 |         Section 52. Section 633.554, Florida Statutes, is  
 4597 | transferred and renumbered as section 633.344, Florida Statutes.

4598 |         Section 53. Section 633.70, Florida Statutes, is  
 4599 | transferred and renumbered as section 633.346, Florida Statutes,  
 4600 | and subsection (1) of that section is amended, to read:

4601 |         633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over  
 4602 | alarm system contractors and certified unlimited electrical  
 4603 | contractors.—

4604 |         (1) When the State Fire Marshal, in the course of its  
 4605 | activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that  
 4606 | an alarm system contractor or a certified unlimited electrical  
 4607 | contractor working with an alarm system has violated any  
 4608 | provision of this chapter or the rules of the State Fire  
 4609 | Marshal, the State Fire Marshal shall have jurisdiction,  
 4610 | notwithstanding any other provision of this chapter, to order  
 4611 | corrective action by the alarm system contractor or the  
 4612 | certified unlimited electrical contractor to bring the alarm  
 4613 | system into compliance with applicable standards set forth in  
 4614 | this chapter and the rules of the State Fire Marshal.

4615 |         (2) Any order issued by the State Fire Marshal shall  
 4616 | comply with the provisions of chapter 120 and allow a reasonable  
 4617 | time for corrective action to be completed.

4618 |         (3) The Department of Business and Professional Regulation  
 4619 | and the Electrical Contractors' Licensing Board may participate,  
 4620 | at their discretion, but not as a party, in any proceedings

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4621 relating to corrective action.

4622 (4) The State Fire Marshal shall adopt standards, by rule,  
4623 for the installation, maintenance, alteration, repair,  
4624 monitoring, inspection, replacement, or servicing of fire alarms  
4625 and fire alarm systems.

4626 Section 54. Section 633.701, Florida Statutes, is  
4627 transferred and renumbered as section 633.348, Florida Statutes.

4628 Section 55. Section 633.702, Florida Statutes, is  
4629 transferred and renumbered as section 633.3482, Florida  
4630 Statutes, and subsection (2) and paragraph (c) of subsection (3)  
4631 of that section are amended, to read:

4632 633.3482 ~~633.702~~ Prohibited acts regarding alarm system  
4633 contractors or certified unlimited electrical contractors;  
4634 penalties.—

4635 (1) It shall be unlawful for any person, directly or  
4636 through an agent, to sell, offer for sale, or give any make,  
4637 type, or model of fire alarm system, either new or used, unless  
4638 such make, type, or model has been tested and is currently  
4639 approved or listed by a nationally recognized testing  
4640 laboratory.

4641 (2) Any person who violates this section commits ~~is guilty~~  
4642 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
4643 s. 775.082 or s. 775.083.

4644 (3) It is a misdemeanor of the first degree, punishable as  
4645 provided in s. 775.082 or s. 775.083, for any fire alarm system  
4646 contractor or certified unlimited electrical contractor to  
4647 intentionally or willfully:

4648 (a) Render inoperative any fire alarm system which is

4649 required by the State Fire Marshal's rules, except when the  
 4650 system is being serviced, tested, repaired, inspected, or  
 4651 improved.

4652 (b) Improperly install, service, test, repair, improve, or  
 4653 inspect a fire alarm system.

4654 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~  
 4655 with any person by allowing one's certificate to be used by any  
 4656 uncertified person with intent to evade the provisions of this  
 4657 act. When a licensee allows his or her license to be used by one  
 4658 or more companies without having any active participation in the  
 4659 operation or management of said companies, such act constitutes  
 4660 prima facie evidence of any intent to evade the provisions of  
 4661 this chapter ~~act~~.

4662 (4) It is a misdemeanor of the first degree, punishable as  
 4663 provided in s. 775.082 or s. 775.083, for any person to  
 4664 intentionally or willfully install, service, test, repair,  
 4665 improve, or inspect a fire alarm system unless:

4666 (a) The person is the holder of a valid and current active  
 4667 license as a certified unlimited electrical contractor, as  
 4668 defined in part II of chapter 489;

4669 (b) The person is the holder of a valid and current active  
 4670 license as a licensed fire alarm contractor, as defined in part  
 4671 II of chapter 489;

4672 (c) The person is authorized to act as a fire alarm system  
 4673 agent pursuant to s. 489.5185; or

4674 (d) The person is exempt pursuant to s. 489.503.

4675 Section 56. Part IV of chapter 633, Florida Statutes,  
 4676 consisting of sections 633.402, 633.404, 633.406, 633.408,

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4677 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,  
 4678 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, and  
 4679 633.444, is created and entitled "Fire Standards and Training."

4680 Section 57. Section 633.31, Florida Statutes, is  
 4681 transferred and renumbered as subsections (1), (2), (3), and (4)  
 4682 of section 633.402, Florida Statutes, and subsection (1) of that  
 4683 section is amended, section 633.32, Florida Statutes, is  
 4684 transferred and renumbered as subsections (5), (6), (7), and (8)  
 4685 of that section, and section 633.33, Florida Statutes, is  
 4686 transferred and renumbered as subsection (9) of that section and  
 4687 amended, to read:

4688 633.402 ~~633.31~~ Firefighters Employment, Standards, and  
 4689 Training Council.—

4690 (1) There is created within the department a Firefighters  
 4691 Employment, Standards, and Training Council of 14 ~~13~~ members.

4692 (a) The members shall be appointed as follows:

4693 1. Two ~~members shall be~~ fire chiefs appointed by the  
 4694 Florida Fire Chiefs Association. τ

4695 2. Two ~~members shall be~~ firefighters, τ who are not  
 4696 officers, appointed by the Florida Professional Firefighters  
 4697 Association. τ

4698 3. Two ~~members shall be~~ firefighter officers, τ who are not  
 4699 fire chiefs, appointed by the State Fire Marshal. τ

4700 4. One individual member appointed by the Florida League  
 4701 of Cities. τ

4702 5. One individual member appointed by the Florida  
 4703 Association of Counties. τ

4704 6. One individual member appointed by the Florida



4705 Association of Special Districts.7

4706 7. One individual member appointed by the Florida Fire  
4707 Marshals' and Inspectors' Marshal's Association.~~7~~ and

4708 8. One employee of the Florida Forest Service of the  
4709 Department of Agriculture and Consumer Services appointed by the  
4710 director of the Florida Forest Service.

4711 9. One individual member appointed by the State Fire  
4712 Marshal.~~7~~ and

4713 10. One ~~member shall be~~ a director or instructor of a  
4714 state-certified firefighting training facility appointed by the  
4715 State Fire Marshal.

4716 (b) To be eligible for appointment as a member under  
4717 subparagraphs 1., 2., 3., 8., or 10. ~~fire chief member,~~  
4718 ~~firefighter officer member, firefighter member, or a director or~~  
4719 ~~instructor of a state-certified firefighting facility,~~ a person  
4720 must shall have had at least 4 years' experience in the  
4721 firefighting profession. The remaining member, who shall be  
4722 appointed by the State Fire Marshal, shall not be a member or  
4723 representative of the firefighting profession or of any local  
4724 government. Members shall serve only as long as they continue to  
4725 meet the criteria under which they were appointed, or unless a  
4726 member has failed to appear at three consecutive and properly  
4727 noticed meetings unless excused by the chair.

4728 (2) Members shall be appointed for 4-year terms and in no  
4729 event shall a member serve more than two consecutive terms. Any  
4730 vacancy shall be filled in the manner of the original  
4731 appointment for the remaining time of the term.

4732 (3) The State Fire Marshal, in making her or his

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4733 | appointments, shall take into consideration representation by  
 4734 | geography, population, and other relevant factors, in order that  
 4735 | the membership on the council will be apportioned to give  
 4736 | representation to the state at large rather than to a particular  
 4737 | area.

4738 |         (4) Membership on the council shall not disqualify a  
 4739 | member from holding any other public office or being employed by  
 4740 | a public entity, except that no member of the Legislature shall  
 4741 | serve on the council.

4742 |         ~~633.32 Organization; meetings; quorum; compensation;~~  
 4743 | ~~seal.~~

4744 |         (5)~~(1)~~ The council shall elect to 1-year terms a chair and  
 4745 | a vice chair. No person shall serve more than two consecutive  
 4746 | terms in either office.

4747 |         (6)~~(2)~~ The council shall meet at the call of the chair, at  
 4748 | the request of a majority of its membership, at the request of  
 4749 | the department, or at such times as may be prescribed by its  
 4750 | rules, and a majority of the council shall constitute a quorum.

4751 |         (7)~~(3)~~ Members of the council shall serve without  
 4752 | compensation but shall be entitled to be reimbursed for per diem  
 4753 | and travel expenses as provided by s. 112.061.

4754 |         (8)~~(4)~~ The council may adopt a seal for its use containing  
 4755 | the words "Firefighters Employment, Standards, and Training  
 4756 | Council."

4757 |         ~~633.33 Special powers; firefighter training.~~

4758 |         (9) The council shall have special powers in connection  
 4759 | with the employment and training of firefighters to:

4760 |         (a)~~(1)~~ Recommend, for adoption by the division, uniform

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4761 minimum standards for the employment and training of  
4762 firefighters and training of volunteer firefighters.

4763 (b)(2) Recommend, for adoption by the division, minimum  
4764 curriculum requirements for schools operated by or for any fire  
4765 service provider employing agency for the specific purpose of  
4766 training firefighter trainees, ~~recruits or~~ firefighters, and  
4767 volunteer firefighters.

4768 (c)(3) Recommend, for adoption by the division, on matters  
4769 relating to the funding, general operation, and administration  
4770 of the Bureau of Fire Standards and Training (Florida State Fire  
4771 College), including, but not limited to, all standards,  
4772 training, curriculum, and the issuance of any certificate of  
4773 competency required by this chapter.

4774 ~~(4) Consult and cooperate with any employing agency,~~  
4775 ~~university, college, community college, the Florida State Fire~~  
4776 ~~College, or other educational institution concerning the~~  
4777 ~~employment and safety of firefighters, including, but not~~  
4778 ~~limited to, the safety of firefighters while at the scene of a~~  
4779 ~~fire or the scene of an incident related to the provision of~~  
4780 ~~emergency services to which a firefighter responds, and the~~  
4781 ~~development of firefighter training schools and programs of~~  
4782 ~~courses of instruction, including, but not limited to, education~~  
4783 ~~and training in the areas of firefighter employment, fire~~  
4784 ~~science, fire technology, fire administration, and all allied~~  
4785 ~~and supporting fields.~~

4786 (d)(5) Make or support studies on any aspect of  
4787 firefighting employment, education, and training or recruitment.

4788 (e)(6) Make recommendations concerning any matter within

4789 its purview pursuant to this section ~~act~~.

4790 Section 58. Section 633.42, Florida Statutes, is  
 4791 transferred and renumbered as 633.404, Florida Statutes, and  
 4792 amended to read:

4793 633.404 ~~633.42~~ Additional standards authorized.—Nothing  
 4794 herein shall be construed to preclude an fire service provider  
 4795 ~~employing agency~~ from establishing qualifications and standards  
 4796 for hiring, training, or promoting firefighters that exceed the  
 4797 minimum set by the division ~~department~~.

4798 Section 59. Section 633.406, Florida Statutes, is created  
 4799 to read:

4800 633.406 Classes of certification.—

4801 (1) The division may award one or more of the following  
 4802 certificates:

4803 (a) Firefighter Certificate of Compliance.—A Firefighter  
 4804 Certificate of Compliance may be awarded to a person who meets  
 4805 the requirements established in s. 633.408(4).

4806 (b) Fire Safety Inspector Certificate of Compliance.—A  
 4807 Fire Safety Inspector Certificate of Compliance may be awarded  
 4808 to a person who meets the requirements established in s.  
 4809 633.216(2).

4810 (c) Special Certificate of Compliance.—A Special  
 4811 Certificate of Compliance may be awarded to a person who  
 4812 qualifies under s. 633.408(6).

4813 (d) Forestry Certificate of Compliance.—A Forestry  
 4814 Certificate of Compliance may be awarded to a person who has  
 4815 satisfactorily complied with a training program and successfully

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4816 passed an examination as prescribed by rule, and who possesses  
4817 the qualifications established in s. 590.02(1)(e).

4818 (e) Fire Service Instructor Certificate.—A Fire Service  
4819 Instructor Certificate may be awarded to a person who  
4820 demonstrates general or specialized knowledge, skills, and  
4821 abilities in firefighting service and meets the qualification  
4822 requirements prescribed by rule.

4823 (f) Certificate of Competency.—A Fire Service Instructor  
4824 Certificate may be awarded to a person who meets the experience,  
4825 training, advanced education, or examination requirements as  
4826 prescribed by rule, and are especially qualified for particular  
4827 aspects of firefighting service.

4828 (g) Volunteer Firefighter Certificate of Completion.—A  
4829 Fire Service Instructor Certificate may be awarded to a person  
4830 who has satisfactorily completed the training requirements as  
4831 prescribed by rule for a volunteer firefighter.

4832 (2) The division may establish by rule certificates, in  
4833 addition to those provided in subsection (1), that the division  
4834 may award in recognition of special training or education  
4835 received by an individual, which authorizes that individual to  
4836 perform specialized firefighting services or provide specialized  
4837 firefighting instruction, such as hazardous materials and urban  
4838 search and rescue.

4839 Section 60. Section 633.35, Florida Statutes, is  
4840 transferred and renumbered as subsections (1) and (2), paragraph  
4841 (a) of subsection (3), and subsections (4), (5), (6), (7), and  
4842 (8) of section 633.408, Florida Statutes, and amended, and  
4843 section 633.37, Florida Statutes, is transferred and renumbered

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4844 as paragraph (b) of subsection (3) of that section, and amended,  
 4845 to read:

4846 633.408 ~~633.35~~ Firefighter and volunteer firefighter  
 4847 training and certification.—

4848 (1) The division shall establish by rule:

4849 (a) A Minimum Standards Course and course examination to  
 4850 provide the training required to obtain a Firefighter  
 4851 Certificate of Compliance;

4852 (b) Courses and course examinations to provide training  
 4853 required to obtain a Volunteer Firefighter Certificate of  
 4854 Completion or a Special Certificate of Compliance; and

4855 (c) Courses to provide continuing training for  
 4856 firefighters and volunteer firefighters.

4857 (2) Courses under subsection (1) may only be administered  
 4858 by education or training providers approved by the division  
 4859 pursuant to s. 633.128(1)(c) and taught by instructors certified  
 4860 pursuant to s. 633.128(1)(d) a firefighter training program of  
 4861 not less than 360 hours, administered by such agencies and  
 4862 institutions as it approves for the purpose of providing basic  
 4863 employment training for firefighters.

4864 (3) (a) Nothing herein shall require a fire service  
 4865 provider ~~public employer~~ to pay the cost of such training.

4866 ~~633.37 Payment of tuition by employing agency.~~—

4867 (b) A fire service provider ~~An employing agency~~ is  
 4868 authorized to pay part or all of the costs of tuition for ~~of~~  
 4869 ~~trainees in attendance at approved~~ courses ~~training programs.~~

4870 (4) ~~(2)~~ The division shall issue a firefighter certificate  
 4871 of compliance to any individual who:

4872           (a) person Satisfactorily completes ~~complying with the~~  
 4873 Minimum Standards Course or who has satisfactorily completed  
 4874 training for firefighters in another state which has been  
 4875 determined by the division to be at least the equivalent of the  
 4876 training required for the Minimum Standards Course;

4877           (b) Passes the minimum standards course examination;  
 4878 ~~training program established in subsection (1), who has~~  
 4879 ~~successfully passed an examination as prescribed by the~~  
 4880 ~~division, and~~

4881           (c) who Possesses the qualifications for employment in s.  
 4882 633.412 ~~633.34, except s. 633.34(5).~~

4883           (5) The division shall issue a Volunteer Firefighter  
 4884 Certificate of Completion to any individual who satisfactorily  
 4885 completes the course established under subsection (1)(b). ~~No~~  
 4886 ~~person may be employed as a regular or permanent firefighter by~~  
 4887 ~~an employing agency, or by a private entity under contract with~~  
 4888 ~~the state or any political subdivision of the state, including~~  
 4889 ~~authorities and special districts, for a period of time in~~  
 4890 ~~excess of 1 year from the date of initial employment until he or~~  
 4891 ~~she has obtained such certificate of compliance. A person who~~  
 4892 ~~does not hold a certificate of compliance and is employed under~~  
 4893 ~~this section may not directly engage in hazardous operations,~~  
 4894 ~~such as interior structural firefighting and hazardous-~~  
 4895 ~~materials incident mitigation, requiring the knowledge and~~  
 4896 ~~skills taught in a training program established in subsection~~  
 4897 ~~(1). However, a person who has served as a volunteer firefighter~~  
 4898 ~~with the state or any political subdivision of the state,~~  
 4899 ~~including authorities and special districts, who is then~~

4900 ~~employed as a regular or permanent firefighter may function,~~  
 4901 ~~during this period, in the same capacity in which he or she~~  
 4902 ~~acted as a volunteer firefighter, provided that he or she has~~  
 4903 ~~completed all training required by the volunteer organization.~~

4904 ~~(3) The division may issue a certificate to any person who~~  
 4905 ~~has received basic employment training for firefighters in~~  
 4906 ~~another state when the division has determined that such~~  
 4907 ~~training was at least equivalent to that required by the~~  
 4908 ~~division for approved firefighter education and training~~  
 4909 ~~programs in this state and when such person has satisfactorily~~  
 4910 ~~complied with all other requirements of this section.~~

4911 (6) (a) The division may also issue a Special Certificate  
 4912 of Compliance to an individual a person who:

4913 1. Satisfactorily completes the course established in  
 4914 subsection (1) (b) to obtain a Special Certificate of Compliance;

4915 2. Passes the examination established in subsection  
 4916 (1) (b), to obtain a Special Certificate of Compliance; and

4917 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~  
 4918 ~~qualified under this section and who is employed as the~~  
 4919 ~~administrative and command head of a fire/rescue/emergency~~  
 4920 ~~services organization, based on the acknowledgment that such~~  
 4921 ~~person is less likely to need physical dexterity and more likely~~  
 4922 ~~to need advanced knowledge of firefighting and supervisory~~  
 4923 ~~skills.~~

4924 (b) A special ~~The certificate~~ of compliance is valid only  
 4925 authorizes an individual to serve while the person is serving in  
 4926 ~~a position as an administrative and command head of a~~ fire  
 4927 service provider ~~fire/rescue/emergency services organization.~~



4928            ~~(7)-(4)~~ An individual ~~A person~~ who fails an examination  
 4929 given under this section may retake the examination once within  
 4930 6 months after the original examination date. If the individual  
 4931 ~~An applicant who~~ does not retake the examination or fails the  
 4932 reexamination within such time, the individual must take the  
 4933 Minimum Standards Course for a Firefighter Certificate of  
 4934 Compliance or the course established under subsection (1)(b) for  
 4935 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~  
 4936 before being reexamined. The division may grant an extension of  
 4937 the 6-month period based upon documented medical necessity and  
 4938 may establish reasonable preregistration deadlines for ~~such~~  
 4939 reexaminations.

4940            ~~(8)-(5)~~ Pursuant to s. 590.02(1)(e), the division shall  
 4941 establish a structural fire training program of not less than  
 4942 206 ~~40~~ hours. The division shall issue to any person  
 4943 satisfactorily complying with this training program and who has  
 4944 successfully passed an examination as prescribed by the division  
 4945 and who has met the requirements of s. 590.02(1)(e), a Forestry  
 4946 Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

4947            ~~(6)~~ An individual who holds a current and valid Forestry  
 4948 Certificate of Compliance ~~A certified forestry firefighter~~ is  
 4949 entitled to the same rights, privileges, and benefits provided  
 4950 for by law as a ~~certified~~ firefighter.

4951            Section 61. Section 633.34, Florida Statutes, is  
 4952 transferred and renumbered as section 633.412, Florida Statutes,  
 4953 and amended to read:

4954            633.412 ~~633.34~~ Firefighters; qualifications for  
 4955 certification ~~employment.~~

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4956           (1) Any person applying for certification ~~employment~~ as a  
4957 firefighter must:

4958           (a)-(1) Be a high school graduate or the equivalent, as the  
4959 term may be determined by the division, and at least 18 years of  
4960 age.

4961           (b)-(2) Not ~~Neither~~ have been convicted of a misdemeanor  
4962 relating to the certification or to perjury or false statements,  
4963 or a felony or a crime punishable by imprisonment of 1 year or  
4964 more under the law of the United States or of any state thereof  
4965 or under the law of any other country, or dishonorably  
4966 discharged from any of the Armed Forces of the United States.

4967 "Convicted" means a finding of guilt or the acceptance of a plea  
4968 of guilty or nolo contendere, in any federal or state court or a  
4969 court in any other country, without regard to whether a judgment  
4970 of conviction has been entered by the court having jurisdiction  
4971 of the case. ~~felony or of a misdemeanor directly related to the~~  
4972 ~~position of employment sought, nor have pled nolo contendere to~~  
4973 ~~any charge of a felony. If an applicant has been convicted of a~~  
4974 ~~felony, such applicant must be in compliance with s.~~

4975 ~~112.011(2) (b). If an applicant has been convicted of a~~  
4976 ~~misdemeanor directly related to the position of employment~~  
4977 ~~sought, such applicant shall be excluded from employment for a~~  
4978 ~~period of 4 years after expiration of sentence. If the sentence~~  
4979 ~~is suspended or adjudication is withheld in a felony charge or~~  
4980 ~~in a misdemeanor directly related to the position or employment~~  
4981 ~~sought and a period of probation is imposed, the applicant must~~  
4982 ~~have been released from probation.~~

4983           (c)-(3) Submit fingerprints ~~a fingerprint card~~ to the

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4984 division with a current processing fee. The fingerprints  
4985 ~~fingerprint card~~ will be forwarded to the Department of Law  
4986 Enforcement for state processing, and forwarded by the  
4987 Department of Law Enforcement to and/or the Federal Bureau of  
4988 Investigation for national processing.

4989 (d) (4) Have a good moral character as determined by  
4990 investigation under procedure established by the division.

4991 (e) (5) Be in good physical condition as determined by a  
4992 medical examination given by a physician, surgeon, or physician  
4993 assistant licensed to practice in the state pursuant to chapter  
4994 458; an osteopathic physician, surgeon, or physician assistant  
4995 licensed to practice in the state pursuant to chapter 459; or an  
4996 advanced registered nurse practitioner licensed to practice in  
4997 the state pursuant to chapter 464. Such examination may include,  
4998 but need not be limited to, provisions of the National Fire  
4999 Protection Association Standard 1582. A medical examination  
5000 evidencing good physical condition shall be submitted to the  
5001 division, on a form as provided by rule, before an individual is  
5002 eligible for admission into a course under ~~firefighter training~~  
5003 ~~program as defined in s. 633.408~~ 633.35.

5004 (f) (6) Be a nonuser of tobacco or tobacco products for at  
5005 least 1 year immediately preceding application, as evidenced by  
5006 the sworn affidavit of the applicant.

5007 (2) If the division suspends or revokes an individual's  
5008 certificate, the division must suspend or revoke all other  
5009 certificates issued by the division pursuant to this part.

5010 Section 62. Section 633.352, Florida Statutes, is  
5011 transferred and renumbered as section 633.414, Florida Statutes,

5012 and amended to read:

5013 633.414 ~~633.352~~ Retention of firefighter certification.—

5014 (1) In order for a firefighter to retain his or her  
 5015 Firefighter Certificate of Compliance, every 4 years he or she  
 5016 must:

5017 (a) Be ~~Any certified firefighter who has not been active~~  
 5018 ~~as a firefighter, or as a volunteer firefighter with an~~  
 5019 ~~organized fire department, for a period of 3 years shall be~~  
 5020 ~~required to retake the practical portion of the minimum~~  
 5021 ~~standards state examination specified in rule 69A-37.056(6)(b),~~  
 5022 ~~Florida Administrative Code, in order to maintain her or his~~  
 5023 ~~certification as a firefighter;~~

5024 (b) Maintain a current and valid fire safety instructor  
 5025 certificate, instruct at least 40 hours during the 4 year  
 5026 period, and provide proof of such instruction to the division,  
 5027 which proof must be registered in an electronic database  
 5028 designated by the division;

5029 (c) Successfully complete a refresher course consisting of  
 5030 a minimum of 40 hours of training to be prescribed by rule; or

5031 (d) Within 6 months before the 4-year period expires,  
 5032 successfully retake and pass the Minimum Standards Course  
 5033 examination.

5034 (2) In order for a volunteer firefighter to retain his or  
 5035 her Volunteer Firefighter Certificate of Completion, every 4  
 5036 years he or she must:

5037 (a) Be active as a volunteer firefighter; or

5038 (b) Successfully complete a refresher course consisting of  
 5039 a minimum of 40 hours of training to be prescribed by rule.

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5040           (3) Subsection (1) however, this requirement does not  
5041 apply to state-certified firefighters who are certified and  
5042 employed ~~as~~ full-time, as determined by the fire service  
5043 provider, as firesafety inspectors or fire investigators  
5044 firesafety instructors, regardless of his or her the  
5045 firefighter's employment status as a firefighter.

5046           (4) For the purposes of this section, "active" means being  
5047 employed as a firefighter or providing service as a volunteer  
5048 firefighter for a cumulative 6 months within a 4-year period.

5049           (5) The 4-year 3-year period begins:

5050           (a) If the individual is certified on or after July 1,  
5051 2013, on the date the certificate of compliance is issued or  
5052 upon termination of employment or service with a an-organized  
5053 fire department.

5054           (b) If the individual is certified before July 1, 2013, on  
5055 July 1, 2014, or upon termination of employment or service  
5056 thereafter.

5057           Section 63. Section 633.41, Florida Statutes, is  
5058 transferred and renumbered as section 633.416, Florida Statutes,  
5059 and amended to read:

5060           633.416 633.41 Firefighter employment and volunteer  
5061 firefighter service; saving clause.—

5062           (1) A fire service provider may not employ an individual  
5063 to:

5064           (a) Extinguish fires for the protection of life or  
5065 property or to supervise individuals who perform such services  
5066 unless the individual holds a current and valid Firefighter  
5067 Certificate of Compliance; or

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5068 (b) Serve as the administrative and command head of a fire  
5069 service provider for a period in excess of 1 year unless the  
5070 individual holds a current and valid Firefighter Certificate of  
5071 Compliance or Special Certificate of Compliance.

5072 (2) A fire service provider may not retain the services of  
5073 an individual volunteering to extinguish fires for the  
5074 protection of life or property or to supervise individuals who  
5075 perform such services unless the individual holds a current and  
5076 valid Volunteer Firefighter Certificate of Completion.

5077 (3) (a) A fire service provider must make a diligent effort  
5078 to determine whether the individual has a current and valid  
5079 certificate prior to employing or retaining an individual for  
5080 the services under subsection (1) or subsection (2), including  
5081 making a determination of whether the requirements set forth in  
5082 s. 633.414 have been fulfilled.

5083 (b) For the purposes of this subsection, the term  
5084 "diligent effort" means contacting at least three of the  
5085 individual's previous employers to obtain his or her dates of  
5086 employment and contacting the division to determine the  
5087 certification status of the individual.

5088 (4) (a) A fire service provider must notify the division  
5089 electronically, as directed by rule by the division, within 10  
5090 days of:

- 5091 1. The hiring of a firefighter.
- 5092 2. The retention of a volunteer firefighter.
- 5093 3. The cessation of employment of a firefighter.
- 5094 4. A decision not to retain a volunteer firefighter.

5095 (b) Notification under paragraph (a) must include:

- 5096        1. The individual's name.
- 5097        2. The date on which he or she was hired or retained.
- 5098        3. The last date of employment or retention prior to  
 5099 leaving the fire service provider.
- 5100        4. Any other information deemed necessary by the division  
 5101 to determine compliance with ss. 633.414 and 633.426.
- 5102        (5) If the fire service provider makes a determination  
 5103 that an individual has not met the requirements set forth in s.  
 5104 633.414(1), the fire service provider must notify the division  
 5105 in writing within 10 days of making that determination.
- 5106        (6) The division may conduct site visits to fire  
 5107 departments to monitor compliance with this section.
- 5108        (7) For purposes of this section, the term "employ" means  
 5109 to pay an individual a salary, wage, or other compensation for  
 5110 the performance of work. The term does not include the payment  
 5111 of expenses, reasonable benefits, a nominal fee, or a  
 5112 combination thereof, to a volunteer for a public or private fire  
 5113 service provider who is only paid in a manner that would be  
 5114 authorized for a volunteer under the federal Fair Labor  
 5115 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,  
 5116 and its implementing regulations.
- 5117        (8) Firefighters employed on July 5, 1969, are not  
 5118 required to meet the provisions of ss. 633.408 and 633.412  
 5119 ~~633.34 and 633.35~~ as a condition of tenure or continued  
 5120 employment; nor shall their failure to fulfill such requirements  
 5121 make them ineligible for any promotional examination for which  
 5122 they are otherwise eligible or affect in any way any pension  
 5123 rights to which they may be entitled on July 5, 1969.

5124 Section 64. Section 633.38, Florida Statutes, is  
 5125 transferred and renumbered as section 633.418, Florida Statutes,  
 5126 and amended to read:

5127 633.418 ~~633.38~~ Inservice training and promotion;  
 5128 participation.—

5129 (1) (a) The division shall by rules and regulations  
 5130 prescribe curricula and standards for advanced and specialized  
 5131 training courses and education ~~training~~ in addition to those  
 5132 prescribed in ss. 633.412 and 633.408 ~~633.34~~ and ~~633.35~~.

5133 (b) The standards provided by this section shall not bind  
 5134 any fire service provider ~~employing agency~~ as to the  
 5135 requirements it may have for promoting personnel.

5136 (2) Fire service provider ~~departments or any fire service~~  
 5137 participating under the provisions of this section shall adhere  
 5138 to the standards and procedures established by the division.

5139 Section 65. Section 633.382, Florida Statutes, is  
 5140 transferred and renumbered as section 633.422, Florida Statutes,  
 5141 and amended to read:

5142 633.422 ~~633.382~~ Firefighters; supplemental compensation.—

5143 ~~(1) DEFINITIONS.—As used in this section, the term:~~

5144 ~~(a) "Employing agency" means any municipality or any~~  
 5145 ~~county, the state, or any political subdivision of the state,~~  
 5146 ~~including authorities and special districts employing~~  
 5147 ~~firefighters.~~

5148 ~~(b) "Firefighter" means any person who meets the~~  
 5149 ~~definition of the term "firefighter" in s. 633.30(1) who is~~  
 5150 ~~certified in compliance with s. 633.35 and who is employed~~  
 5151 ~~solely within the fire department of the employing agency or is~~



5152 ~~employed by the division.~~

5153 (1)~~(2)~~ QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.~~The~~  
 5154 Legislature recognizes the need for supplemental compensation  
 5155 for firefighters who pursue higher educational opportunities  
 5156 that directly relate to the improvement of the health, safety,  
 5157 and welfare of firefighters and those that firefighters protect.  
 5158 The State Fire Marshal shall determine, and adopt by rule, the  
 5159 course work or degrees that represent the best practices toward  
 5160 this goal in the field of firefighting.

5161 (a) In addition to the compensation now paid by a fire  
 5162 service provider ~~an employing agency~~ to any firefighter, every  
 5163 firefighter shall be paid supplemental compensation by the fire  
 5164 service provider ~~employing agency~~ when such firefighter is a  
 5165 full-time employee, as determined by the employing fire service  
 5166 provider, and has complied with one of the following criteria:

5167 1. Any firefighter who receives an associate degree from  
 5168 an accredited ~~a~~ college, which degree is directly applicable to  
 5169 fire department duties, as outlined in policy guidelines adopted  
 5170 by rule by ~~of~~ the division, shall be additionally compensated as  
 5171 outlined in paragraph (2)~~(3)~~(a).

5172 2. Any firefighter, regardless of whether or not she or he  
 5173 earned an associate degree earlier, who receives from an  
 5174 accredited college or university a bachelor's degree, which  
 5175 bachelor's degree is directly applicable to fire department  
 5176 duties, as outlined in policy guidelines adopted by rule by ~~of~~  
 5177 the division, shall receive compensation as outlined in  
 5178 paragraph (2)~~(3)~~(b).

5179 (b) Whenever any question arises as to the eligibility of

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5180 any firefighter to receive supplemental compensation as provided  
5181 in this section, the question, together with all facts relating  
5182 thereto, shall be submitted to the division for determination,  
5183 and the decision of the division with regard to determination of  
5184 eligibility shall be final, subject to the provisions of chapter  
5185 120.

5186 ~~(2)(3)~~ SUPPLEMENTAL COMPENSATION.—Supplemental  
5187 compensation shall be determined as follows:

5188 (a) Fifty dollars shall be paid monthly to each  
5189 firefighter who qualifies under the provisions of subparagraph  
5190 ~~(1)(2)~~(a)1.

5191 (b) One hundred and ten dollars shall be paid monthly to  
5192 each firefighter who qualifies under the provisions of  
5193 subparagraph ~~(1)(2)~~(a)2.

5194 ~~(3)(4)~~ FUNDING.—

5195 (a) The fire service provider ~~employing agency~~ is  
5196 responsible for the correct payment of firefighters pursuant to  
5197 the provisions of this section. The division may review, in a  
5198 postaudit capacity, any action taken by an agency in  
5199 administering the educational incentive program. The fire  
5200 service provider ~~employing agency~~ shall take appropriate action  
5201 when a postaudit shows that an action taken by the fire service  
5202 provider ~~employing agency~~ was in error.

5203 (b) Each fire service provider ~~agency~~ employing  
5204 firefighters who are eligible for this compensation shall submit  
5205 reports containing information relating to compensation paid as  
5206 a result of this section to the division on March 31, June 30,  
5207 September 30, and December 31 of each year.

5208 (c) There is appropriated from the Police and  
 5209 Firefighter's Premium Tax Trust Fund to the Firefighters'  
 5210 Supplemental Compensation Trust Fund, which is hereby created  
 5211 under the Department of Revenue, all moneys which have not been  
 5212 distributed to municipalities and special fire control districts  
 5213 in accordance with s. 175.121 as a result of the limitation  
 5214 contained in s. 175.122 on the disbursement of revenues  
 5215 collected pursuant to chapter 175 or as a result of any  
 5216 municipality or special fire control district not having  
 5217 qualified in any given year, or portion thereof, for  
 5218 participation in the distribution of the revenues collected  
 5219 pursuant to chapter 175. The total required annual distribution  
 5220 from the Firefighters' Supplemental Compensation Trust Fund  
 5221 shall equal the amount necessary to pay supplemental  
 5222 compensation as provided in this section, provided that:

5223 1. Any deficit in the total required annual distribution  
 5224 shall be made up from accrued surplus funds existing in the  
 5225 Firefighters' Supplemental Compensation Trust Fund on June 30,  
 5226 1990, for as long as such funds last. If the accrued surplus is  
 5227 insufficient to cure the deficit in any given year, the  
 5228 proration of the appropriation among the counties,  
 5229 municipalities, and special fire service taxing districts shall  
 5230 equal the ratio of compensation paid in the prior year to  
 5231 county, municipal, and special fire service taxing district  
 5232 firefighters pursuant to this section. This ratio shall be  
 5233 provided annually to the Department of Revenue by the division  
 5234 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue  
 5235 on or after July 1, 1990, shall be redistributed to

5236 municipalities and special fire control districts as provided in  
 5237 subparagraph 2.

5238 2. By October 1 of each year, any funds that have accrued  
 5239 or accrue on or after July 1, 1990, and remain in the  
 5240 Firefighters' Supplemental Compensation Trust Fund following the  
 5241 required annual distribution shall be redistributed by the  
 5242 Department of Revenue pro rata to those municipalities and  
 5243 special fire control districts identified by the Department of  
 5244 Management Services as being eligible for additional funds  
 5245 pursuant to s. 175.121(3)(b).

5246 (d) Salary incentive payments to firefighters shall  
 5247 commence in the first full calendar month following the initial  
 5248 date of certification of eligibility by the division ~~of State~~  
 5249 ~~Fire Marshal~~.

5250 (e) Special fire service taxing districts are authorized  
 5251 and empowered to expend the funds necessary to ensure correct  
 5252 payment to firefighters.

5253 ~~(4)-(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental  
 5254 compensation and expenses of the administration provided by this  
 5255 section is found to serve a state, county, district, and  
 5256 municipal purpose and to provide benefit to the state and to its  
 5257 counties, municipalities, and districts.

5258 (5) For the purposes of this section, the division shall be  
 5259 considered a fire service provider responsible for the payment  
 5260 of supplemental compensation in accordance with this section to  
 5261 firefighters employed full-time by the division.

5262 Section 66. Section 633.353, Florida Statutes, is  
 5263 transferred and renumbered as section 633.424, Florida Statutes,

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5264 and amended to read:

5265 633.424 ~~633.353~~ Falsification of qualifications.—Any  
5266 individual person who willfully and knowingly falsifies her or  
5267 his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of Fire  
5268 Standards and Training of the division commits ~~is guilty of~~ a  
5269 misdemeanor of the second degree, punishable as provided in s.  
5270 775.082 or s. 775.083.

5271 Section 67. Section 633.351, Florida Statutes, is  
5272 transferred and renumbered as section 633.426, Florida Statutes,  
5273 and amended to read:

5274 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~  
5275 standards for revocation of certification.—

5276 (1) For purposes of this section, the term:

5277 (a) "Certificate" means any of the certificates issued  
5278 under s. 633.406.

5279 (b) "Certification" or "certified" means the act of  
5280 holding a current and valid certificate.

5281 (c) "Convicted" means a finding of guilt, or the  
5282 acceptance of a plea of guilty or nolo contendere, in any  
5283 federal or state court or a court in any other country, without  
5284 regard to whether a judgment of conviction has been entered by  
5285 the court having jurisdiction of the case.

5286 (d) "Department" means the Florida Department of Law  
5287 Enforcement.

5288 (2) An individual is ineligible to apply for certification  
5289 if the individual has, at any time, been:

5290 (a) Convicted of a misdemeanor relating to the  
5291 certification or to perjury or false statements.

5292 (b) Convicted of a felony or a crime punishable by  
 5293 imprisonment of 1 year or more under the law of the United  
 5294 States or of any state thereof, or under the law of any other  
 5295 country.

5296 (c) Dishonorably discharged from any of the Armed Forces  
 5297 of the United States.

5298 (3) (a) The certification of an individual shall be  
 5299 permanently revoked if the individual is:

5300 1. Convicted of a misdemeanor relating to perjury or false  
 5301 statement.

5302 2. Convicted of a felony or a crime punishable by  
 5303 imprisonment of 1 year or more under the law of the United  
 5304 States or of any state thereof, or under the law of any other  
 5305 country.

5306 3. Dishonorably discharged from any of the Armed Forces of  
 5307 the United States.

5308 (b) For individuals who are certified prior to the  
 5309 effective date of this act:

5310 1. This subsection shall apply prospectively to  
 5311 convictions or dishonorable discharges entered on or after the  
 5312 effective date of this act.

5313 2. The provisions of s. 633.351 as it existed prior to the  
 5314 effective date of this act shall apply to convictions entered  
 5315 prior to the effective date of this act.

5316 (4) The certification of an individual ~~a firefighter~~ shall  
 5317 be revoked if evidence is found which demonstrates that the  
 5318 certification was improperly issued by the division or ~~if~~  
 5319 ~~evidence is found that the certification was issued on the basis~~

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5320 of false, incorrect, incomplete, or misleading information, or  
5321 that the individual has demonstrated a lack of moral fitness or  
5322 trustworthiness to carry out the responsibilities under the  
5323 individual's certification.

5324 (5) (a) Each individual who applies for certification must  
5325 submit fingerprints to the division with a current processing  
5326 fee, unless that individual's fingerprints are retained by the  
5327 department under paragraph (b). By July 1, 2014, any individual  
5328 who is certified and whose fingerprints have not been retained  
5329 by the department under paragraph (b) must submit fingerprints  
5330 to the division with a current processing fee. The division  
5331 shall forward each individual's fingerprints to the department  
5332 for state processing and the Department of Law Enforcement shall  
5333 forward each individual's fingerprints to the Federal Bureau of  
5334 Investigation for national processing. A fire service provider  
5335 may pay the current processing fee required by this paragraph.

5336 (b) The department shall retain and enter into the  
5337 statewide automated fingerprint identification system authorized  
5338 by s. 943.05 all fingerprints submitted to the division under  
5339 this section and s. 633.412. Thereafter, the fingerprints shall  
5340 be available for all purposes and uses authorized for arrest  
5341 fingerprints entered in the statewide automated fingerprint  
5342 identification system pursuant to s. 943.051. The department  
5343 shall search the fingerprints retained pursuant to this section  
5344 against all arrest fingerprints received pursuant to s. 943.051  
5345 and report to the division any arrest records that are  
5346 identified with the retained fingerprints.

5347 ~~(2) The certification of a firefighter who is convicted of~~

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5348 | ~~a felony, or who is convicted of a misdemeanor relating to~~  
 5349 | ~~misleading or false statements, or who pleads nolo contendere to~~  
 5350 | ~~any charge of a felony shall be revoked until the firefighter~~  
 5351 | ~~complies with s. 112.011(2)(b). However, if sentence upon such~~  
 5352 | ~~felony or such misdemeanor charge is suspended or adjudication~~  
 5353 | ~~is withheld, the firefighter's certification shall be revoked~~  
 5354 | ~~until she or he completes any probation.~~

5355 | Section 68. Section 633.43, Florida Statutes, is  
 5356 | transferred and renumbered as section 633.428, Florida Statutes,  
 5357 | and amended to read:

5358 | 633.428 ~~633.43~~ Florida State Fire College established.—  
 5359 | There is hereby established a state institution to be known as  
 5360 | the Florida State Fire College, to be located at or near Ocala,  
 5361 | Marion County. The institution shall be operated by the division  
 5362 | ~~of State Fire Marshal of the department.~~

5363 | Section 69. Section 633.44, Florida Statutes, is  
 5364 | transferred and renumbered as section 633.432, Florida Statutes,  
 5365 | and amended, to read:

5366 | 633.432 ~~633.44~~ Purpose of fire college.—The purposes of  
 5367 | part IV ss. 633.43–633.49 and of the Florida State Fire College  
 5368 | shall be:

5369 | (1) To provide professional and volunteer firefighters  
 5370 | with needful professional instruction and training in subjects,  
 5371 | including, but not limited to, firefighting, fire prevention,  
 5372 | hazardous materials, urban search and rescue, and emergency  
 5373 | operations, at a minimum of cost to them and to their employers.

5374 | (2) To ensure the professionalism and competence of those  
 5375 | performing firefighting, fire prevention, and associated fire



5376 | protection functions by administering a system of certification  
 5377 | and licensing.

5378 |        (3)~~(2)~~ To develop new methods and practices of  
 5379 | firefighting and fire prevention.

5380 |        (4)~~(3)~~ To assist the state and county, municipal, and  
 5381 | other local governments of this state and their agencies and  
 5382 | officers in their investigation and determination of the causes  
 5383 | of fires.

5384 |        (5)~~(4)~~ To provide testing facilities for testing  
 5385 | firefighting equipment.

5386 |        (6)~~(5)~~ To disseminate useful information on fires,  
 5387 | firefighting and fire prevention and other related subjects, to  
 5388 | fire departments and others interested in such information.

5389 |        (7)~~(6)~~ To do such other needful or useful things necessary  
 5390 | to the promotion of public safety in the field of fire hazards  
 5391 | and fire prevention work.

5392 |  
 5393 | It is hereby declared by the Legislature that the above purposes  
 5394 | are legitimate state functions and are designed to promote  
 5395 | public safety.

5396 |        Section 70. Section 633.48, Florida Statutes, is  
 5397 | transferred and renumbered as section 633.434, Florida Statutes,  
 5398 | and amended to read:

5399 |        633.434 ~~633.48~~ Superintendent of college.—The division may  
 5400 | employ a superintendent for the Florida State Fire College, who  
 5401 | shall be especially trained and qualified in firefighting, fire  
 5402 | prevention and fire experimental work, and may employ on the  
 5403 | recommendations of said superintendent such other instructors,

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5404 experimental helpers and laborers as may be necessary to the  
 5405 proper conduct of said institution; and may proceed with the  
 5406 erection and detailed operation of said institution under ss.  
 5407 633.428-633.444 ~~633.43-633.49~~.

5408 Section 71. Section 633.461, Florida Statutes, is  
 5409 transferred and renumbered as section 633.436, Florida Statutes,  
 5410 and amended to read:

5411 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—  
 5412 The funds received from the Insurance Regulatory Trust Fund  
 5413 shall be used by the staff of the Florida State Fire College to  
 5414 provide all necessary services, training, equipment, and  
 5415 supplies to carry out the college's responsibilities, including,  
 5416 but not limited to, ~~the State Fire Marshal Scholarship Grant~~  
 5417 ~~Program~~ and the procurement of training resources and films,  
 5418 ~~videotapes,~~ audiovisual equipment, and other useful information  
 5419 on fire, firefighting, and fire prevention, including public  
 5420 fire service information packages.

5421 Section 72. Section 633.47, Florida Statutes, is  
 5422 transferred and renumbered as section 633.438, Florida Statutes.

5423 Section 73. Section 633.49, Florida Statutes, is  
 5424 transferred and renumbered as section 633.442, Florida Statutes,  
 5425 and amended to read:

5426 633.442 ~~633.49~~ Buildings, equipment, and other facilities;  
 5427 use.—The division shall have the power to prescribe and shall  
 5428 make the necessary rules and regulations for the use of  
 5429 buildings, equipment and other facilities of the Florida State  
 5430 Fire College when they are not in use for the purposes set forth  
 5431 in part IV ~~ss. 633.43-633.49~~.

5432 Section 74. Section 633.50, Florida Statutes, is  
 5433 transferred and renumbered as section 633.444, Florida Statutes,  
 5434 and amended to read:

5435 633.444 ~~633.50~~ Division powers and duties; Florida State  
 5436 Fire College.—

5437 (1) The division, in performing its duties related to the  
 5438 Florida State Fire College, specified in part IV ~~ss. 633.43—~~  
 5439 ~~633.49~~, shall:

5440 (a) Enter into agreements with public or private school  
 5441 districts, community colleges, junior colleges, or state  
 5442 universities to carry out its duties and responsibilities.

5443 (b) Review and approve budget requests for the fire  
 5444 college educational program.

5445 (c) Prepare the legislative budget request for the Florida  
 5446 State Fire College education program. The superintendent is  
 5447 responsible for all expenditures pursuant to appropriations.

5448 (d) Implement procedures to obtain appropriate entitlement  
 5449 funds from federal and state grants to supplement the annual  
 5450 legislative appropriation. Such funds must be used expressly for  
 5451 the fire college educational programs.

5452 (e) Develop a staffing and funding formula for the Florida  
 5453 State Fire College. The formula shall include differential  
 5454 funding levels for various types of programs, shall be based on  
 5455 the number of full-time equivalent students and information  
 5456 obtained from scheduled attendance counts taken the first day of  
 5457 each program, and shall provide the basis for the legislative  
 5458 budget request. As used in this section, a full-time equivalent  
 5459 student is equal to a minimum of 900 hours in a technical

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5460 certificate program and 400 hours in a degree-seeking program.  
5461 The funding formula shall be as prescribed pursuant to s.  
5462 1011.62, shall include procedures to document daily attendance,  
5463 and shall require that attendance records be retained for audit  
5464 purposes.

5465 (f) Approve and register in an electronic database  
5466 designated by the division an education or training provider  
5467 before the education or training provider is authorized to offer  
5468 any course to fulfill any education or training requirement  
5469 under this chapter. The division must establish criteria, by  
5470 rule, for the approval of such education or training providers.  
5471 Only approved and registered education or training providers are  
5472 eligible to provide instruction or training that will be  
5473 recognized by the division in order to fulfill any education or  
5474 training requirement under this chapter.

5475 (g) Recognize only courses offered by approved and  
5476 registered training or education providers as fulfilling the  
5477 education or training requirements under this chapter.

5478 (2) Funds generated by the formula per full-time  
5479 equivalent student may not exceed the level of state funding per  
5480 full-time equivalent student generated through the Florida  
5481 Education Finance Program or the State Community College Program  
5482 Fund for students enrolled in comparable education programs  
5483 provided by public school districts and community colleges.  
5484 Funds appropriated for education and operational costs shall be  
5485 deposited in the Insurance Regulatory Trust Fund to be used  
5486 solely for purposes specified in s. 633.436 ~~633.461~~ and may not  
5487 be transferred to any other budget entity for purposes other

5488 | than education.

5489 |       Section 75. Part V of chapter 633, Florida Statutes,  
5490 | consisting of sections 633.502, 633.504, 633.506, 633.508,  
5491 | 633.512, 633.514, 633.516, 633.518, 633.522, 633.526, 633.528,  
5492 | 633.532, 633.534, and 633.536, is created and entitled "Florida  
5493 | Firefighters Occupational Safety and Health Act."

5494 |       Section 76. Section 633.801, Florida Statutes, is  
5495 | transferred and renumbered as section 633.502, Florida Statutes,  
5496 | and amended to read:

5497 |       633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,  
5498 | ~~633.801-633.821~~ may be cited as the "Florida Firefighters  
5499 | Occupational Safety and Health Act."

5500 |       Section 77. Section 633.802, Florida Statutes, is  
5501 | transferred and renumbered as section 633.504, Florida Statutes,  
5502 | and amended to read:

5503 |       633.504 ~~633.802~~ Definitions.—Unless the context clearly  
5504 | requires otherwise, the following definitions shall apply to  
5505 | this part ~~ss. 633.801-633.821~~:

5506 |       (1) "Firefighter employee" means any firefighter,  
5507 | volunteer firefighter, or individual providing support services,  
5508 | who is ~~person~~ engaged in any employment, public or private, ~~as a~~  
5509 | ~~firefighter~~ under any appointment or contract of hire or  
5510 | apprenticeship, express or implied, oral or written, whether  
5511 | lawfully or unlawfully employed, responding to or assisting with  
5512 | fire or medical emergencies, whether or not ~~the firefighter is~~  
5513 | on duty, except those appointed under s. 590.02(1)(d).

5514 |       (2) "Firefighter employer" means the state and all  
5515 | political subdivisions of this state, all public and quasi-

5516 public corporations in this state, and every person carrying on  
 5517 any employment for this state, political subdivisions of this  
 5518 state, and public and quasi-public corporations in this state  
 5519 which employs firefighter employees ~~firefighters~~, except those  
 5520 appointed under s. 590.02(1)(d).

5521 (3) "Firefighter employment" or "employment" means any  
 5522 service performed by a firefighter employee for the firefighter  
 5523 employer.

5524 (4) "Firefighter place of employment" or "place of  
 5525 employment" means the physical location at which the firefighter  
 5526 employee is employed or deployed.

5527 Section 78. Section 633.803, Florida Statutes, is  
 5528 transferred and renumbered as section 633.506, and amended to  
 5529 read:

5530 633.506 ~~633.803~~ Legislative intent.—It is the intent of  
 5531 the Legislature to enhance firefighter occupational safety and  
 5532 health in the state through the implementation and maintenance  
 5533 of policies, procedures, practices, rules, and standards that  
 5534 reduce the incidence of firefighter employee accidents,  
 5535 firefighter employee occupational diseases, and firefighter  
 5536 employee fatalities compensable under chapter 440 or otherwise.  
 5537 The Legislature further intends that the division develop a  
 5538 means by which the division can identify individual firefighter  
 5539 employers with a high frequency or severity of work-related  
 5540 injuries, conduct safety inspections of those firefighter  
 5541 employers, and assist those firefighter employers in the  
 5542 development and implementation of firefighter employee safety  
 5543 and health programs. In addition, it is the intent of the

5544 Legislature that the division administer and enforce the  
 5545 provisions of this part ss. ~~633.801-633.821~~; provide assistance  
 5546 to firefighter employers, firefighter employees, and insurers;  
 5547 and enforce the policies, rules, and standards set forth in this  
 5548 part ss. ~~633.801-633.821~~.

5549 Section 79. Section 633.821, Florida Statutes, is  
 5550 transferred and renumbered as subsections (1), (2), (3), (4),  
 5551 (5), and (6) of section 633.508, Florida Statutes, and  
 5552 subsections (2), (3), (5), and (6) of that section are amended,  
 5553 and section 633.808, Florida Statutes, is transferred and  
 5554 renumbered as subsection (7) of that section and amended, to  
 5555 read:

5556 633.508 ~~633.821~~ Workplace safety; rulemaking authority.-

5557 (1) The division shall assist in making the firefighter  
 5558 employee place of employment a safer place to work and  
 5559 decreasing the frequency and severity of on-the-job injuries in  
 5560 such workplace.

5561 (2) The division shall have the authority to adopt rules  
 5562 for the purpose of ensuring safe working conditions for all  
 5563 firefighter employees by authorizing the enforcement of  
 5564 effective standards, by assisting and encouraging firefighter  
 5565 employers to maintain safe working conditions, and by providing  
 5566 for education and training in the field of safety. Specifically,  
 5567 the division may by rule adopt the most current edition of all  
 5568 or any part of subparts C through T and subpart Z of 29 C.F.R.  
 5569 s. 1910, as revised April 8, 1998; the National Fire Protection  
 5570 Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert  
 5571 Safety System) (1992 edition); the National Fire Protection

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5572 Association, Inc., Publication 1403, Standard on Live Fire  
5573 Training Evolutions (~~latest edition~~), as limited by subsection  
5574 (6); and ANSI A 10.4-1990.

5575 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
5576 individuals located outside the immediately dangerous to life  
5577 and health atmosphere may be assigned to an additional role,  
5578 such as incident commander, pumper operator, engineer, or  
5579 driver, so long as such individual is able to immediately  
5580 perform assistance or rescue activities without jeopardizing the  
5581 safety or health of any firefighter employee working at an  
5582 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

5583 ~~(a) Each county, municipality, and special district shall~~  
5584 ~~implement such provision by April 1, 2002, except as provided in~~  
5585 ~~paragraphs (b) and (c).~~

5586 ~~(b) If any county, municipality, or special district is~~  
5587 ~~unable to implement such provision by April 1, 2002, without~~  
5588 ~~adding additional personnel to its firefighting staff or~~  
5589 ~~expending significant additional funds, such county,~~  
5590 ~~municipality, or special district shall have an additional 6~~  
5591 ~~months within which to implement such provision. Such county,~~  
5592 ~~municipality, or special district shall notify the division that~~  
5593 ~~the 6-month extension to implement such provision is in effect~~  
5594 ~~in such county, municipality, or special district within 30 days~~  
5595 ~~after its decision to extend the time for the additional 6~~  
5596 ~~months. The decision to extend the time for implementation shall~~  
5597 ~~be made prior to April 1, 2002.~~

5598 ~~(c) If, after the extension granted in paragraph (b), the~~  
5599 ~~county, municipality, or special district, after having worked~~



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5600 ~~with and cooperated fully with the division and the Firefighters~~  
5601 ~~Employment, Standards, and Training Council, is still unable to~~  
5602 ~~implement such provisions without adding additional personnel to~~  
5603 ~~its firefighting staff or expending significant additional~~  
5604 ~~funds, such municipality, county, or special district shall be~~  
5605 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~  
5606 ~~However, each year thereafter the division shall review each~~  
5607 ~~such county, municipality, or special district to determine if~~  
5608 ~~such county, municipality, or special district has the ability~~  
5609 ~~to implement such provision without adding additional personnel~~  
5610 ~~to its firefighting staff or expending significant additional~~  
5611 ~~funds. If the division determines that any county, municipality,~~  
5612 ~~or special district has the ability to implement such provision~~  
5613 ~~without adding additional personnel to its firefighting staff or~~  
5614 ~~expending significant additional funds, the division shall~~  
5615 ~~require such county, municipality, or special district to~~  
5616 ~~implement such provision. Such requirement by the division under~~  
5617 ~~this paragraph constitutes final agency action subject to~~  
5618 ~~chapter 120.~~

5619 (4) The provisions of chapter 440 that pertain to  
5620 workplace safety apply to the division.

5621 (5) The division may adopt any rule necessary to  
5622 implement, interpret, and make specific the provisions of this  
5623 section, provided the division may not adopt by rule any other  
5624 standard or standards of the Occupational Safety and Health  
5625 Administration or the National Fire Protection Association  
5626 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter  
5627 employment safety without specific legislative authority.

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5628 (6) (a) The division shall adopt rules for live fire  
5629 training that all firefighter employees ~~firefighters~~ subject to  
5630 this chapter must complete. The division shall also adopt rules  
5631 for a training and certification process for live fire training  
5632 instructors.

5633 (b) Such rules for training shall include:

5634 1. Sections of the most current edition of the National  
5635 Fire Protection Association, Inc., Publication 1402, Guide to  
5636 Building Fire Service Training Centers, relating to establishing  
5637 policies and procedures for effective use of such permanent  
5638 facilities or structures.

5639 2. Sections of the most current edition of the National  
5640 Fire Protection Association, Inc., Publication 1403, Standard on  
5641 Live Fire Training Evolutions, excluding, however:

5642 a. Any chapter entitled "Referenced Publications."

5643 b. References to the National Fire Protection Association,  
5644 Inc., Publication 1975, Station Uniform.

5645 c. Provisions of the National Fire Protection Association,  
5646 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~  
5647 ~~references to such publication in the National Fire Protection~~  
5648 ~~Association, Inc., Publication 1975.~~

5649 d. Any reference to an authority having jurisdiction in  
5650 the National Fire Protection Association, Inc., Publication  
5651 1403, defined as the organization, office, or individual  
5652 responsible for approving equipment, materials, installations,  
5653 and procedures.

5654 3. A 40-hour training program for live fire training  
5655 instructors, including:

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- 5656 a. Live fire instructional techniques.
- 5657 b. Training safety in acquired or permanent facilities or  
5658 props.
- 5659 c. Personnel safety.
- 5660 d. Exterior props, including, but not limited to, liquid  
5661 petroleum gas, other liquid fuels, and similar props.

5662 ~~(c) The rules, excluding those pertaining to live fire~~  
5663 ~~training instructor certification, shall take effect no later~~  
5664 ~~than January 1, 2006.~~

5665 (c)~~(d)~~ Each live fire training instructor is required to  
5666 be a state certified fire safety instructor. All live fire  
5667 training ~~commenced on and after January 1, 2007,~~ must be  
5668 conducted by a certified live fire training instructor.

5669 (d)~~(e)~~ This subsection does not apply to wildland or  
5670 prescribed live fire training exercises sanctioned by the  
5671 Florida Forest Service of the Department of Agriculture and  
5672 Consumer Services or the National Wildfire Coordinating Group.

5673 ~~633.808 Division authority.—~~

5674 (7) The division shall:

5675 (a)~~(1)~~ Investigate and prescribe by rule what safety  
5676 devices, safeguards, or other means of protection must be  
5677 adopted for the prevention of accidents and injuries in every  
5678 firefighter employee place of employment or at any fire scene;  
5679 determine what suitable devices, safeguards, or other means of  
5680 protection for the prevention of occupational diseases must be  
5681 adopted or followed in any or all such firefighter places of  
5682 employment or at any emergency fire scene; and adopt reasonable  
5683 rules for the prevention of accidents, the safety, protection,

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5684 and security of firefighter employees engaged in interior  
5685 firefighting, and the prevention of occupational diseases.

5686 (b)~~(2)~~ Ascertain, fix, and order such reasonable standards  
5687 and rules for the construction, repair, and maintenance of  
5688 firefighter employee places of employment as shall render them  
5689 safe. Such rules and standards shall be adopted in accordance  
5690 with chapter 120.

5691 ~~(3) Assist firefighter employers in the development and~~  
5692 ~~implementation of firefighter employee safety training programs~~  
5693 ~~by contracting with professional safety organizations.~~

5694 (c)~~(4)~~ Adopt rules prescribing recordkeeping  
5695 responsibilities for firefighter employers, which may include  
5696 maintaining a log and summary of occupational injuries,  
5697 diseases, and illnesses, for producing on request a notice of  
5698 injury and firefighter employee accident investigation records,  
5699 and prescribing a retention schedule for such records.

5700 Section 80. Section 633.817, Florida Statutes, is  
5701 transferred and renumbered as section 633.512, Florida Statutes,  
5702 and amended to read:

5703 633.512 ~~633.817~~ Compliance.—Failure of a firefighter  
5704 employer or an insurer to comply with this part ~~ss. 633.801-~~  
5705 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~  
5706 ~~633.821~~, constitutes grounds for the division to seek remedies,  
5707 including injunctive relief, by making appropriate filings with  
5708 the circuit court.

5709 Section 81. Section 633.805, Florida Statutes, is  
5710 transferred and renumbered as section 633.514, Florida Statutes.

5711 Section 82. Section 633.806, Florida Statutes, is

5712 transferred and renumbered as subsections (1) and (2) of section  
 5713 633.516, Florida Statutes, and amended, and section 633.815,  
 5714 Florida Statutes, is transferred and renumbered as subsection  
 5715 (3) of that section and amended, to read:

5716 633.516 ~~633.806~~ Studies, investigations, inspections, or  
 5717 inquiries by the division; refusal to admit; penalty.—

5718 (1) The division shall make studies ~~and~~ investigations,  
 5719 inspections, or inquiries, with respect to compliance with this  
 5720 part or any rules authorized under this part ~~safety provisions~~  
 5721 and the causes of firefighter employee injuries, illnesses,  
 5722 safety based complaints, or Line of Duty Deaths (LODD) as  
 5723 defined in rule, in firefighter employee places of employment  
 5724 and shall make such recommendations to the Legislature and  
 5725 firefighter employers and insurers as the division considers  
 5726 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~  
 5727 ~~of preventing firefighter injuries.~~ In making such studies, and  
 5728 investigations, inspections, or inquiries, the division may  
 5729 cooperate with any agency of the United States charged with the  
 5730 duty of enforcing any law securing safety against injury in any  
 5731 place of firefighter employment covered by this part ~~ss.~~

5732 ~~633.801-633.821~~ or any agency or department of the state engaged  
 5733 in enforcing any law to ensure safety for firefighter employees.

5734 (2) The division by rule may adopt procedures for  
 5735 conducting investigations, inspections, or inquiries, of  
 5736 firefighter employers under this part ~~ss. 633.801-633.821.~~

5737 ~~633.815~~ ~~Refusal to admit; penalty.—~~

5738 (3) The division and authorized representatives of the  
 5739 division may enter and inspect any firefighter employee's place

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5740 of employment at any reasonable time for the purpose of  
5741 investigating compliance with this part ~~ss. 633.801-633.821~~ and  
5742 conducting inspections for the proper enforcement of this part  
5743 ~~ss. 633.801-633.821~~. A firefighter employer who refuses to admit  
5744 any member of the division or authorized representative of the  
5745 division to any place of employment or to allow investigation  
5746 and inspection pursuant to this section commits a misdemeanor of  
5747 the second degree, punishable as provided in s. 775.082 or s.  
5748 775.083.

5749 Section 83. Section 633.807, Florida Statutes, is  
5750 transferred and renumbered as section 633.518, Florida Statutes,  
5751 and amended to read:

5752 633.518 ~~633.807~~ Safety; firefighter employer  
5753 responsibilities.—Every firefighter employer shall furnish and  
5754 use safety devices and safeguards, adopt and use methods and  
5755 processes reasonably adequate to render such an employment and  
5756 place of employment safe, and do every other thing reasonably  
5757 necessary to protect the lives, health, and safety of such  
5758 firefighter employees. As used in this section, the terms "safe"  
5759 and "safety," as applied to any employment or place of  
5760 ~~firefighter~~ employment, mean such freedom from danger as is  
5761 reasonably necessary for the protection of the lives, health,  
5762 and safety of firefighter employees, including conditions and  
5763 methods of sanitation and hygiene. Safety devices and safeguards  
5764 required to be furnished by the firefighter employer by this  
5765 section or by the division under authority of this section shall  
5766 not include personal apparel and protective devices that replace  
5767 personal apparel normally worn by firefighter employees during

5768 regular working hours.

5769 Section 84. Section 633.809, Florida Statutes, is  
 5770 transferred and renumbered as subsection (1) of section 633.522,  
 5771 Florida Statutes, and amended, section 633.810, Florida  
 5772 Statutes, is transferred and renumbered as subsections (2), (3),  
 5773 (4), and (5) of that section, and section 633.813, Florida  
 5774 Statutes, is transferred and renumbered as subsection (6) of  
 5775 that section, and amended, to read:

5776 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~  
 5777 ~~employees have a high frequency of work-related injuries;~~  
 5778 corrective plans; workplace safety committees and coordinators.-

5779 (1) The division shall develop a means to ~~by which the~~  
 5780 ~~division may~~ identify individual firefighter employers with  
 5781 ~~whose firefighter employees have a high frequency or severity of~~  
 5782 firefighter employee work-related injuries. The division shall  
 5783 ~~carry out safety inspections of the facilities and operations of~~  
 5784 ~~those firefighter employers in order to assist them in reducing~~  
 5785 ~~the frequency and severity of work-related injuries. The~~  
 5786 ~~division shall develop safety and health programs for those~~  
 5787 ~~firefighter employers. Insurers shall distribute such safety and~~  
 5788 ~~health programs to the firefighter employers so identified by~~  
 5789 ~~the division. Those firefighter employers identified by the~~  
 5790 ~~division as having a high frequency or severity of work-related~~  
 5791 ~~injuries shall implement a safety and health program developed~~  
 5792 ~~by the division. The division shall~~ conduct ~~carry out~~ safety  
 5793 inspections of those firefighter employers so identified to  
 5794 ensure compliance with this part or the division's rules and  
 5795 make recommendations based upon current ~~the~~ safety and health

5796 practices ~~program~~ and to assist such firefighter employers in  
 5797 reducing the number of work-related injuries. The division may  
 5798 not assess penalties as a result of such inspections, ~~except as~~  
 5799 ~~provided by s. 633.813~~. Copies of any report made as the result  
 5800 of such an inspection shall be provided to the firefighter  
 5801 employer and its insurer. Firefighter employers shall ~~may~~ submit  
 5802 a plan for the correction of any noncompliance issues ~~their own~~  
 5803 ~~safety and health programs~~ to the division for approval in  
 5804 accordance with division rule ~~lieu of using the safety and~~  
 5805 ~~health program developed by the division~~. The division shall  
 5806 promptly review the plan ~~program~~ submitted and approve or  
 5807 disapprove the plan ~~program~~ within 60 days or such plan ~~program~~  
 5808 shall be deemed approved. Upon approval by the division, the  
 5809 plan ~~program~~ shall be implemented by the firefighter employer.  
 5810 If the plan ~~program~~ is not submitted, does not provide  
 5811 corrective actions for all deficiencies, is not complete, or is  
 5812 not implemented, the fire service provider shall be subject to  
 5813 the provisions of s. 633.526 ~~approved or if a program is not~~  
 5814 ~~submitted, the firefighter employer shall implement the program~~  
 5815 ~~developed by the division. The division shall adopt rules~~  
 5816 ~~setting forth the criteria for safety and health programs, as~~  
 5817 ~~such rules relate to this section.~~

5818 ~~633.810 Workplace safety committees and safety~~  
 5819 ~~coordinators.—~~

5820 (2)(1) In order to promote health and safety in  
 5821 firefighter employee places of employment in this state:

5822 (a) Each firefighter employer of 20 or more firefighter  
 5823 employees shall establish and administer a workplace safety



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5824 | committee in accordance with rules adopted under this section.

5825 |       (b) Each firefighter employer of fewer than 20 firefighter  
5826 | employees identified by the division as having high frequency or  
5827 | high severity of work-related injuries shall establish and  
5828 | administer a workplace safety committee or designate a workplace  
5829 | safety coordinator who shall establish and administer workplace  
5830 | safety activities in accordance with rules adopted under this  
5831 | section.

5832 |       (3)~~(2)~~ The division shall adopt rules:

5833 |       (a) Prescribing the membership of the workplace safety  
5834 | committees so as to ensure an equal number of firefighter  
5835 | employee representatives who are volunteers or are elected by  
5836 | their peers and firefighter employer representatives, and  
5837 | specifying the frequency of meetings.

5838 |       (b) Requiring firefighter employers to make adequate  
5839 | records of each meeting and to file and to maintain the records  
5840 | subject to inspection by the division.

5841 |       (c) Prescribing the duties and functions of the workplace  
5842 | safety committee and workplace safety coordinator, which  
5843 | include, but are not limited to:

5844 |           1. Establishing procedures for workplace safety  
5845 | inspections by the committee.

5846 |           2. Establishing procedures for investigating all workplace  
5847 | accidents, safety-related incidents, illnesses, and deaths.

5848 |           3. Evaluating accident prevention and illness prevention  
5849 | programs.

5850 |           4. Prescribing guidelines for the training of safety  
5851 | committee members.

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5852        ~~(4)-(3)~~ The composition, selection, and function of  
5853 workplace safety committees shall be a mandatory topic of  
5854 negotiations with any certified collective bargaining agent for  
5855 firefighter employers that operate under a collective bargaining  
5856 agreement. Firefighter employers that operate under a collective  
5857 bargaining agreement that contains provisions regulating the  
5858 formation and operation of workplace safety committees that meet  
5859 or exceed the minimum requirements contained in this section, or  
5860 firefighter employers who otherwise have existing workplace  
5861 safety committees that meet or exceed the minimum requirements  
5862 established by this section, are in compliance with this  
5863 section.

5864        ~~(5)-(4)~~ Firefighter employees shall be compensated their  
5865 regular hourly wage while engaged in workplace safety committee  
5866 or workplace safety coordinator training, meetings, or other  
5867 duties prescribed under this section.

5868        ~~633.813 Failure to implement a safety and health program;~~  
5869 ~~cancellations.—~~

5870        (6) If a firefighter employer ~~that is found by the~~  
5871 ~~division to have a high frequency or severity of work-related~~  
5872 ~~injuries~~ fails to implement a corrective plan ~~safety and health~~  
5873 ~~program~~, the insurer or self-insurer's fund that is providing  
5874 coverage for the firefighter employer may cancel the contract  
5875 for insurance with the firefighter employer. In the alternative,  
5876 the insurer or fund may terminate any discount or deviation  
5877 granted to the firefighter employer for the remainder of the  
5878 term of the policy. If the contract is canceled or the discount  
5879 or deviation is terminated, the insurer shall make such reports

5880 as are required by law.

5881 Section 85. Section 633.811, Florida Statutes, is  
 5882 transferred and renumbered as section 633.526, Florida Statutes,  
 5883 and amended to read:

5884 633.526 ~~633.811~~ Firefighter employer penalties.—If any  
 5885 firefighter employer violates or fails or refuses to comply with  
 5886 this part ~~ss. 633.801–633.821~~, or with any rule adopted by the  
 5887 division under such sections in accordance with chapter 120 for  
 5888 the prevention of injuries, accidents, or occupational diseases  
 5889 or with any lawful order of the division in connection with this  
 5890 part ~~ss. 633.801–633.821~~, or fails or refuses to furnish or  
 5891 adopt any safety device, safeguard, or other means of protection  
 5892 prescribed by division rule under this part ~~ss. 633.801–633.821~~  
 5893 for the prevention of accidents or occupational diseases, the  
 5894 division may:

5895 (1) Issue an administrative cease and desist order,  
 5896 enforceable in the circuit court in the jurisdiction where the  
 5897 violation is occurring or has occurred;

5898 (2) Assess an administrative fine against a firefighter  
 5899 employer of not less than \$100 or more than \$1,000 for each  
 5900 violation and each day a violation is committed; and

5901 (3) Assess against the firefighter employer a civil  
 5902 penalty of not less than \$100 nor more than \$5,000 for each day  
 5903 the violation, omission, failure, or refusal continues after the  
 5904 firefighter employer has been given written notice of such  
 5905 violation, omission, failure, or refusal. The total penalty for  
 5906 each violation shall not exceed \$50,000. The division shall  
 5907 adopt rules requiring penalties commensurate with the frequency

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5908 or severity of safety violations. Hearings requested under this  
5909 provision shall be conducted in Tallahassee, Florida. ~~A hearing~~  
5910 ~~shall be held in the county in which the violation, omission,~~  
5911 ~~failure, or refusal is alleged to have occurred, unless~~  
5912 ~~otherwise agreed to by the firefighter employer and authorized~~  
5913 ~~by the division.~~ All penalties assessed and collected under this  
5914 section shall be deposited in the Insurance Regulatory Trust  
5915 Fund.

5916 Section 86. Section 633.812, Florida Statutes, is  
5917 transferred and renumbered as section 633.528, Florida Statutes,  
5918 and subsections (2) and (3) are amended, to read:

5919 633.528 ~~633.812~~ Division cooperation with Federal  
5920 Government; exemption from requirements for private firefighter  
5921 employers.—

5922 (1) The division shall cooperate with the Federal  
5923 Government so that duplicate inspections will be avoided while  
5924 at the same time ensuring safe firefighter employee places of  
5925 employment for the citizens of this state.

5926 (2) ~~Except as provided in this section,~~ A private  
5927 firefighter employer is not subject to the requirements set  
5928 forth in part IV and part V of the division if the private  
5929 firefighter employer meets the requirements of this part and:

5930 (a) The private firefighter employer is subject to the  
5931 federal regulations in 29 C.F.R. ss. 1910 and 1926.

5932 (b) The private firefighter employer has adopted and  
5933 implemented a written safety program that conforms to the  
5934 requirements of 29 C.F.R. ss. 1910 and 1926.

5935 ~~(c) A private firefighter employer with 20 or more full-~~

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5936 ~~time firefighter employees shall include provisions for a safety~~  
5937 ~~committee in the safety program. The safety committee shall~~  
5938 ~~include firefighter employee representation and shall meet at~~  
5939 ~~least once each calendar quarter. The private firefighter~~  
5940 ~~employer shall make adequate records of each meeting and~~  
5941 ~~maintain the records subject to inspections under subsection~~  
5942 ~~(3). The safety committee shall, if appropriate, make~~  
5943 ~~recommendations regarding improvements to the safety program and~~  
5944 ~~corrections of hazards affecting workplace safety.~~

5945 (c) ~~(d)~~ The private firefighter employer provides the  
5946 division with a written statement that certifies compliance with  
5947 this subsection.

5948 (3) The division may enter at any reasonable time any  
5949 place of private firefighter employment for the purpose of  
5950 verifying the accuracy of the written certification. If the  
5951 division determines that the private firefighter employer has  
5952 not complied with the requirements of subsection (2), the  
5953 private firefighter employer shall be subject to the rules of  
5954 the division until the private firefighter employer complies  
5955 with subsection (2), which must be verified by a reinspection by  
5956 the division and recertifies that fact to the division.

5957 (4) This section shall not restrict the division's  
5958 performance of any duties pursuant to a written contract between  
5959 the division and the federal Occupational Safety and Health  
5960 Administration.

5961 Section 87. Section 633.816, Florida Statutes, is  
5962 transferred and renumbered as section 633.532, Florida Statutes,  
5963 and amended to read:

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5964            633.532 ~~633.816~~ Firefighter employee rights and  
5965 responsibilities.—

5966            (1) Each firefighter employee of a firefighter employer  
5967 covered under this part ~~ss. 633.801-633.821~~ shall comply with  
5968 rules adopted by the division and with reasonable workplace  
5969 safety and health standards, rules, policies, procedures, and  
5970 work practices established by the firefighter employer and the  
5971 workplace safety committee. A firefighter employee who knowingly  
5972 fails to comply with this subsection may be disciplined or  
5973 discharged by the firefighter employer.

5974            (2) A firefighter employer may not discharge, threaten to  
5975 discharge, cause to be discharged, intimidate, coerce, otherwise  
5976 discipline, or in any manner discriminate against a firefighter  
5977 employee for any of the following reasons:

5978            (a) The firefighter employee has testified or is about to  
5979 testify, on her or his own behalf or on behalf of others, in any  
5980 proceeding instituted under this part ~~ss. 633.801-633.821~~;

5981            (b) The firefighter employee has exercised any other right  
5982 afforded under this part ~~ss. 633.801-633.821~~; or

5983            (c) The firefighter employee is engaged in activities  
5984 relating to the workplace safety committee.

5985            (3) No pay, position, seniority, or other benefit may be  
5986 lost for exercising any right under, or for seeking compliance  
5987 with any requirement of, this part ~~ss. 633.801-633.821~~.

5988            Section 88. Section 633.818, Florida Statutes, is  
5989 transferred and renumbered as subsection (1) of section 633.534,  
5990 Florida Statutes, and amended, and section 633.819, Florida  
5991 Statutes, is transferred and renumbered as subsection (2) of

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5992 that section, to read:

5993 633.534 ~~633.818~~ False, fictitious, or fraudulent acts,  
 5994 statements, and representations prohibited; penalty; statute of  
 5995 limitations; to insurers.-

5996 (1) A firefighter employer who knowingly and willfully  
 5997 falsifies or conceals a material fact, who makes a false,  
 5998 fictitious, or fraudulent statement or representation, or who  
 5999 makes or uses any false document knowing the document to contain  
 6000 any false, fictitious, or fraudulent entry or statement to an  
 6001 insurer of workers' compensation insurance under this part ~~ss.~~  
 6002 ~~633.801-633.821~~ commits a misdemeanor of the second degree,  
 6003 punishable as provided in s. 775.082 or s. 775.083.

6004 ~~633.819 Matters within jurisdiction of the division;~~  
 6005 ~~false, fictitious, or fraudulent acts, statements, and~~  
 6006 ~~representations prohibited; penalty; statute of limitations.-~~

6007 (2) A person may not, in any matter within the  
 6008 jurisdiction of the division, knowingly and willfully falsify or  
 6009 conceal a material fact; make any false, fictitious, or  
 6010 fraudulent statement or representation; or make or use any false  
 6011 document, knowing the same to contain any false, fictitious, or  
 6012 fraudulent statement or entry. A person who violates this  
 6013 section commits a misdemeanor of the second degree, punishable  
 6014 as provided in s. 775.082 or s. 775.083. The statute of  
 6015 limitations for prosecution of an act committed in violation of  
 6016 this section is 5 years after the date the act was committed or,  
 6017 if not discovered within 30 days after the act was committed, 5  
 6018 years after the date the act was discovered.

6019 Section 89. Section 633.814, Florida Statutes, is

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6020 transferred and renumbered as section 633.536, Florida Statutes,  
 6021 and subsections (1) and (2) are amended, to read:

6022 633.536 ~~633.814~~ Expenses of administration.—The amounts  
 6023 that are needed to administer this part ~~ss. 633.801–633.821~~  
 6024 shall be disbursed from the Insurance Regulatory Trust Fund.

6025 Section 90. Section 554.103, Florida Statutes, is amended  
 6026 to read:

6027 554.103 Boiler code.—The department shall adopt by rule a  
 6028 State Boiler Code for the safe ~~construction~~, installation,  
 6029 inspection, maintenance, and repair of boilers in this state.  
 6030 The rules adopted shall be based upon and shall at all times  
 6031 follow generally accepted nationwide engineering standards,  
 6032 formulas, and practices pertaining to boiler construction and  
 6033 safety.

6034 (1) New boilers installed or imported into this state  
 6035 shall be constructed to the most current mandatory boiler code,  
 6036 ~~The department shall adopt an existing code for new construction~~  
 6037 ~~and installation~~ known as the Boiler and Pressure Vessel Code of  
 6038 the American Society of Mechanical Engineers, including all  
 6039 amendments, code cases, and interpretations approved thereto by  
 6040 the Council on Codes and Standards of A.S.M.E. ~~The department~~  
 6041 ~~may adopt amendments and interpretations to the A.S.M.E. Boiler~~  
 6042 ~~and Pressure Vessel Code approved by the A.S.M.E. Council on~~  
 6043 ~~Codes and Standards subsequent to the adoption of the State~~  
 6044 ~~Boiler Code, and when so adopted, such amendments and~~  
 6045 ~~interpretations shall become a part of the State Boiler Code.~~

6046 (2) The installer ~~owner~~ of any boiler placed in use in  
 6047 this state after July 1, 2012 ~~October 1, 1987~~, shall submit the



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6048 A.S.M.E. manufacturer's data report on such boiler to the chief  
 6049 inspector prior to the boiler being placed into operation ~~not~~  
 6050 ~~more than 90 days following the inservice date of the boiler.~~

6051 (3) The maximum allowable working pressure of a boiler  
 6052 carrying the A.S.M.E. code symbol shall be determined by the  
 6053 applicable sections of the code under which it was constructed  
 6054 and stamped. Subject to the concurrence of the chief inspector,  
 6055 such boiler may be rerated in accordance with the standards of  
 6056 the State Boiler Code.

6057 (4) The maximum allowable working pressure of a boiler  
 6058 which does not carry the A.S.M.E. code symbol shall be computed  
 6059 in accordance with the standards of the State Boiler Code.

6060 (5) Nothing in ss. 554.1011-554.115 shall be construed to  
 6061 in any way prevent the use, sale, or reinstallation of a boiler  
 6062 if such boiler has been made to conform to the applicable  
 6063 provisions of the State Boiler Code governing existing  
 6064 installations and if, upon inspection, the boiler has been found  
 6065 to be in a safe condition.

6066 Section 91. Section 791.012, Florida Statutes, is amended  
 6067 to read:

6068 791.012 Minimum fireworks safety standards.—The outdoor  
 6069 display of fireworks in this state shall be governed by the  
 6070 National Fire Protection Association (NFPA) 1123, Code for  
 6071 Fireworks Display, as adopted in the Florida Fire Prevention  
 6072 Code 1995 Edition, approved by the American National Standards  
 6073 ~~Institute~~. Any state, county, or municipal law, rule, or  
 6074 ordinance may provide for more stringent regulations for the  
 6075 outdoor display of fireworks, but in no event may any such law,

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6076 rule, or ordinance provide for less stringent regulations for  
6077 the outdoor display of fireworks. The division shall promulgate  
6078 rules to carry out the provisions of this section. The Code for  
6079 Fireworks Display shall not govern the display of any fireworks  
6080 on private, residential property and shall not govern the  
6081 display of those items included under s. 791.01(4)(b) and (c)  
6082 and authorized for sale thereunder.

6083 Section 92. Subsection (1) and paragraph (a) of subsection  
6084 (3) of section 791.015, Florida Statutes, are amended to read:

6085 791.015 Registration of manufacturers, distributors,  
6086 wholesalers, and retailers of sparklers.—

6087 (1) REGISTRATION REQUIREMENTS.—Any manufacturer,  
6088 distributor, wholesaler, retailer, or seasonal retailer of  
6089 sparklers who wishes to do business in this state or to  
6090 otherwise sell, ship, or assign for sale its products in this  
6091 state must register annually with the division on forms  
6092 prescribed by the division. Any retailer or seasonal retailer  
6093 who sells sparklers at more than one retail location may submit  
6094 one registration form for all such locations but must provide  
6095 the address of each location with the registration form;  
6096 however, any retailer or seasonal retailer may submit multiple  
6097 registration forms.

6098 (3) FEES.—

6099 (a) Each manufacturer, distributor, or wholesaler must pay  
6100 an annual registration fee to be set by the division not to  
6101 exceed \$1,000. Each seasonal retailer must pay an annual  
6102 registration fee to be set by the division not to exceed \$200  
6103 per each retail location registered. Each retailer shall pay an

6104 annual registration fee to be set by the division not to exceed  
 6105 \$15 for each retail location registered. Each certificateholder  
 6106 wishing to have a duplicate certificate issued for one which is  
 6107 lost or to reflect a change of address shall request such  
 6108 duplicate in writing and shall pay a fee of \$5.

6109 Section 93. Sections 633.024, 633.0245, 633.30, 633.445,  
 6110 633.46, 633.524, 633.804, and 633.820, Florida Statutes, are  
 6111 repealed.

6112 Section 94. Subsection (1) of section 112.1815, Florida  
 6113 Statutes, is amended to read:

6114 112.1815 Firefighters, paramedics, emergency medical  
 6115 technicians, and law enforcement officers; special provisions  
 6116 for employment-related accidents and injuries.—

6117 (1) The term "first responder" as used in this section  
 6118 means a law enforcement officer as defined in s. 943.10, a  
 6119 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
 6120 medical technician or paramedic as defined in s. 401.23 employed  
 6121 by state or local government. A volunteer law enforcement  
 6122 officer, firefighter, or emergency medical technician or  
 6123 paramedic engaged by the state or a local government is also  
 6124 considered a first responder of the state or local government  
 6125 for purposes of this section.

6126 Section 95. Paragraph (b) of subsection (1) of section  
 6127 112.191, Florida Statutes, is amended to read:

6128 112.191 Firefighters; death benefits.—

6129 (1) Whenever used in this act:

6130 (b) The term "firefighter" means any full-time duly  
 6131 employed uniformed firefighter employed by an employer, whose

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6132 primary duty is the prevention and extinguishing of fires, the  
 6133 protection of life and property therefrom, the enforcement of  
 6134 municipal, county, and state fire prevention codes, as well as  
 6135 the enforcement of any law pertaining to the prevention and  
 6136 control of fires, who is certified pursuant to s. 633.408  
 6137 ~~633.35~~, and who is a member of a duly constituted fire  
 6138 department of such employer or who is a volunteer firefighter.

6139 Section 96. Subsection (1) of section 112.81, Florida  
 6140 Statutes, is amended to read:

6141 112.81 Definitions.—As used in this part:

6142 (1) "Firefighter" means any person who is certified in  
 6143 compliance with s. 633.408 ~~633.35~~ and who is employed solely  
 6144 within the fire department or public safety department of an  
 6145 employing agency as a full-time firefighter whose primary  
 6146 responsibility is the prevention and extinguishment of fires;  
 6147 the protection of life and property; and the enforcement of  
 6148 municipal, county, and state fire prevention codes and laws  
 6149 pertaining to the prevention and control of fires.

6150 Section 97. Paragraph (d) of subsection (4) of section  
 6151 119.071, Florida Statutes, is amended to read:

6152 119.071 General exemptions from inspection or copying of  
 6153 public records.—

6154 (4) AGENCY PERSONNEL INFORMATION.—

6155 (d)1. For purposes of this paragraph, the term "telephone  
 6156 numbers" includes home telephone numbers, personal cellular  
 6157 telephone numbers, personal pager telephone numbers, and  
 6158 telephone numbers associated with personal communications  
 6159 devices.

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6160           2.a. The home addresses, telephone numbers, social  
6161 security numbers, dates of birth, and photographs of active or  
6162 former sworn or civilian law enforcement personnel, including  
6163 correctional and correctional probation officers, personnel of  
6164 the Department of Children and Family Services whose duties  
6165 include the investigation of abuse, neglect, exploitation,  
6166 fraud, theft, or other criminal activities, personnel of the  
6167 Department of Health whose duties are to support the  
6168 investigation of child abuse or neglect, and personnel of the  
6169 Department of Revenue or local governments whose  
6170 responsibilities include revenue collection and enforcement or  
6171 child support enforcement; the home addresses, telephone  
6172 numbers, social security numbers, photographs, dates of birth,  
6173 and places of employment of the spouses and children of such  
6174 personnel; and the names and locations of schools and day care  
6175 facilities attended by the children of such personnel are exempt  
6176 from s. 119.07(1).

6177           b. The home addresses, telephone numbers, dates of birth,  
6178 and photographs of firefighters certified in compliance with s.  
6179 633.408 ~~633.35~~; the home addresses, telephone numbers,  
6180 photographs, dates of birth, and places of employment of the  
6181 spouses and children of such firefighters; and the names and  
6182 locations of schools and day care facilities attended by the  
6183 children of such firefighters are exempt from s. 119.07(1).

6184           c. The home addresses, dates of birth, and telephone  
6185 numbers of current or former justices of the Supreme Court,  
6186 district court of appeal judges, circuit court judges, and  
6187 county court judges; the home addresses, telephone numbers,

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6188 | dates of birth, and places of employment of the spouses and  
6189 | children of current or former justices and judges; and the names  
6190 | and locations of schools and day care facilities attended by the  
6191 | children of current or former justices and judges are exempt  
6192 | from s. 119.07(1).

6193 |         d. The home addresses, telephone numbers, social security  
6194 | numbers, dates of birth, and photographs of current or former  
6195 | state attorneys, assistant state attorneys, statewide  
6196 | prosecutors, or assistant statewide prosecutors; the home  
6197 | addresses, telephone numbers, social security numbers,  
6198 | photographs, dates of birth, and places of employment of the  
6199 | spouses and children of current or former state attorneys,  
6200 | assistant state attorneys, statewide prosecutors, or assistant  
6201 | statewide prosecutors; and the names and locations of schools  
6202 | and day care facilities attended by the children of current or  
6203 | former state attorneys, assistant state attorneys, statewide  
6204 | prosecutors, or assistant statewide prosecutors are exempt from  
6205 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

6206 |         e. The home addresses, dates of birth, and telephone  
6207 | numbers of general magistrates, special magistrates, judges of  
6208 | compensation claims, administrative law judges of the Division  
6209 | of Administrative Hearings, and child support enforcement  
6210 | hearing officers; the home addresses, telephone numbers, dates  
6211 | of birth, and places of employment of the spouses and children  
6212 | of general magistrates, special magistrates, judges of  
6213 | compensation claims, administrative law judges of the Division  
6214 | of Administrative Hearings, and child support enforcement  
6215 | hearing officers; and the names and locations of schools and day

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6216 care facilities attended by the children of general magistrates,  
6217 special magistrates, judges of compensation claims,  
6218 administrative law judges of the Division of Administrative  
6219 Hearings, and child support enforcement hearing officers are  
6220 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
6221 Constitution if the general magistrate, special magistrate,  
6222 judge of compensation claims, administrative law judge of the  
6223 Division of Administrative Hearings, or child support hearing  
6224 officer provides a written statement that the general  
6225 magistrate, special magistrate, judge of compensation claims,  
6226 administrative law judge of the Division of Administrative  
6227 Hearings, or child support hearing officer has made reasonable  
6228 efforts to protect such information from being accessible  
6229 through other means available to the public.

6230 f. The home addresses, telephone numbers, dates of birth,  
6231 and photographs of current or former human resource, labor  
6232 relations, or employee relations directors, assistant directors,  
6233 managers, or assistant managers of any local government agency  
6234 or water management district whose duties include hiring and  
6235 firing employees, labor contract negotiation, administration, or  
6236 other personnel-related duties; the names, home addresses,  
6237 telephone numbers, dates of birth, and places of employment of  
6238 the spouses and children of such personnel; and the names and  
6239 locations of schools and day care facilities attended by the  
6240 children of such personnel are exempt from s. 119.07(1) and s.  
6241 24(a), Art. I of the State Constitution.

6242 g. The home addresses, telephone numbers, dates of birth,  
6243 and photographs of current or former code enforcement officers;

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6244 the names, home addresses, telephone numbers, dates of birth,  
6245 and places of employment of the spouses and children of such  
6246 personnel; and the names and locations of schools and day care  
6247 facilities attended by the children of such personnel are exempt  
6248 from s. 119.07(1) and s. 24(a), Art. I of the State  
6249 Constitution.

6250 h. The home addresses, telephone numbers, places of  
6251 employment, dates of birth, and photographs of current or former  
6252 guardians ad litem, as defined in s. 39.820; the names, home  
6253 addresses, telephone numbers, dates of birth, and places of  
6254 employment of the spouses and children of such persons; and the  
6255 names and locations of schools and day care facilities attended  
6256 by the children of such persons are exempt from s. 119.07(1) and  
6257 s. 24(a), Art. I of the State Constitution, if the guardian ad  
6258 litem provides a written statement that the guardian ad litem  
6259 has made reasonable efforts to protect such information from  
6260 being accessible through other means available to the public.

6261 i. The home addresses, telephone numbers, dates of birth,  
6262 and photographs of current or former juvenile probation  
6263 officers, juvenile probation supervisors, detention  
6264 superintendents, assistant detention superintendents, juvenile  
6265 justice detention officers I and II, juvenile justice detention  
6266 officer supervisors, juvenile justice residential officers,  
6267 juvenile justice residential officer supervisors I and II,  
6268 juvenile justice counselors, juvenile justice counselor  
6269 supervisors, human services counselor administrators, senior  
6270 human services counselor administrators, rehabilitation  
6271 therapists, and social services counselors of the Department of



6272 Juvenile Justice; the names, home addresses, telephone numbers,  
 6273 dates of birth, and places of employment of spouses and children  
 6274 of such personnel; and the names and locations of schools and  
 6275 day care facilities attended by the children of such personnel  
 6276 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 6277 Constitution.

6278 j. The home addresses, telephone numbers, dates of birth,  
 6279 and photographs of current or former public defenders, assistant  
 6280 public defenders, criminal conflict and civil regional counsel,  
 6281 and assistant criminal conflict and civil regional counsel; the  
 6282 home addresses, telephone numbers, dates of birth, and places of  
 6283 employment of the spouses and children of such defenders or  
 6284 counsel; and the names and locations of schools and day care  
 6285 facilities attended by the children of such defenders or counsel  
 6286 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 6287 Constitution.

6288 k. The home addresses, telephone numbers, and photographs  
 6289 of current or former investigators or inspectors of the  
 6290 Department of Business and Professional Regulation; the names,  
 6291 home addresses, telephone numbers, and places of employment of  
 6292 the spouses and children of such current or former investigators  
 6293 and inspectors; and the names and locations of schools and day  
 6294 care facilities attended by the children of such current or  
 6295 former investigators and inspectors are exempt from s. 119.07(1)  
 6296 and s. 24(a), Art. I of the State Constitution if the  
 6297 investigator or inspector has made reasonable efforts to protect  
 6298 such information from being accessible through other means  
 6299 available to the public. This sub-subparagraph is subject to the

6300 Open Government Sunset Review Act in accordance with s. 119.15  
 6301 and shall stand repealed on October 2, 2017, unless reviewed and  
 6302 saved from repeal through reenactment by the Legislature.

6303 1. The home addresses and telephone numbers of county tax  
 6304 collectors; the names, home addresses, telephone numbers, and  
 6305 places of employment of the spouses and children of such tax  
 6306 collectors; and the names and locations of schools and day care  
 6307 facilities attended by the children of such tax collectors are  
 6308 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 6309 Constitution if the county tax collector has made reasonable  
 6310 efforts to protect such information from being accessible  
 6311 through other means available to the public. This sub-  
 6312 subparagraph is subject to the Open Government Sunset Review Act  
 6313 in accordance with s. 119.15 and shall stand repealed on October  
 6314 2, 2017, unless reviewed and saved from repeal through  
 6315 reenactment by the Legislature.

6316 3. An agency that is the custodian of the information  
 6317 specified in subparagraph 2. and that is not the employer of the  
 6318 officer, employee, justice, judge, or other person specified in  
 6319 subparagraph 2. shall maintain the exempt status of that  
 6320 information only if the officer, employee, justice, judge, other  
 6321 person, or employing agency of the designated employee submits a  
 6322 written request for maintenance of the exemption to the  
 6323 custodial agency.

6324 4. The exemptions in this paragraph apply to information  
 6325 held by an agency before, on, or after the effective date of the  
 6326 exemption.

6327 5. This paragraph is subject to the Open Government Sunset

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6328 Review Act in accordance with s. 119.15, and shall stand  
6329 repealed on October 2, 2017, unless reviewed and saved from  
6330 repeal through reenactment by the Legislature.

6331 Section 98. Paragraph (c) of subsection (4) of section  
6332 120.541, Florida Statutes, as amended by chapter 2011-222, Laws  
6333 of Florida, is amended to read:

6334 120.541 Statement of estimated regulatory costs.—

6335 (4) Subsection (3) does not apply to the adoption of:

6336 (c) Triennial updates of and amendments to the Florida  
6337 Fire Prevention Code which are expressly authorized by s.  
6338 633.202 ~~633.0215~~.

6339 Section 99. Subsection (17) of section 120.80, Florida  
6340 Statutes, is amended to read:

6341 120.80 Exceptions and special requirements; agencies.—

6342 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply  
6343 to the adoption of amendments and the triennial update to the  
6344 Florida Fire Prevention Code expressly authorized by s. 633.202  
6345 ~~633.0215~~.

6346 Section 100. Paragraph (b) of subsection (3) and paragraph  
6347 (a) of subsection (6) of section 121.0515, Florida Statutes, are  
6348 amended to read:

6349 121.0515 Special Risk Class.—

6350 (3) CRITERIA.—A member, to be designated as a special risk  
6351 member, must meet the following criteria:

6352 (b) Effective October 1, 1978, the member must be employed  
6353 as a firefighter and be certified, or required to be certified,  
6354 in compliance with s. 633.408 ~~633.35~~ and be employed solely  
6355 within the fire department of a local government employer or an

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6356 agency of state government with firefighting responsibilities.  
6357 In addition, the member's duties and responsibilities must  
6358 include on-the-scene fighting of fires; as of October 1, 2001,  
6359 fire prevention or firefighter training; as of October 1, 2001,  
6360 direct supervision of firefighting units, fire prevention, or  
6361 firefighter training; or as of July 1, 2001, aerial firefighting  
6362 surveillance performed by fixed-wing aircraft pilots employed by  
6363 the Florida Forest Service of the Department of Agriculture and  
6364 Consumer Services; or the member must be the supervisor or  
6365 command officer of a member or members who have such  
6366 responsibilities. Administrative support personnel, including,  
6367 but not limited to, those whose primary duties and  
6368 responsibilities are in accounting, purchasing, legal, and  
6369 personnel, are not included. All periods of creditable service  
6370 in fire prevention or firefighter training, or as the supervisor  
6371 or command officer of a member or members who have such  
6372 responsibilities, and for which the employer paid the special  
6373 risk contribution rate, are included;

6374 (6) CREDIT FOR PAST SERVICE.—A special risk member may  
6375 purchase retirement credit in the Special Risk Class based upon  
6376 past service, and may upgrade retirement credit for such past  
6377 service, to the extent of 2 percent of the member's average  
6378 monthly compensation as specified in s. 121.091(1)(a) for such  
6379 service as follows:

6380 (a) The member may purchase special risk credit for past  
6381 service with a municipality or special district which has  
6382 elected to join the Florida Retirement System, or with a  
6383 participating agency to which a member's governmental unit was

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6384 transferred, merged, or consolidated as provided in s.  
6385 121.081(1)(f), if the member was employed with the municipality  
6386 or special district at the time it commenced participating in  
6387 the Florida Retirement System or with the governmental unit at  
6388 the time of its transfer, merger, or consolidation with the  
6389 participating agency. The service must satisfy the criteria set  
6390 forth in subsection (3) for Special Risk Class membership as a  
6391 law enforcement officer, firefighter, or correctional officer;  
6392 however, a certificate or waiver of certificate of compliance  
6393 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such  
6394 service.

6395 Section 101. Paragraph (d) of subsection (1) of section  
6396 125.01, Florida Statutes, is amended to read:

6397 125.01 Powers and duties.—

6398 (1) The legislative and governing body of a county shall  
6399 have the power to carry on county government. To the extent not  
6400 inconsistent with general or special law, this power includes,  
6401 but is not restricted to, the power to:

6402 (d) Provide fire protection, including the enforcement of  
6403 the Florida Fire Prevention Code, as provided in ss. 633.206  
6404 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local  
6405 technical amendments to the Florida Fire Prevention Code as  
6406 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

6407 Section 102. Subsection (2) of section 125.01045, Florida  
6408 Statutes, is amended to read:

6409 125.01045 Prohibition of fees for first responder  
6410 services.—

6411 (2) As used in this section, the term "first responder"

6412 means a law enforcement officer as defined in s. 943.10, a  
 6413 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
 6414 medical technician or paramedic as defined in s. 401.23 who is  
 6415 employed by the state or a local government. A volunteer law  
 6416 enforcement officer, firefighter, or emergency medical  
 6417 technician or paramedic engaged by the state or a local  
 6418 government is also considered a first responder of the state or  
 6419 local government for purposes of this section.

6420 Section 103. Subsection (1) of section 125.56, Florida  
 6421 Statutes, is amended to read:

6422 125.56 Enforcement and amendment of the Florida Building  
 6423 Code and the Florida Fire Prevention Code; inspection fees;  
 6424 inspectors; etc.—

6425 (1) The board of county commissioners of each of the  
 6426 several counties of the state is authorized to enforce the  
 6427 Florida Building Code and the Florida Fire Prevention Code, as  
 6428 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,  
 6429 and, at its discretion, to adopt local technical amendments to  
 6430 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)  
 6431 and local technical amendments to the Florida Fire Prevention  
 6432 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe  
 6433 construction, erection, alteration, repair, securing, and  
 6434 demolition of any building within its territory outside the  
 6435 corporate limits of any municipality. Upon a determination to  
 6436 consider amending the Florida Building Code or the Florida Fire  
 6437 Prevention Code by a majority of the members of the board of  
 6438 county commissioners of such county, the board shall call a  
 6439 public hearing and comply with the public notice requirements of

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6440 s. 125.66(2). The board shall hear all interested parties at the  
 6441 public hearing and may then amend the building code or the fire  
 6442 code consistent with the terms and purposes of this act. Upon  
 6443 adoption, an amendment to the code shall be in full force and  
 6444 effect throughout the unincorporated area of such county until  
 6445 otherwise notified by the Florida Building Commission pursuant  
 6446 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202  
 6447 ~~633.0215~~. Nothing herein contained shall be construed to prevent  
 6448 the board of county commissioners from repealing such amendment  
 6449 to the building code or the fire code at any regular meeting of  
 6450 such board.

6451 Section 104. Subsection (2) of section 166.0446, Florida  
 6452 Statutes, is amended to read:

6453 166.0446 Prohibition of fees for first responder  
 6454 services.—

6455 (2) As used in this section, the term "first responder"  
 6456 means a law enforcement officer as defined in s. 943.10, a  
 6457 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
 6458 medical technician or paramedic as defined in s. 401.23 who is  
 6459 employed by the state or a local government. A volunteer law  
 6460 enforcement officer, firefighter, or emergency medical  
 6461 technician or paramedic engaged by the state or a local  
 6462 government is also considered a first responder of the state or  
 6463 local government for purposes of this section.

6464 Section 105. Paragraph (a) of subsection (8) of section  
 6465 175.032, Florida Statutes, is amended to read:

6466 175.032 Definitions.—For any municipality, special fire  
 6467 control district, chapter plan, local law municipality, local

6468 law special fire control district, or local law plan under this  
 6469 chapter, the following words and phrases have the following  
 6470 meanings:

6471 (8) (a) "Firefighter" means any person employed solely by a  
 6472 constituted fire department of any municipality or special fire  
 6473 control district who is certified as a firefighter as a  
 6474 condition of employment in accordance with s. 633.408 ~~633.35~~ and  
 6475 whose duty it is to extinguish fires, to protect life, or to  
 6476 protect property. The term includes all certified, supervisory,  
 6477 and command personnel whose duties include, in whole or in part,  
 6478 the supervision, training, guidance, and management  
 6479 responsibilities of full-time firefighters, part-time  
 6480 firefighters, or auxiliary firefighters but does not include  
 6481 part-time firefighters or auxiliary firefighters. However, for  
 6482 purposes of this chapter only, the term also includes public  
 6483 safety officers who are responsible for performing both police  
 6484 and fire services, who are certified as police officers or  
 6485 firefighters, and who are certified by their employers to the  
 6486 Chief Financial Officer as participating in this chapter before  
 6487 October 1, 1979. Effective October 1, 1979, public safety  
 6488 officers who have not been certified as participating in this  
 6489 chapter are considered police officers for retirement purposes  
 6490 and are eligible to participate in chapter 185. Any plan may  
 6491 provide that the fire chief has an option to participate, or  
 6492 not, in that plan.

6493 Section 106. Subsection (3) of section 175.121, Florida  
 6494 Statutes, is amended to read:

6495 175.121 Department of Revenue and Division of Retirement



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6496 to keep accounts of deposits; disbursements.—For any  
6497 municipality or special fire control district having a chapter  
6498 or local law plan established pursuant to this chapter:

6499 (3) (a) All moneys not distributed to municipalities and  
6500 special fire control districts under this section as a result of  
6501 the limitation on disbursement contained in s. 175.122, or as a  
6502 result of any municipality or special fire control district not  
6503 having qualified in any given year, or portion thereof, shall be  
6504 transferred to the Firefighters' Supplemental Compensation Trust  
6505 Fund administered by the Department of Revenue, as provided in  
6506 s. 633.422 ~~633.382~~.

6507 (b)1. Moneys transferred under paragraph (a) but not  
6508 needed to support the supplemental compensation program in a  
6509 given year shall be redistributed pro rata to those  
6510 participating municipalities and special fire control districts  
6511 that transfer any portion of their funds to support the  
6512 supplemental compensation program in that year. Such additional  
6513 moneys shall be used to cover or offset costs of the retirement  
6514 plan.

6515 2. To assist the Department of Revenue, the division shall  
6516 identify those municipalities and special fire control districts  
6517 that are eligible for redistribution as provided in s.  
6518 633.422 (3) (c) 2. ~~633.382 (4) (c) 2.~~, by listing the municipalities  
6519 and special fire control districts from which funds were  
6520 transferred under paragraph (a) and specifying the amount  
6521 transferred by each.

6522 Section 107. Paragraph (c) of subsection (6) of section  
6523 196.081, Florida Statutes, is amended to read:

6524 196.081 Exemption for certain permanently and totally  
 6525 disabled veterans and for surviving spouses of veterans;  
 6526 exemption for surviving spouses of first responders who die in  
 6527 the line of duty.—

6528 (6) Any real estate that is owned and used as a homestead  
 6529 by the surviving spouse of a first responder who died in the  
 6530 line of duty while employed by the state or any political  
 6531 subdivision of the state, including authorities and special  
 6532 districts, and for whom a letter from the state or appropriate  
 6533 political subdivision of the state, or other authority or  
 6534 special district, has been issued which legally recognizes and  
 6535 certifies that the first responder died in the line of duty  
 6536 while employed as a first responder is exempt from taxation if  
 6537 the first responder and his or her surviving spouse were  
 6538 permanent residents of this state on January 1 of the year in  
 6539 which the first responder died.

6540 (c) As used in this subsection only, and not applicable to  
 6541 the payment of benefits under s. 112.19 or s. 112.191, the term:

6542 1. "First responder" means a law enforcement officer or  
 6543 correctional officer as defined in s. 943.10, a firefighter as  
 6544 defined in s. 633.102 ~~633.30~~, or an emergency medical technician  
 6545 or paramedic as defined in s. 401.23 who is a full-time paid  
 6546 employee, part-time paid employee, or unpaid volunteer.

6547 2. "In the line of duty" means:

6548 a. While engaging in law enforcement;

6549 b. While performing an activity relating to fire  
 6550 suppression and prevention;

6551 c. While responding to a hazardous material emergency;

- 6552 d. While performing rescue activity;
- 6553 e. While providing emergency medical services;
- 6554 f. While performing disaster relief activity;
- 6555 g. While otherwise engaging in emergency response
- 6556 activity; or

- 6557 h. While engaging in a training exercise related to any of
- 6558 the events or activities enumerated in this subparagraph if the
- 6559 training has been authorized by the employing entity.

6560 A heart attack or stroke that causes death or causes an injury  
 6561 resulting in death must occur within 24 hours after an event or  
 6562 activity enumerated in this subparagraph and must be directly  
 6563 and proximately caused by the event or activity in order to be  
 6564 considered as having occurred in the line of duty.

6565 Section 108. Paragraph (e) of subsection (1) of section  
 6566 218.23, Florida Statutes, is amended to read:

6567 218.23 Revenue sharing with units of local government.—

6568 (1) To be eligible to participate in revenue sharing  
 6569 beyond the minimum entitlement in any fiscal year, a unit of  
 6570 local government is required to have:

6571 (e) Certified that persons in its employ as firefighters,  
 6572 as defined in s. 633.102(1) ~~633.30(1)~~, meet the qualification  
 6573 for employment as established by the Division of State Fire  
 6574 Marshal pursuant to the provisions of ss. 633.412 ~~633.34~~ and  
 6575 633.408 ~~633.35~~ and that the provisions of s. 633.422 ~~633.382~~  
 6576 have been met.

6577  
 6578 Additionally, to receive its share of revenue sharing funds, a  
 6579 unit of local government shall certify to the Department of

6580 Revenue that the requirements of s. 200.065, if applicable, were  
 6581 met. The certification shall be made annually within 30 days of  
 6582 adoption of an ordinance or resolution establishing a final  
 6583 property tax levy or, if no property tax is levied, not later  
 6584 than November 1. The portion of revenue sharing funds which,  
 6585 pursuant to this part, would otherwise be distributed to a unit  
 6586 of local government which has not certified compliance or has  
 6587 otherwise failed to meet the requirements of s. 200.065 shall be  
 6588 deposited in the General Revenue Fund for the 12 months  
 6589 following a determination of noncompliance by the department.

6590 Section 109. Paragraph (a) of subsection (3) of section  
 6591 252.515, Florida Statutes, is amended to read:

6592 252.515 Postdisaster Relief Assistance Act; immunity from  
 6593 civil liability.—

6594 (3) As used in this section, the term:

6595 (a) "Emergency first responder" means:

- 6596 1. A physician licensed under chapter 458.
- 6597 2. An osteopathic physician licensed under chapter 459.
- 6598 3. A chiropractic physician licensed under chapter 460.
- 6599 4. A podiatric physician licensed under chapter 461.
- 6600 5. A dentist licensed under chapter 466.
- 6601 6. An advanced registered nurse practitioner certified  
 6602 under s. 464.012.
- 6603 7. A physician assistant licensed under s. 458.347 or s.  
 6604 459.022.
- 6605 8. A worker employed by a public or private hospital in  
 6606 the state.
- 6607 9. A paramedic as defined in s. 401.23(17).

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- 6608 | 10. An emergency medical technician as defined in s.
- 6609 | 401.23(11).
- 6610 | 11. A firefighter as defined in s. 633.102 ~~633.30~~.
- 6611 | 12. A law enforcement officer as defined in s. 943.10.
- 6612 | 13. A member of the Florida National Guard.
- 6613 | 14. Any other personnel designated as emergency personnel
- 6614 | by the Governor pursuant to a declared emergency.

6615 | Section 110. Section 255.45, Florida Statutes, is amended  
 6616 | to read:

6617 | 255.45 Correction of firesafety violations in certain  
 6618 | state-owned property.—The Department of Management Services is  
 6619 | responsible for ensuring that firesafety violations that are  
 6620 | noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~  
 6621 | are corrected as soon as practicable for all state-owned  
 6622 | property which is leased from the Department of Management  
 6623 | Services.

6624 | Section 111. Subsection (4) of section 258.0145, Florida  
 6625 | Statutes, is amended to read:

6626 | 258.0145 Military state park fee discounts.—The Division  
 6627 | of Recreation and Parks shall provide the following discounts on  
 6628 | park fees to persons who present written documentation  
 6629 | satisfactory to the division which evidences their eligibility  
 6630 | for the discounts:

6631 | (4) The surviving spouse and parents of a law enforcement  
 6632 | officer, as defined in s. 943.10(1), or a firefighter, as  
 6633 | defined in s. 633.102(9) ~~633.30(1)~~, who has died in the line of  
 6634 | duty shall receive lifetime family annual entrance passes at no  
 6635 | charge.

6636 Section 112. Subsection (1) of section 281.02, Florida  
 6637 Statutes, is amended to read:

6638 281.02 Powers and duties of the Department of Management  
 6639 Services with respect to firesafety and security.—The Department  
 6640 of Management Services has the following powers and duties with  
 6641 respect to firesafety and security:

6642 (1) To assist the State Fire Marshal in maintaining the  
 6643 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

6644 Section 113. Subsection (1) of section 384.287, Florida  
 6645 Statutes, is amended to read:

6646 384.287 Screening for sexually transmissible disease.—

6647 (1) An officer as defined in s. 943.10(14); support  
 6648 personnel as defined in s. 943.10(11) who are employed by the  
 6649 Department of Law Enforcement, including, but not limited to,  
 6650 any crime scene analyst, forensic technologist, or crime lab  
 6651 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or  
 6652 ambulance driver, paramedic, or emergency medical technician as  
 6653 defined in s. 401.23, acting within the scope of employment, who  
 6654 comes into contact with a person in such a way that significant  
 6655 exposure, as defined in s. 381.004, has occurred may request  
 6656 that the person be screened for a sexually transmissible disease  
 6657 that can be transmitted through a significant exposure.

6658 Section 114. Paragraph (a) of subsection (1) of section  
 6659 395.0163, Florida Statutes, is amended to read:

6660 395.0163 Construction inspections; plan submission and  
 6661 approval; fees.—

6662 (1)(a) The design, construction, erection, alteration,  
 6663 modification, repair, and demolition of all public and private

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6664 health care facilities are governed by the Florida Building Code  
6665 and the Florida Fire Prevention Code under ss. 553.73 and  
6666 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79  
6667 and 553.80, the agency shall review facility plans and survey  
6668 the construction of any facility licensed under this chapter.  
6669 The agency shall make, or cause to be made, such construction  
6670 inspections and investigations as it deems necessary. The agency  
6671 may prescribe by rule that any licensee or applicant desiring to  
6672 make specified types of alterations or additions to its  
6673 facilities or to construct new facilities shall, before  
6674 commencing such alteration, addition, or new construction,  
6675 submit plans and specifications therefor to the agency for  
6676 preliminary inspection and approval or recommendation with  
6677 respect to compliance with applicable provisions of the Florida  
6678 Building Code or agency rules and standards. The agency shall  
6679 approve or disapprove the plans and specifications within 60  
6680 days after receipt of the fee for review of plans as required in  
6681 subsection (2). The agency may be granted one 15-day extension  
6682 for the review period if the director of the agency approves the  
6683 extension. If the agency fails to act within the specified time,  
6684 it shall be deemed to have approved the plans and  
6685 specifications. When the agency disapproves plans and  
6686 specifications, it shall set forth in writing the reasons for  
6687 its disapproval. Conferences and consultations may be provided  
6688 as necessary.

6689 Section 115. Section 400.232, Florida Statutes, is amended  
6690 to read:

6691 400.232 Review and approval of plans; fees and costs.—The

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6692 design, construction, erection, alteration, modification,  
6693 repair, and demolition of all public and private health care  
6694 facilities are governed by the Florida Building Code and the  
6695 Florida Fire Prevention Code under ss. 553.73 and 633.206  
6696 ~~633.022~~. In addition to the requirements of ss. 553.79 and  
6697 553.80, the agency shall review the facility plans and survey  
6698 the construction of facilities licensed under this chapter.

6699 (1) The agency shall approve or disapprove the plans and  
6700 specifications within 60 days after receipt of the final plans  
6701 and specifications. The agency may be granted one 15-day  
6702 extension for the review period, if the director of the agency  
6703 so approves. If the agency fails to act within the specified  
6704 time, it shall be deemed to have approved the plans and  
6705 specifications. When the agency disapproves plans and  
6706 specifications, it shall set forth in writing the reasons for  
6707 disapproval. Conferences and consultations may be provided as  
6708 necessary.

6709 (2) The agency is authorized to charge an initial fee of  
6710 \$2,000 for review of plans and construction on all projects, no  
6711 part of which is refundable. The agency may also collect a fee,  
6712 not to exceed 1 percent of the estimated construction cost or  
6713 the actual cost of review, whichever is less, for the portion of  
6714 the review which encompasses initial review through the initial  
6715 revised construction document review. The agency is further  
6716 authorized to collect its actual costs on all subsequent  
6717 portions of the review and construction inspections. Initial fee  
6718 payment shall accompany the initial submission of plans and  
6719 specifications. Any subsequent payment that is due is payable



6720 upon receipt of the invoice from the agency. Notwithstanding any  
 6721 other provisions of law to the contrary, all money received by  
 6722 the agency pursuant to the provisions of this section shall be  
 6723 deemed to be trust funds, to be held and applied solely for the  
 6724 operations required under this section.

6725 Section 116. Subsection (2) of section 400.915, Florida  
 6726 Statutes, is amended to read:

6727 400.915 Construction and renovation; requirements.—The  
 6728 requirements for the construction or renovation of a PPEC center  
 6729 shall comply with:

6730 (2) The provisions of s. 633.206 ~~633.022~~ and applicable  
 6731 rules pertaining to physical standards for nonresidential child  
 6732 care facilities; and

6733 Section 117. Paragraph (a) of subsection (1) of section  
 6734 429.41, Florida Statutes, is amended to read:

6735 429.41 Rules establishing standards.—

6736 (1) It is the intent of the Legislature that rules  
 6737 published and enforced pursuant to this section shall include  
 6738 criteria by which a reasonable and consistent quality of  
 6739 resident care and quality of life may be ensured and the results  
 6740 of such resident care may be demonstrated. Such rules shall also  
 6741 ensure a safe and sanitary environment that is residential and  
 6742 noninstitutional in design or nature. It is further intended  
 6743 that reasonable efforts be made to accommodate the needs and  
 6744 preferences of residents to enhance the quality of life in a  
 6745 facility. The agency, in consultation with the department, may  
 6746 adopt rules to administer the requirements of part II of chapter  
 6747 408. In order to provide safe and sanitary facilities and the

6748 highest quality of resident care accommodating the needs and  
 6749 preferences of residents, the department, in consultation with  
 6750 the agency, the Department of Children and Family Services, and  
 6751 the Department of Health, shall adopt rules, policies, and  
 6752 procedures to administer this part, which must include  
 6753 reasonable and fair minimum standards in relation to:

6754 (a) The requirements for and maintenance of facilities,  
 6755 not in conflict with the provisions of chapter 553, relating to  
 6756 plumbing, heating, cooling, lighting, ventilation, living space,  
 6757 and other housing conditions, which will ensure the health,  
 6758 safety, and comfort of residents and protection from fire  
 6759 hazard, including adequate provisions for fire alarm and other  
 6760 fire protection suitable to the size of the structure. Uniform  
 6761 firesafety standards shall be established and enforced by the  
 6762 State Fire Marshal in cooperation with the agency, the  
 6763 department, and the Department of Health.

6764 1. Evacuation capability determination.—

6765 a. The provisions of the National Fire Protection  
 6766 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used  
 6767 for determining the ability of the residents, with or without  
 6768 staff assistance, to relocate from or within a licensed facility  
 6769 to a point of safety as provided in the fire codes adopted  
 6770 herein. An evacuation capability evaluation for initial  
 6771 licensure shall be conducted within 6 months after the date of  
 6772 licensure. For existing licensed facilities that are not  
 6773 equipped with an automatic fire sprinkler system, the  
 6774 administrator shall evaluate the evacuation capability of  
 6775 residents at least annually. The evacuation capability

6776 | evaluation for each facility not equipped with an automatic fire  
 6777 | sprinkler system shall be validated, without liability, by the  
 6778 | State Fire Marshal, by the local fire marshal, or by the local  
 6779 | authority having jurisdiction over firesafety, before the  
 6780 | license renewal date. If the State Fire Marshal, local fire  
 6781 | marshal, or local authority having jurisdiction over firesafety  
 6782 | has reason to believe that the evacuation capability of a  
 6783 | facility as reported by the administrator may have changed, it  
 6784 | may, with assistance from the facility administrator, reevaluate  
 6785 | the evacuation capability through timed exiting drills.  
 6786 | Translation of timed fire exiting drills to evacuation  
 6787 | capability may be determined:

- 6788 |       (I) Three minutes or less: prompt.
- 6789 |       (II) More than 3 minutes, but not more than 13 minutes:  
 6790 | slow.
- 6791 |       (III) More than 13 minutes: impractical.

6792 |       b. The Office of the State Fire Marshal shall provide or  
 6793 | cause the provision of training and education on the proper  
 6794 | application of Chapter 5, NFPA 101A, 1995 edition, to its  
 6795 | employees, to staff of the Agency for Health Care Administration  
 6796 | who are responsible for regulating facilities under this part,  
 6797 | and to local governmental inspectors. The Office of the State  
 6798 | Fire Marshal shall provide or cause the provision of this  
 6799 | training within its existing budget, but may charge a fee for  
 6800 | this training to offset its costs. The initial training must be  
 6801 | delivered within 6 months after July 1, 1995, and as needed  
 6802 | thereafter.

6803 |       c. The Office of the State Fire Marshal, in cooperation

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6804 with provider associations, shall provide or cause the provision  
6805 of a training program designed to inform facility operators on  
6806 how to properly review bid documents relating to the  
6807 installation of automatic fire sprinklers. The Office of the  
6808 State Fire Marshal shall provide or cause the provision of this  
6809 training within its existing budget, but may charge a fee for  
6810 this training to offset its costs. The initial training must be  
6811 delivered within 6 months after July 1, 1995, and as needed  
6812 thereafter.

6813 d. The administrator of a licensed facility shall sign an  
6814 affidavit verifying the number of residents occupying the  
6815 facility at the time of the evacuation capability evaluation.

6816 2. Firesafety requirements.—

6817 a. Except for the special applications provided herein,  
6818 effective January 1, 1996, the provisions of the National Fire  
6819 Protection Association, Life Safety Code, NFPA 101, 1994  
6820 edition, Chapter 22 for new facilities and Chapter 23 for  
6821 existing facilities shall be the uniform fire code applied by  
6822 the State Fire Marshal for assisted living facilities, pursuant  
6823 to s. 633.206 ~~633.022~~.

6824 b. Any new facility, regardless of size, that applies for  
6825 a license on or after January 1, 1996, must be equipped with an  
6826 automatic fire sprinkler system. The exceptions as provided in  
6827 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply  
6828 to any new facility housing eight or fewer residents. On July 1,  
6829 1995, local governmental entities responsible for the issuance  
6830 of permits for construction shall inform, without liability, any  
6831 facility whose permit for construction is obtained prior to

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6832 January 1, 1996, of this automatic fire sprinkler requirement.  
6833 As used in this part, the term "a new facility" does not mean an  
6834 existing facility that has undergone change of ownership.

6835 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or  
6836 of the National Fire Protection Association, NFPA 101A, Chapter  
6837 5, 1995 edition, to the contrary, any existing facility housing  
6838 eight or fewer residents is not required to install an automatic  
6839 fire sprinkler system, nor to comply with any other requirement  
6840 in Chapter 23, NFPA 101, 1994 edition, that exceeds the  
6841 firesafety requirements of NFPA 101, 1988 edition, that applies  
6842 to this size facility, unless the facility has been classified  
6843 as impractical to evacuate. Any existing facility housing eight  
6844 or fewer residents that is classified as impractical to evacuate  
6845 must install an automatic fire sprinkler system within the  
6846 timeframes granted in this section.

6847 d. Any existing facility that is required to install an  
6848 automatic fire sprinkler system under this paragraph need not  
6849 meet other firesafety requirements of Chapter 23, NFPA 101, 1994  
6850 edition, which exceed the provisions of NFPA 101, 1988 edition.  
6851 The mandate contained in this paragraph which requires certain  
6852 facilities to install an automatic fire sprinkler system  
6853 supersedes any other requirement.

6854 e. This paragraph does not supersede the exceptions  
6855 granted in NFPA 101, 1988 edition or 1994 edition.

6856 f. This paragraph does not exempt facilities from other  
6857 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local  
6858 building code requirements in effect before July 1, 1995.

6859 g. A local government may charge fees only in an amount

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6860 not to exceed the actual expenses incurred by local government  
6861 relating to the installation and maintenance of an automatic  
6862 fire sprinkler system in an existing and properly licensed  
6863 assisted living facility structure as of January 1, 1996.

6864 h. If a licensed facility undergoes major reconstruction  
6865 or addition to an existing building on or after January 1, 1996,  
6866 the entire building must be equipped with an automatic fire  
6867 sprinkler system. Major reconstruction of a building means  
6868 repair or restoration that costs in excess of 50 percent of the  
6869 value of the building as reported on the tax rolls, excluding  
6870 land, before reconstruction. Multiple reconstruction projects  
6871 within a 5-year period the total costs of which exceed 50  
6872 percent of the initial value of the building at the time the  
6873 first reconstruction project was permitted are to be considered  
6874 as major reconstruction. Application for a permit for an  
6875 automatic fire sprinkler system is required upon application for  
6876 a permit for a reconstruction project that creates costs that go  
6877 over the 50-percent threshold.

6878 i. Any facility licensed before January 1, 1996, that is  
6879 required to install an automatic fire sprinkler system shall  
6880 ensure that the installation is completed within the following  
6881 timeframes based upon evacuation capability of the facility as  
6882 determined under subparagraph 1.:

6883 (I) Impractical evacuation capability, 24 months.

6884 (II) Slow evacuation capability, 48 months.

6885 (III) Prompt evacuation capability, 60 months.

6886

6887 The beginning date from which the deadline for the automatic

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6888 fire sprinkler installation requirement must be calculated is  
6889 upon receipt of written notice from the local fire official that  
6890 an automatic fire sprinkler system must be installed. The local  
6891 fire official shall send a copy of the document indicating the  
6892 requirement of a fire sprinkler system to the Agency for Health  
6893 Care Administration.

6894 j. It is recognized that the installation of an automatic  
6895 fire sprinkler system may create financial hardship for some  
6896 facilities. The appropriate local fire official shall, without  
6897 liability, grant two 1-year extensions to the timeframes for  
6898 installation established herein, if an automatic fire sprinkler  
6899 installation cost estimate and proof of denial from two  
6900 financial institutions for a construction loan to install the  
6901 automatic fire sprinkler system are submitted. However, for any  
6902 facility with a class I or class II, or a history of uncorrected  
6903 class III, firesafety deficiencies, an extension must not be  
6904 granted. The local fire official shall send a copy of the  
6905 document granting the time extension to the Agency for Health  
6906 Care Administration.

6907 k. A facility owner whose facility is required to be  
6908 equipped with an automatic fire sprinkler system under Chapter  
6909 23, NFPA 101, 1994 edition, as adopted herein, must disclose to  
6910 any potential buyer of the facility that an installation of an  
6911 automatic fire sprinkler requirement exists. The sale of the  
6912 facility does not alter the timeframe for the installation of  
6913 the automatic fire sprinkler system.

6914 l. Existing facilities required to install an automatic  
6915 fire sprinkler system as a result of construction-type

6916 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted  
 6917 herein, or evacuation capability requirements shall be notified  
 6918 by the local fire official in writing of the automatic fire  
 6919 sprinkler requirement, as well as the appropriate date for final  
 6920 compliance as provided in this subparagraph. The local fire  
 6921 official shall send a copy of the document to the Agency for  
 6922 Health Care Administration.

6923 m. Except in cases of life-threatening fire hazards, if an  
 6924 existing facility experiences a change in the evacuation  
 6925 capability, or if the local authority having jurisdiction  
 6926 identifies a construction-type restriction, such that an  
 6927 automatic fire sprinkler system is required, it shall be  
 6928 afforded time for installation as provided in this subparagraph.

6929  
 6930 Facilities that are fully sprinkled and in compliance with other  
 6931 firesafety standards are not required to conduct more than one  
 6932 of the required fire drills between the hours of 11 p.m. and 7  
 6933 a.m., per year. In lieu of the remaining drills, staff  
 6934 responsible for residents during such hours may be required to  
 6935 participate in a mock drill that includes a review of evacuation  
 6936 procedures. Such standards must be included or referenced in the  
 6937 rules adopted by the State Fire Marshal. Pursuant to s.

6938 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final  
 6939 administrative authority for firesafety standards established  
 6940 and enforced pursuant to this section. All licensed facilities  
 6941 must have an annual fire inspection conducted by the local fire  
 6942 marshal or authority having jurisdiction.

6943 3. Resident elopement requirements.—Facilities are



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6944 required to conduct a minimum of two resident elopement  
 6945 prevention and response drills per year. All administrators and  
 6946 direct care staff must participate in the drills which shall  
 6947 include a review of procedures to address resident elopement.  
 6948 Facilities must document the implementation of the drills and  
 6949 ensure that the drills are conducted in a manner consistent with  
 6950 the facility's resident elopement policies and procedures.

6951 Section 118. Subsection (1) of section 429.44, Florida  
 6952 Statutes, is amended to read:

6953 429.44 Construction and renovation; requirements.—

6954 (1) The requirements for the construction and renovation  
 6955 of a facility shall comply with the provisions of chapter 553  
 6956 which pertain to building construction standards, including  
 6957 plumbing, electrical code, glass, manufactured buildings,  
 6958 accessibility for persons with disabilities, and the state  
 6959 minimum building code and with the provisions of s. 633.206  
 6960 ~~633.022~~, which pertain to uniform firesafety standards.

6961 Section 119. Subsection (2) of section 429.73, Florida  
 6962 Statutes, is amended to read:

6963 429.73 Rules and standards relating to adult family-care  
 6964 homes.—

6965 (2) The department shall by rule provide minimum standards  
 6966 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,  
 6967 the State Fire Marshal, in consultation with the department and  
 6968 the agency, shall adopt uniform firesafety standards for adult  
 6969 family-care homes.

6970 Section 120. Paragraph (b) of subsection (4) of section  
 6971 447.203, Florida Statutes, is amended to read:

6972 447.203 Definitions.—As used in this part:  
 6973 (4) "Managerial employees" are those employees who:  
 6974 (b) Serve as police chiefs, fire chiefs, or directors of  
 6975 public safety of any police, fire, or public safety department.  
 6976 Other police officers, as defined in s. 943.10(1), and  
 6977 firefighters, as defined in s. 633.102(9) ~~633.30(1)~~, may be  
 6978 determined by the commission to be managerial employees of such  
 6979 departments. In making such determinations, the commission shall  
 6980 consider, in addition to the criteria established in paragraph  
 6981 (a), the paramilitary organizational structure of the department  
 6982 involved.

6983  
 6984 However, in determining whether an individual is a managerial  
 6985 employee pursuant to either paragraph (a) or paragraph (b),  
 6986 above, the commission may consider historic relationships of the  
 6987 employee to the public employer and to coemployees.

6988 Section 121. Subsection (1) of section 468.602, Florida  
 6989 Statutes, is amended to read:

6990 468.602 Exemptions.—This part does not apply to:

6991 (1) Persons who possess a valid certificate, issued  
 6992 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety  
 6993 inspections, when conducting firesafety inspections.

6994 Section 122. Paragraph (c) of subsection (2) of section  
 6995 468.609, Florida Statutes, is amended to read:

6996 468.609 Administration of this part; standards for  
 6997 certification; additional categories of certification.—

6998 (2) A person may take the examination for certification as  
 6999 a building code inspector or plans examiner pursuant to this

7000 part if the person:

7001 (c) Meets eligibility requirements according to one of the

7002 following criteria:

7003 1. Demonstrates 5 years' combined experience in the field

7004 of construction or a related field, building code inspection, or

7005 plans review corresponding to the certification category sought;

7006 2. Demonstrates a combination of postsecondary education

7007 in the field of construction or a related field and experience

7008 which totals 4 years, with at least 1 year of such total being

7009 experience in construction, building code inspection, or plans

7010 review;

7011 3. Demonstrates a combination of technical education in

7012 the field of construction or a related field and experience

7013 which totals 4 years, with at least 1 year of such total being

7014 experience in construction, building code inspection, or plans

7015 review;

7016 4. Currently holds a standard certificate as issued by the

7017 board, or a fire safety inspector license issued pursuant to

7018 chapter 633, has a minimum of 5 years' verifiable full-time

7019 experience in inspection or plan review, and satisfactorily

7020 completes a building code inspector or plans examiner training

7021 program of not less than 200 hours in the certification category

7022 sought. The board shall establish by rule criteria for the

7023 development and implementation of the training programs; or

7024 5. Demonstrates a combination of the completion of an

7025 approved training program in the field of building code

7026 inspection or plan review and a minimum of 2 years' experience

7027 in the field of building code inspection, plan review, fire code

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7028 inspections and fire plans review of new buildings as a  
 7029 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or  
 7030 construction. The approved training portion of this requirement  
 7031 shall include proof of satisfactory completion of a training  
 7032 program of not less than 300 hours which is approved by the  
 7033 board in the chosen category of building code inspection or plan  
 7034 review in the certification category sought with not less than  
 7035 20 hours of instruction in state laws, rules, and ethics  
 7036 relating to professional standards of practice, duties, and  
 7037 responsibilities of a certificateholder. The board shall  
 7038 coordinate with the Building Officials Association of Florida,  
 7039 Inc., to establish by rule the development and implementation of  
 7040 the training program.

7041 Section 123. Subsection (22) of section 489.103, Florida  
 7042 Statutes, is amended to read:

7043 489.103 Exemptions.—This part does not apply to:

7044 (22) A person licensed pursuant to s. 633.304(1)(d)  
 7045 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such  
 7046 license.

7047 Section 124. Paragraph (n) of subsection (3) of section  
 7048 489.105, Florida Statutes, is amended to read:

7049 489.105 Definitions.—As used in this part:

7050 (3) "Contractor" means the person who is qualified for,  
 7051 and is only responsible for, the project contracted for and  
 7052 means, except as exempted in this part, the person who, for  
 7053 compensation, undertakes to, submits a bid to, or does himself  
 7054 or herself or by others construct, repair, alter, remodel, add  
 7055 to, demolish, subtract from, or improve any building or

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7056 structure, including related improvements to real estate, for  
7057 others or for resale to others; and whose job scope is  
7058 substantially similar to the job scope described in one of the  
7059 paragraphs of this subsection. For the purposes of regulation  
7060 under this part, the term "demolish" applies only to demolition  
7061 of steel tanks more than 50 feet in height; towers more than 50  
7062 feet in height; other structures more than 50 feet in height;  
7063 and all buildings or residences. Contractors are subdivided into  
7064 two divisions, Division I, consisting of those contractors  
7065 defined in paragraphs (a)-(c), and Division II, consisting of  
7066 those contractors defined in paragraphs (d)-(q):

7067 (n) "Underground utility and excavation contractor" means  
7068 a contractor whose services are limited to the construction,  
7069 installation, and repair, on public or private property, whether  
7070 accomplished through open excavations or through other means,  
7071 including, but not limited to, directional drilling, auger  
7072 boring, jacking and boring, trenchless technologies, wet and dry  
7073 taps, grouting, and slip lining, of main sanitary sewer  
7074 collection systems, main water distribution systems, storm sewer  
7075 collection systems, and the continuation of utility lines from  
7076 the main systems to a point of termination up to and including  
7077 the meter location for the individual occupancy, sewer  
7078 collection systems at property line on residential or single-  
7079 occupancy commercial properties, or on multioccupancy properties  
7080 at manhole or wye lateral extended to an invert elevation as  
7081 engineered to accommodate future building sewers, water  
7082 distribution systems, or storm sewer collection systems at storm  
7083 sewer structures. However, an underground utility and excavation

7084 contractor may install empty underground conduits in rights-of-  
 7085 way, easements, platted rights-of-way in new site development,  
 7086 and sleeves for parking lot crossings no smaller than 2 inches  
 7087 in diameter if each conduit system installed is designed by a  
 7088 licensed professional engineer or an authorized employee of a  
 7089 municipality, county, or public utility and the installation of  
 7090 such conduit does not include installation of any conductor  
 7091 wiring or connection to an energized electrical system. An  
 7092 underground utility and excavation contractor may not install  
 7093 piping that is an integral part of a fire protection system as  
 7094 defined in s. 633.012 ~~633.021~~ beginning at the point where the  
 7095 piping is used exclusively for such system.

7096 Section 125. Subsection (9) of section 496.404, Florida  
 7097 Statutes, is amended to read:

7098 496.404 Definitions.—As used in ss. 496.401-496.424:

7099 (9) "Emergency service employee" means any employee who is  
 7100 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance  
 7101 driver, emergency medical technician, or paramedic, as defined  
 7102 in s. 401.23.

7103 Section 126. Paragraph (a) of subsection (7) of section  
 7104 509.032, Florida Statutes, is amended to read:

7105 509.032 Duties.—

7106 (7) PREEMPTION AUTHORITY.—

7107 (a) The regulation of public lodging establishments and  
 7108 public food service establishments, including, but not limited  
 7109 to, sanitation standards, inspections, training and testing of  
 7110 personnel, and matters related to the nutritional content and  
 7111 marketing of foods offered in such establishments, is preempted

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7112 to the state. This paragraph does not preempt the authority of a  
7113 local government or local enforcement district to conduct  
7114 inspections of public lodging and public food service  
7115 establishments for compliance with the Florida Building Code and  
7116 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
7117 633.206 ~~633.022~~.

7118 Section 127. Section 513.05, Florida Statutes, is amended  
7119 to read:

7120 513.05 Rules.—The department may adopt rules pertaining to  
7121 the location, construction, modification, equipment, and  
7122 operation of mobile home parks, lodging parks, recreational  
7123 vehicle parks, and recreational camps, except as provided in s.  
7124 633.206 ~~633.022~~, as necessary to administer this chapter. Such  
7125 rules may include definitions of terms; requirements for plan  
7126 reviews of proposed and existing parks and camps; plan reviews  
7127 of parks that consolidate space or change space size; water  
7128 supply; sewage collection and disposal; plumbing and backflow  
7129 prevention; garbage and refuse storage, collection, and  
7130 disposal; insect and rodent control; space requirements; heating  
7131 facilities; food service; lighting; sanitary facilities;  
7132 bedding; an occupancy equivalency to spaces for permits for  
7133 recreational camps; sanitary facilities in recreational vehicle  
7134 parks; and the owners' responsibilities at recreational vehicle  
7135 parks and recreational camps.

7136 Section 128. Paragraph (d) of subsection (1) and paragraph  
7137 (f) of subsection (11) of section 553.73, Florida Statutes, are  
7138 amended to read:

7139 553.73 Florida Building Code.—

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7140 (1)  
 7141 (d) Conflicting requirements between the Florida Building  
 7142 Code and the Florida Fire Prevention Code and Life Safety Code  
 7143 of the state established pursuant to ss. 633.206 ~~633.022~~ and  
 7144 633.208 ~~633.025~~ shall be resolved by agreement between the  
 7145 commission and the State Fire Marshal in favor of the  
 7146 requirement that offers the greatest degree of lifesafety or  
 7147 alternatives that would provide an equivalent degree of  
 7148 lifesafety and an equivalent method of construction. If the  
 7149 commission and State Fire Marshal are unable to agree on a  
 7150 resolution, the question shall be referred to a mediator,  
 7151 mutually agreeable to both parties, to resolve the conflict in  
 7152 favor of the provision that offers the greatest lifesafety, or  
 7153 alternatives that would provide an equivalent degree of  
 7154 lifesafety and an equivalent method of construction.

7155 (11)  
 7156 (f) All decisions of the local building official and local  
 7157 fire official and all decisions of the administrative board  
 7158 shall be in writing and shall be binding upon all persons but  
 7159 shall not limit the authority of the State Fire Marshal or the  
 7160 Florida Building Commission pursuant to paragraph (1)(d) and ss.  
 7161 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of general  
 7162 application shall be indexed by building and fire code sections  
 7163 and shall be available for inspection during normal business  
 7164 hours.

7165 Section 129. Paragraph (e) of subsection (1) of section  
 7166 553.77, Florida Statutes, is amended to read:

7167 553.77 Specific powers of the commission.-



7168 (1) The commission shall:

7169 (e) Participate with the Florida Fire Code Advisory  
 7170 Council created under s. 633.204 ~~633.72~~, to provide assistance  
 7171 and recommendations relating to firesafety code interpretations.  
 7172 The administrative staff of the commission shall attend meetings  
 7173 of the Florida Fire Code Advisory Council and coordinate efforts  
 7174 to provide consistency between the Florida Building Code and the  
 7175 Florida Fire Prevention Code and the Life Safety Code.

7176 Section 130. Subsections (2) and (12) of section 553.79,  
 7177 Florida Statutes, are amended to read:

7178 553.79 Permits; applications; issuance; inspections.—

7179 (2) Except as provided in subsection (6), an enforcing  
 7180 agency may not issue any permit for construction, erection,  
 7181 alteration, modification, repair, or demolition of any building  
 7182 or structure until the local building code administrator or  
 7183 inspector has reviewed the plans and specifications required by  
 7184 the Florida Building Code, or local amendment thereto, for such  
 7185 proposal and found the plans to be in compliance with the  
 7186 Florida Building Code. If the local building code administrator  
 7187 or inspector finds that the plans are not in compliance with the  
 7188 Florida Building Code, the local building code administrator or  
 7189 inspector shall identify the specific plan features that do not  
 7190 comply with the applicable codes, identify the specific code  
 7191 chapters and sections upon which the finding is based, and  
 7192 provide this information to the local enforcing agency. The  
 7193 local enforcing agency shall provide this information to the  
 7194 permit applicant. In addition, an enforcing agency may not issue  
 7195 any permit for construction, erection, alteration, modification,

7196 repair, or demolition of any building until the appropriate  
 7197 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~  
 7198 has reviewed the plans and specifications required by the  
 7199 Florida Building Code, or local amendment thereto, for such  
 7200 proposal and found that the plans comply with the Florida Fire  
 7201 Prevention Code and the Life Safety Code. Any building or  
 7202 structure which is not subject to a firesafety code shall not be  
 7203 required to have its plans reviewed by the firesafety inspector.  
 7204 Any building or structure that is exempt from the local building  
 7205 permit process may not be required to have its plans reviewed by  
 7206 the local building code administrator. Industrial construction  
 7207 on sites where design, construction, and firesafety are  
 7208 supervised by appropriate design and inspection professionals  
 7209 and which contain adequate in-house fire departments and rescue  
 7210 squads is exempt, subject to local government option, from  
 7211 review of plans and inspections, providing owners certify that  
 7212 applicable codes and standards have been met and supply  
 7213 appropriate approved drawings to local building and firesafety  
 7214 inspectors. The enforcing agency shall issue a permit to  
 7215 construct, erect, alter, modify, repair, or demolish any  
 7216 building or structure when the plans and specifications for such  
 7217 proposal comply with the provisions of the Florida Building Code  
 7218 and the Florida Fire Prevention Code and the Life Safety Code as  
 7219 determined by the local authority in accordance with this  
 7220 chapter and chapter 633.

7221 (12) One-family and two-family detached residential  
 7222 dwelling units are not subject to plan review by the local fire  
 7223 official as described in this section or inspection by the local

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7224 fire official as described in s. 633.216 ~~633.081~~, unless  
7225 expressly made subject to said plan review or inspection by  
7226 local ordinance.

7227 Section 131. Paragraph (d) of subsection (1) of section  
7228 590.02, Florida Statutes, is amended to read:

7229 590.02 Florida Forest Service; powers, authority, and  
7230 duties; liability; building structures; Florida Center for  
7231 Wildfire and Forest Resources Management Training.—

7232 (1) The Florida Forest Service has the following powers,  
7233 authority, and duties:

7234 (d) To appoint center managers, forest area supervisors,  
7235 forestry program administrators, a forest protection bureau  
7236 chief, a forest protection assistant bureau chief, a field  
7237 operations bureau chief, deputy chiefs of field operations,  
7238 district managers, forest operations administrators, senior  
7239 forest rangers, investigators, forest rangers, firefighter  
7240 rotorcraft pilots, and other employees who may, at the Florida  
7241 Forest Service's discretion, be certified as forestry  
7242 firefighters pursuant to s. 633.408(7) ~~633.35(4)~~. Other  
7243 provisions of law notwithstanding, center managers, district  
7244 managers, forest protection assistant bureau chief, and deputy  
7245 chiefs of field operations shall have Selected Exempt Service  
7246 status in the state personnel designation;

7247 Section 132. Section 627.4107, Florida Statutes, is  
7248 amended to read:

7249 627.4107 Government employees exposed to toxic drug  
7250 chemicals; cancellation of life or health policy or certificate  
7251 prohibited.—No life or health insurer may cancel or nonrenew a

7252 life or health insurance policy or certificate of insurance  
 7253 providing coverage to a state or local law enforcement officer  
 7254 as defined in s. 943.10, firefighter as defined in s. 633.102  
 7255 ~~633.30~~, emergency medical technician as defined in s. 401.23, or  
 7256 paramedic as defined in s. 401.23, a volunteer firefighter  
 7257 engaged by state or local government, a law enforcement officer  
 7258 employed by the Federal Government, or any other local, state,  
 7259 or Federal Government employee solely based on the fact that the  
 7260 individual has been exposed to toxic chemicals or suffered  
 7261 injury or disease as a result of the individual's lawful duties  
 7262 arising out of the commission of a violation of chapter 893 by  
 7263 another person. This section does not apply to any person who  
 7264 commits an offense under chapter 893. This section does not  
 7265 prohibit an insurer from canceling or nonrenewing an insurance  
 7266 policy or certificate, as permitted under the applicable state  
 7267 insurance code, based on an act or practice of the policyholder  
 7268 or certificateholder that constitutes fraud or intentional  
 7269 misrepresentation of material fact by the policyholder or  
 7270 certificateholder.

7271 Section 133. Subsection (10) of section 893.13, Florida  
 7272 Statutes, is amended to read:

7273 893.13 Prohibited acts; penalties.—

7274 (10) If a person violates any provision of this chapter  
 7275 and the violation results in a serious injury to a state or  
 7276 local law enforcement officer as defined in s. 943.10,  
 7277 firefighter as defined in s. 633.102 ~~633.30~~, emergency medical  
 7278 technician as defined in s. 401.23, paramedic as defined in s.  
 7279 401.23, employee of a public utility or an electric utility as

7280 defined in s. 366.02, animal control officer as defined in s.  
 7281 828.27, volunteer firefighter engaged by state or local  
 7282 government, law enforcement officer employed by the Federal  
 7283 Government, or any other local, state, or Federal Government  
 7284 employee injured during the course and scope of his or her  
 7285 employment, the person commits a felony of the third degree,  
 7286 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 7287 If the injury sustained results in death or great bodily harm,  
 7288 the person commits a felony of the second degree, punishable as  
 7289 provided in s. 775.082, s. 775.083, or s. 775.084.

7290 Section 134. Paragraph (g) of subsection (2) of section  
 7291 934.03, Florida Statutes, is amended to read:

7292 934.03 Interception and disclosure of wire, oral, or  
 7293 electronic communications prohibited.—

7294 (2)

7295 (g) It is lawful under ss. 934.03-934.09 for an employee  
 7296 of:

7297 1. An ambulance service licensed pursuant to s. 401.25, a  
 7298 fire station employing firefighters as defined by s. 633.102  
 7299 ~~633.30~~, a public utility, a law enforcement agency as defined by  
 7300 s. 934.02(10), or any other entity with published emergency  
 7301 telephone numbers;

7302 2. An agency operating an emergency telephone number "911"  
 7303 system established pursuant to s. 365.171; or

7304 3. The central abuse hotline operated pursuant to s.  
 7305 39.201

7306  
 7307 to intercept and record incoming wire communications; however,

7308 | such employee may intercept and record incoming wire  
 7309 | communications on designated "911" telephone numbers and  
 7310 | published nonemergency telephone numbers staffed by trained  
 7311 | dispatchers at public safety answering points only. It is also  
 7312 | lawful for such employee to intercept and record outgoing wire  
 7313 | communications to the numbers from which such incoming wire  
 7314 | communications were placed when necessary to obtain information  
 7315 | required to provide the emergency services being requested. For  
 7316 | the purpose of this paragraph, the term "public utility" has the  
 7317 | same meaning as provided in s. 366.02 and includes a person,  
 7318 | partnership, association, or corporation now or hereafter owning  
 7319 | or operating equipment or facilities in the state for conveying  
 7320 | or transmitting messages or communications by telephone or  
 7321 | telegraph to the public for compensation.

7322 |       Section 135. Paragraph (b) of subsection (4) of section  
 7323 | 943.61, Florida Statutes, is amended to read:

7324 |       943.61 Powers and duties of the Capitol Police.—

7325 |       (4) The Capitol Police shall have the following  
 7326 | responsibilities, powers, and duties:

7327 |       (b) To provide and maintain the security of all property  
 7328 | located in the Capitol Complex in a manner consistent with the  
 7329 | security plans developed and approved under paragraph (a) and,  
 7330 | in consultation with the State Fire Marshal, to provide for  
 7331 | evacuations, information, and training required for firesafety  
 7332 | on such property in a manner consistent with s. 633.218 ~~633.085~~.

7333 |       Section 136. Paragraph (b) of subsection (18) of section  
 7334 | 1002.33, Florida Statutes, is amended to read:

7335 |       1002.33 Charter schools.—

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7336 (18) FACILITIES.—

7337 (b) A charter school shall utilize facilities that comply  
7338 with the Florida Fire Prevention Code, pursuant to s. 633.208  
7339 ~~633.025~~, as adopted by the authority in whose jurisdiction the  
7340 facility is located as provided in paragraph (a).

7341 Section 137. Subsection (9) of section 1002.34, Florida  
7342 Statutes, is amended to read:

7343 1002.34 Charter technical career centers.—

7344 (9) FACILITIES.—A center may be located in any suitable  
7345 location, including part of an existing public school or Florida  
7346 College System institution building, space provided on a public  
7347 worksite, or a public building. A center's facilities must  
7348 comply with the State Uniform Building Code for Public  
7349 Educational Facilities Construction adopted pursuant to s.  
7350 1013.37, or with applicable state minimum building codes  
7351 pursuant to chapter 553, and state minimum fire protection codes  
7352 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in  
7353 whose jurisdiction the facility is located. If K-12 public  
7354 school funds are used for construction, the facility must remain  
7355 on the local school district's Florida Inventory of School  
7356 Houses (FISH) school building inventory of the district school  
7357 board and must revert to the district school board if the  
7358 consortium dissolves and the program is discontinued. If Florida  
7359 College System institution public school funds are used for  
7360 construction, the facility must remain on the local Florida  
7361 College System institution's facilities inventory and must  
7362 revert to the local Florida College System institution board of  
7363 trustees if the consortium dissolves and the program is

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7364 discontinued. The additional student capacity created by the  
7365 addition of the center to the local school district's FISH may  
7366 not be calculated in the permanent student capacity for the  
7367 purpose of determining need or eligibility for state capital  
7368 outlay funds while the facility is used as a center. If the  
7369 construction of the center is funded jointly by K-12 public  
7370 school funds and Florida College System institution funds, the  
7371 sponsoring entities must agree, before granting the charter, on  
7372 the appropriate owner and terms of transfer of the facility if  
7373 the charter is dissolved.

7374 Section 138. Subsection (1), paragraph (c) of subsection  
7375 (2), and paragraphs (a) and (c) of subsection (6) of section  
7376 1013.12, Florida Statutes, are amended to read:

7377 1013.12 Casualty, safety, sanitation, and firesafety  
7378 standards and inspection of property.—

7379 (1) FIRESAFETY.—The State Board of Education shall adopt  
7380 and administer rules prescribing standards for the safety and  
7381 health of occupants of educational and ancillary plants as a  
7382 part of State Requirements for Educational Facilities or the  
7383 Florida Building Code for educational facilities construction as  
7384 provided in s. 1013.37, except that the State Fire Marshal in  
7385 consultation with the Department of Education shall adopt  
7386 uniform firesafety standards for educational and ancillary  
7387 plants and educational facilities, as provided in s.  
7388 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system  
7389 to be used as an alternate firesafety inspection standard for  
7390 existing educational and ancillary plants and educational  
7391 facilities. The uniform firesafety standards and the alternate



7392 firesafety evaluation system shall be administered and enforced  
 7393 by fire officials certified by the State Fire Marshal under s.  
 7394 633.216 ~~633.081~~. These standards must be used by all public  
 7395 agencies when inspecting public educational and ancillary  
 7396 plants, and the firesafety standards must be used by county,  
 7397 municipal, or independent special fire control district  
 7398 inspectors when performing firesafety inspections of public  
 7399 educational and ancillary plants and educational facilities. In  
 7400 accordance with such standards, each board shall prescribe  
 7401 policies and procedures establishing a comprehensive program of  
 7402 safety and sanitation for the protection of occupants of public  
 7403 educational and ancillary plants. Such policies must contain  
 7404 procedures for periodic inspections as prescribed in this  
 7405 section or chapter 633 and for withdrawal of any educational and  
 7406 ancillary plant, or portion thereof, from use until unsafe or  
 7407 unsanitary conditions are corrected or removed.

7408 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
 7409 BOARDS.—

7410 (c) Under the direction of the fire official appointed by  
 7411 the board under s. 1013.371(2), firesafety inspections of each  
 7412 educational and ancillary plant located on property owned or  
 7413 leased by the board, or other educational facilities operated by  
 7414 the board, must be made no sooner than 1 year after issuance of  
 7415 a certificate of occupancy and annually thereafter. Such  
 7416 inspections shall be made by persons certified by the Division  
 7417 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct  
 7418 firesafety inspections in public educational and ancillary  
 7419 plants. The board shall submit a copy of the firesafety

7420 inspection report to the county, municipality, or independent  
 7421 special fire control district providing fire protection services  
 7422 to the school facility within 10 business days after the date of  
 7423 the inspection. Alternate schedules for delivery of reports may  
 7424 be agreed upon between the school district and the county,  
 7425 municipality, or independent special fire control district  
 7426 providing fire protection services to the site in cases in which  
 7427 delivery is impossible due to hurricanes or other natural  
 7428 disasters. Regardless, if immediate life-threatening  
 7429 deficiencies are noted in the report, the report shall be  
 7430 delivered immediately. In addition, the board and any other  
 7431 authority conducting the fire safety inspection shall certify to  
 7432 the State Fire Marshal that the annual inspection has been  
 7433 completed. The certification shall be made electronically or by  
 7434 such other means as directed by the State Fire Marshal.

7435 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
 7436 FACILITIES.—

7437 (a) Firesafety inspections of public college facilities,  
 7438 including charter schools located on board-owned or board-leased  
 7439 facilities or otherwise operated by public college boards, shall  
 7440 be made in accordance with the Florida Fire Prevention Code, as  
 7441 adopted by the State Fire Marshal. Notwithstanding s. 633.202  
 7442 ~~633.0215~~, provisions of the code relating to inspections of such  
 7443 facilities are not subject to any local amendments as provided  
 7444 by s. 1013.371. Each public college facility shall be inspected  
 7445 annually by persons certified under s. 633.216 ~~633.081~~.

7446 (c) Firesafety inspections of state universities shall  
 7447 comply with the Florida Fire Prevention Code, as adopted by the

7448 State Fire Marshal under s. 633.202 ~~633.0215~~.

7449 Section 139. Paragraphs (a), (b), and (d) of subsection  
7450 (2) and paragraph (a) of subsection (4) of section 1013.38,  
7451 Florida Statutes, are amended to read:

7452 1013.38 Boards to ensure that facilities comply with  
7453 building codes and life safety codes.—

7454 (2) In addition to the submission of site plans, boards  
7455 may provide compliance as follows:

7456 (a) Boards or consortia may individually or cooperatively  
7457 provide review services under the insurance risk management  
7458 oversight through the use of board employees or consortia  
7459 employees registered pursuant to chapter 471, chapter 481, or  
7460 part XII of chapter 468 and firesafety inspectors certified  
7461 under s. 633.216 ~~633.081~~.

7462 (b) Boards may elect to review construction documents  
7463 using their own employees registered pursuant to chapter 471,  
7464 chapter 481, or part XII of chapter 468 and firesafety  
7465 inspectors certified under s. 633.216 ~~633.081~~.

7466 (d) Boards or consortia may contract for plan review  
7467 services directly with engineers and architects registered  
7468 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
7469 certified under s. 633.216 ~~633.081~~.

7470 (4) (a) Before the commencement of any new construction,  
7471 renovation, or remodeling, the board shall:

7472 1. Approve or cause to be approved the construction  
7473 documents and evaluate such documents for compliance with the  
7474 Florida Building Code and the Florida Fire Prevention Code.

7475 2. Ensure compliance with all applicable firesafety codes

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7476 | and standards by contracting with a firesafety inspector  
7477 | certified by the State Fire Marshal under s. 633.216 ~~633.081~~.  
7478 | Section 140. This act shall take effect July 1, 2013.