

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; providing for the deposit of all funds
95 collected by the State Fire Marshal pursuant to ch.
96 633, F.S.; transferring and renumbering s. 633.39,
97 F.S., relating to acceptance by the division of
98 donations of property and grants of money;
99 transferring, renumbering, and amending s. 633.115,
100 F.S., relating to the Fire and Emergency Incident
101 Information Reporting Program; making editorial
102 changes; conforming a cross-reference; creating s.
103 633.138, F.S.; providing requirements with respect to
104 notice of change of address of record for, and notice
105 of felony actions against, a licensee, permittee, or
106 certificateholder; transferring, renumbering, and
107 amending ss. 633.042 and 633.0421, F.S.; consolidating
108 the "Reduced Cigarette Ignition Propensity Standard
109 and Firefighter Protection Act" and specified
110 preemption provisions; creating part II of chapter
111 633, F.S., entitled "Fire Safety and Prevention";
112 transferring, renumbering, and amending s. 633.0215,

113 F.S., the Florida Fire Prevention Code; authorizing
114 the State Fire Marshal to adopt rules; conforming
115 cross-references; deleting an obsolete provision;
116 transferring, renumbering, and amending s. 633.72,
117 F.S., relating to the Florida Fire Code Advisory
118 Council; revising membership of the council; providing
119 for semiannual meetings of the council; authorizing
120 the council to review proposed changes to the Florida
121 Fire Prevention Code and specified uniform fire safety
122 standards; conforming cross-references; transferring,
123 renumbering, and amending s. 633.022, F.S., relating
124 to uniform firesafety standards; revising
125 applicability of uniform firesafety standards;
126 removing obsolete provisions; transferring,
127 renumbering, and amending s. 633.025, F.S., relating
128 to minimum firesafety standards; eliminating
129 references to the Life Safety Code; revising
130 references to firesafety code and fire official, to
131 conform; conforming a cross-reference; transferring,
132 renumbering, and amending s. 633.026, F.S., relating
133 to informal interpretations of the Florida Fire
134 Prevention Code and legislative intent with respect
135 thereto; making editorial changes; conforming cross-
136 references; revising terminology to provide for
137 declaratory statements rather than formal
138 interpretations in nonbinding interpretations of
139 Florida Fire Prevention Code provisions; transferring,
140 renumbering, and amending s. 633.052, F.S., relating

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

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

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

225 | passes an examination for licensure or permit but
226 | fails to meet remaining qualifications within 1 year
227 | after the application date; transferring,
228 | renumbering, and amending s. 633.065, F.S.; conforming
229 | a cross-reference; transferring, renumbering, and
230 | amending s. 633.071, F.S., relating to standard
231 | service tags required on all fire extinguishers and
232 | preengineered systems; conforming a cross-reference;
233 | transferring, renumbering, and amending s. 633.082,
234 | F.S., relating to inspection of fire control systems,
235 | fire hydrants, and fire protection systems; conforming
236 | a cross-reference; making an editorial change;
237 | transferring, renumbering, and amending s. 633.083,
238 | F.S., relating to the prohibited sale or use of
239 | certain types of fire extinguishers and penalty
240 | therefor; transferring, renumbering, and amending s.
241 | 633.162, F.S., relating to fire suppression system
242 | contractors and disciplinary actions with respect
243 | thereto; conforming cross-references; clarifying
244 | provisions; transferring, renumbering, and amending
245 | s. 633.521, F.S., relating to certification as fire
246 | protection system contractor; clarifying provisions
247 | and making editorial changes; conforming cross-
248 | references; transferring, renumbering, and amending s.
249 | 633.551, F.S., relating to county and municipal powers
250 | and the effect of ch. 75-240, Laws of Florida; making
251 | editorial changes; transferring and renumbering s.
252 | 633.527, F.S., relating to records concerning

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

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

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

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

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

393 | convictions; revising provisions relating to
394 | revocation of certification; providing division
395 | procedure with respect to an individual's conviction
396 | of a felony or specified misdemeanor subsequent to
397 | certification; authorizing the division to charge a
398 | fingerprint processing fee; 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. 633.46, F.S.,
412 | relating to fees charged for training; transferring
413 | and renumbering s. 633.47, F.S., relating to procedure
414 | for making expenditures on behalf of the Florida State
415 | Fire College; transferring, renumbering, and amending
416 | s. 633.49, F.S., relating to the use of buildings,
417 | equipment, and other facilities of the fire college;
418 | conforming a cross-reference; transferring,
419 | renumbering, and amending s. 633.50, F.S.; providing
420 | additional duties of the division of State Fire

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

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

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

505 627.4107, F.S.; providing that a life or health
506 insurer may not cancel or fail or refuse to renew a
507 life or health insurance policy or certificate of
508 insurance that provides coverage to a volunteer
509 firefighter based on specified circumstances;
510 amending s. 791.012, F.S., relating to minimum
511 fireworks safety standards; updating a reference;
512 amending s. 791.015, F.S.; authorizing seasonal
513 retailers of sparklers to submit one registration form
514 for multiple locations; requiring each seasonal
515 retailer of sparklers to pay an annual registration
516 fee for each retail location registered; repealing s.
517 633.024, F.S., relating to legislative findings and
518 intent with respect to ensuring effective fire
519 protection of vulnerable nursing home residents, the
520 expedited retrofit of existing nursing homes through a
521 limited state loan guarantee, and funding thereof;
522 repealing s. 633.0245, F.S., relating to the State
523 Fire Marshal Nursing Home Fire Protection Loan
524 Guarantee Program; repealing s. 633.30, F.S., relating
525 to definitions with respect to standards for
526 firefighting; repealing s. 633.445, F.S., relating to
527 the State Fire Marshal Scholarship Grant Program;
528 repealing s. 633.524, F.S., relating to certificate
529 and permit fees assessed under ch. 633, F.S., and the
530 use and deposit thereof; repealing s. 633.804, F.S.,
531 which requires the division to adopt rules governing
532 firefighter employer and firefighter employee safety

533 inspections and consultations; repealing s. 633.820,
 534 F.S., relating to the applicability of specified
 535 sections of ch. 633, F.S., to volunteer firefighters
 536 and volunteer fire departments; amending ss. 112.1815,
 537 112.191, 112.81, 119.071, 120.541, 120.80, 121.0515,
 538 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121,
 539 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02,
 540 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44,
 541 429.73, 447.203, 468.602, 468.609, 489.103, 489.105,
 542 496.404, 509.032, 513.05, 553.73, 553.77, 553.79,
 543 590.02, 893.13, 934.03, 943.61, 1002.33, 1002.34,
 544 1013.12, and 1013.38, F.S.; correcting cross-
 545 references, to conform; providing an effective date.

546

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

548

549 Section 1. Paragraph (b) of subsection (2) of section
 550 112.011, Florida Statutes, is amended to read:

551 112.011 Disqualification from licensing and public
 552 employment based on criminal conviction.—

553 (2)

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

561 ~~received a full pardon or has had his or her civil rights~~
562 ~~restored.~~

563 Section 2. Paragraph (i) of subsection (2) of section
564 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
565 and (c) of subsection (2) are reenacted, to read:

566 112.191 Firefighters; death benefits.—

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

577 (b) The sum of \$50,000, as adjusted pursuant to paragraph
578 (i), shall be paid as provided in this section if a firefighter
579 is accidentally killed as specified in paragraph (a) and the
580 accidental death occurs as a result of the firefighter's
581 response to what is reasonably believed to be an emergency
582 involving the protection of life or property or the
583 firefighter's participation in a training exercise. This sum is
584 in addition to any sum provided in paragraph (a).
585 Notwithstanding any other provision of law, the amount payable
586 under this subsection may not be less than the actual amount
587 stated therein.

588 (c) If a firefighter, while engaged in the performance of

589 his or her firefighter duties, is unlawfully and intentionally
590 killed, is injured by an unlawful and intentional act of another
591 person and dies as a result of such injury, dies as a result of
592 a fire which has been determined to have been caused by an act
593 of arson, or subsequently dies as a result of injuries sustained
594 therefrom, the sum of \$150,000, as adjusted pursuant to
595 paragraph (i), shall be paid as provided in this section.
596 Notwithstanding any other provision of law, the amount payable
597 under this subsection may not be less than the actual amount
598 stated therein.

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

614 Section 3. Part I of chapter 633, Florida Statutes,
615 consisting of sections 633.102, 633.104, 633.106, 633.108,
616 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,

617 633.128, 633.132, 633.134, 633.136, 633.138, and 633.142, is
618 created and entitled "General Provisions."

619 Section 4. Section 633.021, Florida Statutes, is
620 transferred, renumbered as section 633.102, Florida Statutes,
621 and amended to read:

622 633.102 ~~633.021~~ Definitions.—As used in this chapter:

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

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

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

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

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

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

645 thermal systems used in connection with sprinklers, and tanks
646 and pumps connected thereto, excluding preengineered systems. A
647 Contractor II may also perform the duties specified for a
648 Contractor IV and Contractor V.

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

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

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

672

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

694 (4) "Department" means the Department of Financial
695 Services.

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

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

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

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

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

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

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

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

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

757 sprinkler systems, foam-water spray systems, carbon dioxide CO2
758 systems, foam extinguishing systems, dry chemical systems, and
759 Halon and other chemical systems used for fire protection use.
760 Such systems also include any overhead and underground fire
761 mains, fire hydrants and hydrant mains, standpipes and hoses
762 connected to sprinkler systems, sprinkler tank heaters, air
763 lines, thermal systems used in connection with fire sprinkler
764 systems, and tanks and pumps connected to fire sprinkler
765 systems.

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

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

782 (15)-(12) "Handling" means touching, holding, taking up,
783 moving, controlling, or otherwise affecting with the hand or by
784 any other agency.

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

787 ~~1. That contains combustible or explosive matter or~~
 788 ~~flammable conditions dangerous to the safety of life or~~
 789 ~~property.~~

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

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

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

793

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

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

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

813 include a roadway or driveway upon grounds owned by a private
 814 person.

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

818 ~~(18)(15)~~ "Keeping" means possessing, holding, retaining,
 819 maintaining, or having habitually in stock for sale.

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

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

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

838 (22) "Minimum Standards Course" means training of at least
 839 360 hours as prescribed by rule adopted by the division, which
 840 is required to obtain a Firefighter Certificate of Compliance

841 under s. 633.408.

842 (23)~~(19)~~ "Motor vehicle" means any device propelled by
 843 power other than muscular power in, upon, or by which any
 844 individual ~~person~~ or property is or may be transported or drawn
 845 upon a highway, except a device moved or used exclusively upon
 846 stationary rails or tracks.

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

851 (25)~~(21)~~ (a) A "Preengineered system" means ~~is~~ a fire
 852 suppression system which:

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

868 (b) Preengineered systems consist of and include all of

869 the components and parts providing fire suppression protection,
870 but do not include the equipment being protected, and may
871 incorporate special nozzles, flow rates, methods of application,
872 pressurization levels, and quantities of agents designed by the
873 manufacturer for specific hazards.

874 (26)~~(22)~~ "Private carrier" means any motor vehicle,
875 aircraft, or vessel operating intrastate in which there is
876 identity of ownership between freight and carrier.

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

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

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

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

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

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

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

913 (34)~~(28)~~ A "Uniform firesafety standard" means ~~is~~ a
 914 requirement or group of requirements for the protection of life
 915 and property from loss by fire which shall be met by every
 916 building and structure specified in s. 633.206 ~~633.022(1)~~, and
 917 is neither weakened nor exceeded by law, rule, or ordinance of
 918 any other state agency or political subdivision or county,
 919 municipality, or special district with firesafety
 920 responsibilities.

921 (35)~~(29)~~ "Use" means application, employment; that
 922 enjoyment of property which consists of its employment,
 923 occupation, exercise, or practice.

924 (36) "Volunteer firefighter" means an individual who holds

925 | a current and valid Volunteer Firefighter Certificate of
926 | Completion issued by the division under s. 633.408.

927 | Section 5. Section 633.01, Florida Statutes, is
928 | transferred and renumbered as subsections (1) through (7) of
929 | section 633.104, Florida Statutes, and subsections (1), (3),
930 | (5), (6), and (7) of that section are amended, subsection (2) of
931 | section 633.517, Florida Statutes, is transferred and renumbered
932 | as subsection (8) of that section and amended, and a new
933 | subsection (9) is added to that section, to read:

934 | 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~
935 | ~~duties;~~ rules.—

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

949 | (2) Subject to the limitations of subsection (1), it is
950 | the intent of the Legislature that the State Fire Marshal shall
951 | have the responsibility to minimize the loss of life and
952 | property in this state due to fire. The State Fire Marshal shall

953 enforce all laws and provisions of this chapter, and any rules
 954 adopted pursuant thereto, relating to:

955 (a) The prevention of fire and explosion through the
 956 regulation of conditions which could cause fire or explosion,
 957 the spread of fire, and panic resulting therefrom;

958 (b) Installation and maintenance of fire alarm systems and
 959 fire protection systems, including fire suppression systems,
 960 fire-extinguishing equipment, and fire sprinkler systems;

961 (c)1. Servicing, repairing, recharging, testing, marking,
 962 inspecting, installing, maintaining, and tagging of fire
 963 extinguishers, preengineered systems, and individually designed
 964 fire protection systems;

965 2. The training and licensing of persons engaged in the
 966 business of servicing, repairing, recharging, testing, marking,
 967 inspecting, installing, maintaining, and tagging fire
 968 extinguishers, preengineered systems, and individually designed
 969 fire protection systems;

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

971 (e) Suppression of arson and the investigation of the
 972 cause, origin, and circumstances of fire.

973 (3) The State Fire Marshal shall establish by rule
 974 guidelines and procedures for ~~triennial~~ renewal of firesafety
 975 inspector requirements for certification every 4 years.

976 (4) It is the intent of the Legislature that the rules
 977 promulgated by the State Fire Marshal pursuant to this section
 978 be enforced in such a manner as to prohibit the displacement of
 979 currently placed mobile homes unless there is a threat of
 980 imminent danger to the health, safety, or welfare of the general

981 public.

982 (5) It is the intent of the Legislature that there are to
 983 be no conflicting requirements between the Florida Fire
 984 Prevention Code ~~and the Life Safety Code authorized by this~~
 985 ~~chapter~~ and the provisions of the Florida Building Code or
 986 conflicts in their enforcement and interpretation. Potential
 987 conflicts shall be resolved through coordination and cooperation
 988 of the State Fire Marshal and the Florida Building Commission as
 989 provided by this chapter and part IV of chapter 553.

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

995 (7) The State Fire Marshal, in consultation with the
 996 Department of Education, shall adopt and administer rules
 997 prescribing standards for the safety and health of occupants of
 998 educational and ancillary facilities pursuant to ss. 633.206
 999 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any
 1000 county, municipality, or special district that does not employ
 1001 or appoint a firesafety inspector certified under s. 633.216
 1002 ~~633.081~~, the State Fire Marshal shall assume the duties of the
 1003 local county, municipality, or independent special fire control
 1004 district as defined in s. 191.003 with respect to firesafety
 1005 inspections of educational property required under s.
 1006 1013.12(3)(b), and the State Fire Marshal may take necessary
 1007 corrective action as authorized under s. 1013.12(7).

1008 ~~633.517 Authority of State Fire Marshal to adopt rules,~~

1009 ~~administer oaths, and take testimony.—~~

1010 ~~(1) The State Fire Marshal is authorized, with the advice~~
 1011 ~~of the board, to adopt rules pursuant to ss. 120.536(1) and~~
 1012 ~~120.54 to implement the provisions of this act.~~

1013 (8)~~(2)~~ The State Fire Marshal or her or his duly appointed
 1014 hearing officer may administer oaths and take testimony about
 1015 all matters within the jurisdiction of this chapter act. Chapter
 1016 120 governs hearings conducted by or on behalf of the State Fire
 1017 Marshal.

1018 (9) The State Fire Marshal may enter into a contract with
 1019 any qualified public entity or private company in accordance
 1020 with chapter 287 to provide examinations for any applicant for
 1021 any examination administered under the jurisdiction of the State
 1022 Fire Marshal. The State Fire Marshal may direct payments from
 1023 each applicant for each examination directly to such contracted
 1024 entity or company.

1025 Section 6. Section 633.163, Florida Statutes, is
 1026 transferred, renumbered as subsections (1), (2), and (3) of
 1027 section 633.106, Florida Statutes, and amended, and section
 1028 633.167, Florida Statutes, is transferred, renumbered as
 1029 subsection (4) of that section, and amended, to read:

1030 633.106 633.163 State Fire Marshal; disciplinary
 1031 authority; administrative fine and probation in lieu of
 1032 suspension, revocation, or refusal to issue a license, permit,
 1033 or certificate.—

1034 (1) The State Fire Marshal is authorized to deny, suspend,
 1035 or revoke the license, certificate, or permit of any individual
 1036 who does not meet the qualifications established by, or who

1037 violates any provision under, this chapter or any rule
1038 authorized by this chapter.

1039 (2)~~(1)~~ If the State Fire Marshal finds that one or more
1040 grounds exist for the suspension, revocation, or refusal to
1041 issue, renew, or continue any license, certificate, or permit
1042 issued under this chapter, the State Fire Marshal may, in his or
1043 her ~~its~~ discretion, in lieu of the suspension, revocation, or
1044 refusal to issue, renew, or continue, and, except on a second
1045 offense or when the suspension, revocation, or refusal to issue,
1046 renew, or continue is mandatory, impose upon the licensee,
1047 certificateholder, or permittee one or more of the following:

1048 (a) An administrative fine not to exceed \$1,000 for each
1049 violation, and not to exceed a total of \$10,000 in any one
1050 proceeding.

1051 (b) Probation for a period not to exceed 2 years, as
1052 specified by the State Fire Marshal in her or his order.

1053 (3)~~(2)~~ The State Fire Marshal may allow the licensee,
1054 certificateholder, or permittee a reasonable period, not to
1055 exceed 30 days, within which to pay to the State Fire Marshal
1056 the amount of the fine. If the licensee, certificateholder, or
1057 permittee fails to pay the administrative fine in its entirety
1058 to the State Fire Marshal within such period, the license,
1059 permit, or certificate shall stand suspended until payment of
1060 the administrative fine.

1061 ~~633.167— Probation.—~~

1062 ~~(1) If the State Fire Marshal finds that one or more~~
1063 ~~grounds exist for the suspension, revocation, or refusal to~~
1064 ~~issue, renew, or continue any license, certification, or permit~~

1065 | ~~issued under this chapter, the State Fire Marshal may, in her or~~
1066 | ~~his discretion, except when an administrative fine is not~~
1067 | ~~permissible under this chapter or when the suspension,~~
1068 | ~~revocation, or refusal is mandatory, in lieu of suspension,~~
1069 | ~~revocation, or refusal to issue, renew, or continue or, in~~
1070 | ~~connection with any administrative fine imposed, place the~~
1071 | ~~offending licensee, certificateholder, or permittee on probation~~
1072 | ~~for a period not to exceed 2 years, as specified by the State~~
1073 | ~~Fire Marshal in her or his order.~~

1074 | (4)~~(2)~~ As a condition to probation or in connection
1075 | therewith, the State Fire Marshal may specify in her or his
1076 | order reasonable terms and conditions to be fulfilled by the
1077 | probationer during the probation period. If during the probation
1078 | period the State Fire Marshal has good cause to believe that the
1079 | probationer has violated any of the terms and conditions, she or
1080 | he shall suspend, revoke, or refuse to issue, renew, or continue
1081 | the license, certificate, or permit of the probationer, as upon
1082 | the original ground or grounds referred to in subsection (2)~~(1)~~.

1083 | Section 7. Section 633.15, Florida Statutes, is
1084 | transferred and renumbered as section 633.108, Florida Statutes.

1085 | Section 8. Section 633.101, Florida Statutes, is
1086 | transferred and renumbered as subsections (1), (2), (3), and (4)
1087 | of section 633.112, Florida Statutes, and subsections (2), (3),
1088 | and (4) are amended, section 633.18, Florida Statutes, is
1089 | transferred and renumbered as subsection (5) of that section,
1090 | section 633.03, Florida Statutes, is transferred and renumbered
1091 | as subsection (6) of that section and amended, and section
1092 | 633.111, Florida Statutes, is transferred and renumbered as

1093 subsections (7) and (8) of that section and amended, to read:

1094 633.112 ~~633.101~~ State Fire Marshal; hearings;
 1095 investigations; recordkeeping ~~investigatory powers of State Fire~~
 1096 ~~Marshal; costs of service and witness fees.~~-

1097 (1) The State Fire Marshal may in his or her discretion
 1098 take or cause to be taken the testimony on oath of all persons
 1099 whom he or she believes to be cognizant of any facts in relation
 1100 to matters under investigation.

1101 (2) If the State Fire Marshal shall be of the opinion that
 1102 there is sufficient evidence to charge any person with an
 1103 offense, he or she shall cause the arrest of such person and
 1104 shall furnish to the prosecuting officer of any court having
 1105 jurisdiction of said offense all information obtained by him or
 1106 her, including a copy of all pertinent and material testimony
 1107 taken, together with the names and addresses of all witnesses.
 1108 In the conduct of such investigations, the State Fire Marshal
 1109 ~~fire marshal~~ may request such assistance as may reasonably be
 1110 given by such prosecuting officers and other local officials.

1111 (3) The State Fire Marshal ~~fire marshal~~ may summon and
 1112 compel the attendance of witnesses before him or her to testify
 1113 in relation to any matter ~~manner~~ which is, by the provisions of
 1114 this chapter, a subject of inquiry and investigation, and he or
 1115 she may require the production of any book, paper, or document
 1116 deemed pertinent thereto by him or her, and may seize furniture
 1117 and other personal property to be held for evidence.

1118 (4) All persons so summoned and so testifying shall be
 1119 entitled to the same witness fees and mileage as provided for
 1120 witnesses testifying in the circuit courts of this state, and

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1121 officers serving subpoenas or orders of the State Fire Marshal
1122 ~~fire marshal~~ shall be paid in like manner for like services in
1123 such courts, from the funds herein provided.

1124 ~~633.18 State Fire Marshal; hearings and investigations;~~
1125 ~~subpoena of witnesses; orders of circuit court.—~~

1126 (5) Any agent designated by the State Fire Marshal for
1127 such purposes, may hold hearings, sign and issue subpoenas,
1128 administer oaths, examine witnesses, receive evidence, and
1129 require by subpoena the attendance and testimony of witnesses
1130 and the production of such accounts, records, memoranda or other
1131 evidence, as may be material for the determination of any
1132 complaint or conducting any inquiry or investigation under this
1133 law. In case of disobedience to a subpoena, the State Fire
1134 Marshal or his or her agent may invoke the aid of any court of
1135 competent jurisdiction in requiring the attendance and testimony
1136 of witnesses and the production of accounts, records, memoranda
1137 or other evidence and any such court may in case of contumacy or
1138 refusal to obey a subpoena issued to any person, issue an order
1139 requiring the person to appear before the State Fire Marshal's
1140 agent or produce accounts, records, memoranda or other evidence,
1141 as so ordered, or to give evidence touching any matter pertinent
1142 to any complaint or the subject of any inquiry or investigation,
1143 and any failure to obey such order of the court shall be
1144 punished by the court as a contempt thereof.

1145 ~~633.03 Investigation of fire; reports.—~~

1146 (6) The State Fire Marshal shall investigate the cause,
1147 origin, and circumstances of every fire or explosion occurring
1148 in this state wherein property has been damaged or destroyed

1149 | where there is probable cause to believe that the fire or
 1150 | explosion was the result of carelessness or design. Report of
 1151 | all such investigations shall be made on approved forms to be
 1152 | furnished by the State Fire Marshal ~~fire marshal~~.

1153 | ~~633.111 State Fire Marshal to keep records of fires;~~
 1154 | ~~reports of agents.—~~

1155 | (7) The State Fire Marshal shall keep ~~in her or his office~~
 1156 | a record of all fires and explosions occurring in this state
 1157 | upon which she or he had caused an investigation to be made and
 1158 | all facts concerning the same. These records, obtained or
 1159 | prepared by the State Fire Marshal pursuant to her or his
 1160 | investigation, include documents, papers, letters, maps,
 1161 | diagrams, tapes, photographs, films, sound recordings, and
 1162 | evidence. These records are confidential and exempt from the
 1163 | provisions of s. 119.07(1) until the investigation is completed
 1164 | or ceases to be active. For purposes of this section, an
 1165 | investigation is considered "active" while such investigation is
 1166 | being conducted by the department with a reasonable, good faith
 1167 | belief that it may lead to the filing of administrative, civil,
 1168 | or criminal proceedings. An investigation does not cease to be
 1169 | active if the department is proceeding with reasonable dispatch,
 1170 | and there is a good faith belief that action may be initiated by
 1171 | the department or other administrative or law enforcement
 1172 | agency. Further, these documents, papers, letters, maps,
 1173 | diagrams, tapes, photographs, films, sound recordings, and
 1174 | evidence relative to the subject of an investigation shall not
 1175 | be subject to subpoena until the investigation is completed or
 1176 | ceases to be active, unless the State Fire Marshal consents.

1177 These records shall be made daily from the reports furnished the
 1178 State Fire Marshal by her or his agents or others.

1179 (8) Whenever the State Fire Marshal releases an
 1180 investigative report, any person requesting a copy of the report
 1181 shall pay in advance, and the State Fire Marshal shall collect
 1182 in advance, notwithstanding the provisions of s. 624.501(19) (a)
 1183 and (b), a fee of \$10 for the copy of the report, which fee
 1184 shall be deposited into the Insurance Regulatory Trust Fund. The
 1185 State Fire Marshal may release the report without charge to any
 1186 state attorney or to any law enforcement agency or fire
 1187 department assisting in the investigation.

1188 Section 9. Section 633.02, Florida Statutes, is
 1189 transferred, renumbered as subsection (1) of section 633.114,
 1190 Florida Statutes, and amended, and section 633.13, Florida
 1191 Statutes, is transferred and renumbered as subsection (2) of
 1192 that section, to read:

1193 633.114 ~~633.02~~ State Fire Marshal Agents; authority;
 1194 ~~powers and duties; compensation.-~~

1195 (1) The State Fire Marshal shall appoint such agents as
 1196 may be necessary to carry out effectively the provisions of this
 1197 chapter, who shall be reimbursed for travel expenses as provided
 1198 in s. 112.061, in addition to their salary, when traveling or
 1199 making investigations in the performance of their duties. Such
 1200 agents shall be at all times under the direction and control of
 1201 the State Fire Marshal ~~fire-marshal~~, who shall fix their
 1202 compensation, and all orders shall be issued in the State Fire
 1203 Marshal's ~~fire-marshal's~~ name and by her or his authority.

1204 ~~633.13 State Fire Marshal; authority of agents.-~~

1205 (2) The authority given the State Fire Marshal under this
 1206 law may be exercised by his or her agents, either individually
 1207 or in conjunction with any other state or local official charged
 1208 with similar responsibilities.

1209 Section 10. Section 633.14, Florida Statutes, is
 1210 transferred and renumbered as section 633.116, Florida Statutes.

1211 Section 11. Section 633.121, Florida Statutes, is
 1212 transferred, renumbered as section 633.118, Florida Statutes,
 1213 and amended to read:

1214 633.118 ~~633.121~~ Persons authorized to enforce laws and
 1215 rules of State Fire Marshal.—The chiefs of county, municipal,
 1216 and special-district fire service providers ~~departments~~; other
 1217 fire service provider ~~department~~ personnel designated by their
 1218 respective chiefs; and personnel designated by local governments
 1219 having no organized fire service providers ~~departments~~ are
 1220 authorized to enforce this chapter ~~law~~ and all rules prescribed
 1221 by the State Fire Marshal within their respective jurisdictions.
 1222 Such personnel acting under the authority of this section shall
 1223 be deemed to be agents of their respective jurisdictions, not
 1224 agents of the State Fire Marshal.

1225 Section 12. Section 633.151, Florida Statutes, is
 1226 transferred, renumbered as section 633.122, Florida Statutes,
 1227 and amended to read:

1228 633.122 ~~633.151~~ Impersonating State Fire Marshal,
 1229 firefighter ~~firefighters~~, volunteer firefighter, or firesafety
 1230 inspector; criminal penalties.—A person who falsely assumes or
 1231 pretends to be the State Fire Marshal, an agent of the division
 1232 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a

1233 volunteer firefighter, or a firesafety inspector by identifying
 1234 himself or herself as the State Fire Marshal, an agent of the
 1235 division, a firefighter, a volunteer firefighter, or a
 1236 firesafety inspector, by wearing a uniform or presenting or
 1237 displaying a badge as credentials that would cause a reasonable
 1238 person to believe that he or she is a State Fire Marshal, an
 1239 agent of the division, a firefighter, a volunteer firefighter,
 1240 or firesafety inspector commits ~~and who acts as such to require~~
 1241 ~~a person to aid or assist him or her in any matter relating to~~
 1242 ~~the duties of the State Fire Marshal, an agent of the division,~~
 1243 ~~a firefighter, or a firesafety inspector is guilty of a felony~~
 1244 of the third degree, punishable as provided in ss. 775.082 and
 1245 775.083 or, if the impersonation occurs during the commission of
 1246 a separate felony by that person, commits ~~is guilty of~~ a felony
 1247 of the first degree, punishable as provided in ss. 775.082 and
 1248 775.083.

1249 Section 13. Section 633.171, Florida Statutes, is
 1250 transferred, renumbered as section 633.124, Florida Statutes,
 1251 and amended to read:

1252 633.124 ~~633.171~~ Penalty for violation of law, rule, or
 1253 order to cease and desist or for failure to comply with
 1254 corrective order.—

1255 (1) Any person who violates any provision of this chapter
 1256 ~~law~~, any order or rule of the State Fire Marshal, or any order
 1257 to cease and desist or to correct conditions issued under this
 1258 chapter commits a misdemeanor of the second degree, punishable
 1259 as provided in s. 775.082 or s. 775.083.

1260 (2) It is a misdemeanor of the first degree, punishable as

1261 provided in s. 775.082 or s. 775.083, to intentionally or
 1262 willfully:

1263 (a) Render a fire protection system, fire extinguisher, or
 1264 preengineered system required by statute or by rule inoperative
 1265 except during such time as the fire protection system, fire
 1266 extinguisher, or preengineered system is being serviced,
 1267 hydrotested, tested, repaired, or recharged, except pursuant to
 1268 court order.

1269 (b) Obliterate the serial number on a fire extinguisher
 1270 for purposes of falsifying service records.

1271 (c) Improperly service, recharge, repair, hydrotest, test,
 1272 or inspect a fire extinguisher or preengineered system.

1273 (d) Use the license, certificate, or permit ~~number~~ of
 1274 another person.

1275 (e) Hold a license, certificate, or permit and allow
 1276 another person to use the license, certificate, or ~~said~~ permit
 1277 ~~number~~.

1278 (f) Use, or allow ~~permit~~ the use of, any license,
 1279 certificate, or permit by any individual or organization other
 1280 than the one to whom the license, certificate, or permit is
 1281 issued.

1282 (3) (a) As used in this subsection, the term:

1283 1. "Pyrotechnic display" means a special effect created
 1284 through the use of a pyrotechnic material or pyrotechnic device.

1285 2. "Pyrotechnic device" means any device containing
 1286 pyrotechnic materials and capable of producing a special effect.

1287 3. "Pyrotechnic material" means a chemical mixture used to
 1288 produce visible or audible effects by combustion, deflagration,

1289 or detonation when such chemical mixture consists predominantly
1290 of solids capable of producing a controlled, self-sustaining,
1291 and self-contained exothermic chemical reaction that results in
1292 heat, gas, sound, light, or a combination of such effects,
1293 without requiring external oxygen.

1294 (b) A person who initiates a pyrotechnic display within
1295 any structure commits a felony of the third degree, punishable
1296 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1297 1. The structure has a fire protection system installed in
1298 compliance with s. 633.334 ~~633.065~~.

1299 2. The owner of the structure has authorized in writing
1300 the pyrotechnic display.

1301 3. If the local jurisdiction requires a permit for the use
1302 of a pyrotechnic display in an occupied structure, such permit
1303 has been obtained and all conditions of the permit complied with
1304 or, if the local jurisdiction does not require a permit for the
1305 use of a pyrotechnic display in an occupied structure, the
1306 person initiating the display has complied with National Fire
1307 Protection Association, Inc., Standard 1126, 2001 Edition,
1308 Standard for the Use of Pyrotechnics before a Proximate
1309 Audience.

1310 (c) This subsection shall not be construed to preclude
1311 prosecution for a more general offense resulting from the same
1312 criminal transaction or episode. This subsection does not apply
1313 to the manufacture, distribution, sale at wholesale or retail,
1314 or seasonal sale of products regulated under chapter 791 if the
1315 products are not used in an occupied structure.

1316 Section 14. Section 633.175, Florida Statutes, is

1317 transferred and renumbered as section 633.126, Florida Statutes,
 1318 and subsections (1), (2), (3), (6), and (9) of that section are
 1319 amended, to read:

1320 633.126 ~~633.175~~ Investigation of fraudulent insurance
 1321 claims and crimes; immunity of insurance companies supplying
 1322 information.—

1323 (1) (a) As used in this section, the term "consultant"
 1324 means any individual or entity, or employee of the individual or
 1325 entity, retained by an insurer to assist in the investigation of
 1326 a fire, explosion, or suspected fraudulent insurance act.

1327 (b) The State Fire Marshal or an agent appointed pursuant
 1328 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in
 1329 s. 111.065, any law enforcement officer of a federal agency, or
 1330 any fire service provider ~~department~~ official who is engaged in
 1331 the investigation of a fire or explosion loss may request any
 1332 insurance company or its agent, adjuster, employee, or attorney,
 1333 investigating a claim under an insurance policy or contract with
 1334 respect to a fire or explosion to release any information
 1335 whatsoever in the possession of the insurance company or its
 1336 agent, adjuster, employee, or attorney relative to a loss from
 1337 that fire or explosion. The insurance company shall release the
 1338 available information to and cooperate with any official
 1339 authorized to request such information pursuant to this section.
 1340 The information shall include, but shall not be limited to:

1341 1.(a) Any insurance policy relevant to a loss under
 1342 investigation and any application for such a policy.

1343 2.(b) Any policy premium payment records.

1344 3.(e) The records, reports, and all material pertaining to

1345 any previous claims made by the insured with the reporting
1346 company.

1347 ~~4.(d)~~ Material relating to the investigation of the loss,
1348 including statements of any person, proof of loss, and other
1349 relevant evidence.

1350 ~~5.(e)~~ Memoranda, notes, and correspondence relating to the
1351 investigation of the loss in the possession of the insurance
1352 company or its agents, adjusters, employees, or attorneys.

1353 (2) If an insurance company has reason to suspect that a
1354 fire or explosion loss to its insured's real or personal
1355 property was caused by intentional ~~incendiary~~ means, the company
1356 shall notify the State Fire Marshal and shall furnish her or him
1357 with all material acquired by the company during the course of
1358 its investigation. The State Fire Marshal may adopt rules to
1359 implement this subsection.

1360 (3) In the absence of fraud, bad faith, or malice, no
1361 representative of or consultant to an insurance company or of
1362 the National Insurance Crime Bureau employed to adjust or
1363 investigate losses caused by fire or explosion shall be liable
1364 for damages in a civil action for furnishing information
1365 concerning fires or explosion suspected to be other than
1366 accidental to investigators employed by other insurance
1367 companies or the National Insurance Crime Bureau.

1368 (4) No insurance company or person who furnishes
1369 information on its behalf shall be liable for damages in a civil
1370 action or subject to criminal prosecution for any oral or
1371 written statement made or any other action taken that is
1372 necessary and required by the provisions of this section.

1373 (5) At such time as the release of the investigative
1374 records is required by law, the official or agency in possession
1375 of such records shall provide written notice to the insurance
1376 company providing the information and to all parties, at least
1377 10 days prior to releasing such records. Official, departmental,
1378 or agency personnel may discuss such matters with other
1379 official, departmental, or agency personnel, and any insurance
1380 company complying with this section, and may share such
1381 information, if such discussion is necessary to enable the
1382 orderly and efficient conduct of the investigation. These
1383 discussions are confidential and exempt from the provisions of
1384 s. 286.011.

1385 (6) The actions of an insurance company or of its agents,
1386 employees, adjusters, consultants, or attorneys, in complying
1387 with the statutory obligation of this section shall in no way be
1388 construed by a court as a waiver or abandonment of any privilege
1389 or confidentiality of attorney work product, attorney-client
1390 communication, or such other privilege or immunity as is
1391 provided by law.

1392 (7) Any official described in subsection (1) may be
1393 required to testify as to any information in her or his
1394 possession regarding an insurance loss in any civil action in
1395 which any person seeks recovery under a policy against an
1396 insurance company for an insurance loss, subject to the
1397 provisions of subsection (6).

1398 (8) No person may intentionally refuse to release any
1399 information requested pursuant to this section.

1400 (9) Any person who willfully violates the provisions of

1401 | this section commits ~~is guilty of~~ a misdemeanor of the first
 1402 | degree, punishable as provided in s. 775.082 or s. 775.083.

1403 | Section 15. Section 633.45, Florida Statutes, is
 1404 | transferred, renumbered as section 633.128, Florida Statutes,
 1405 | and amended to read:

1406 | 633.128 ~~633.45~~ Division of State Fire Marshal; powers,
 1407 | duties.-

1408 | (1) The division shall:

1409 | (a) Establish, by rule, uniform minimum standards for the
 1410 | ~~employment and training of firefighters and volunteer~~
 1411 | firefighters.

1412 | (b) Establish, by rule, minimum curriculum requirements
 1413 | and criteria used to approve education or training providers,
 1414 | including ~~for~~ schools operated by or for any fire service
 1415 | provider, employing agency for the specific purpose of training
 1416 | individuals seeking to become a firefighter recruits or
 1417 | volunteer firefighter firefighters.

1418 | (c) Specify, by rule, standards for the approval, denial
 1419 | of approval, probation, suspension, and revocation of approval
 1420 | of education or training providers and facilities for training
 1421 | firefighters and volunteer firefighters. ~~Approve institutions,~~
 1422 | ~~instructors, and facilities for school operation by or for any~~
 1423 | ~~employing agency for the specific purpose of training~~
 1424 | ~~firefighters and firefighter recruits.~~

1425 | (d) Specify, by rule, standards for the certification,
 1426 | denial of certification, probation, and revocation of
 1427 | certification for instructors, ~~approval, denial of approval,~~
 1428 | ~~probation, and revocation of approval of institutions,~~

1429 ~~instructors, and facilities for training firefighters and~~
1430 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~
1431 instructor to ~~must~~ complete 40 hours of continuing education
1432 every 4 ~~3~~ years in order to maintain his or her certification
1433 ~~the approval of the department.~~

1434 (e) Issue certificates of competency to persons who, by
1435 reason of experience and completion of basic inservice training,
1436 advanced education, or specialized training, are especially
1437 qualified for particular aspects or classes of firefighting
1438 ~~firefighter~~ duties.

1439 (f) Establish, by rule, minimum training qualifications
1440 for persons serving as firesafety coordinators for their
1441 respective departments of state government and certify all
1442 persons who satisfy such qualifications.

1443 (g) Establish a uniform lesson plan to be followed by
1444 firesafety instructors in the training of state employees in
1445 firesafety and emergency evacuation procedures.

1446 (h) Have complete jurisdiction over, and complete
1447 management and control of, the Florida State Fire College and be
1448 invested with full power and authority to make all rules and
1449 regulations necessary for the governance of said institution.

1450 (i) Appoint a superintendent of the Florida State Fire
1451 College and such other instructors, experimental helpers, and
1452 laborers as may be necessary and remove the same as in the
1453 division's ~~its~~ judgment and discretion may be best, fix their
1454 compensation, and provide for their payment.

1455 (j) Have full management, possession, and control of the
1456 lands, buildings, structures, and property belonging to the

1457 Florida State Fire College.

1458 (k) Provide for the courses of study and curriculum of the
1459 Florida State Fire College.

1460 (l) Make rules and regulations for the admission of
1461 trainees to the Florida State Fire College.

1462 (m) Visit and inspect the Florida State Fire College ~~and~~
1463 ~~every department thereof~~ and provide for the proper keeping of
1464 accounts and records thereof.

1465 (n) Make and prepare all necessary budgets of expenditures
1466 for the enlargement, proper furnishing, maintenance, support,
1467 and conduct of the Florida State Fire College.

1468 (o) Select and purchase all property, furniture, fixtures,
1469 and paraphernalia necessary for the Florida State Fire College.

1470 (p) Build, construct, change, enlarge, repair, and
1471 maintain any and all buildings or structures of the Florida
1472 State Fire College that may at any time be necessary for said
1473 institution and purchase and acquire all lands and property
1474 necessary for same, of every nature and description whatsoever.

1475 (q) Care for and maintain the Florida State Fire College
1476 and do and perform every other matter or thing requisite to the
1477 proper management, maintenance, support, and control of said
1478 institution, necessary or requisite to carry out fully the
1479 purpose of this chapter ~~act~~ and for raising it to, and
1480 maintaining it at, the proper efficiency and standard as
1481 required in and by the provisions of part IV ~~ss. 633.43-633.49~~.

1482 (r) Issue a license, certificate, or permit of a specific
1483 class to an individual who successfully completes the training,
1484 education, and examination required under this chapter or by

1485 rule for such class of license, certificate, or permit.
 1486 (2) The division, subject to the limitations and
 1487 restrictions ~~elsewhere herein~~ imposed in this chapter, may:
 1488 (a) Adopt rules and regulations for the administration of
 1489 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.
 1490 (b) Adopt a seal and alter the same at its pleasure.
 1491 (c) Sue and be sued.
 1492 (d) Acquire any real or personal property by purchase,
 1493 gift, or donation, and have water rights.
 1494 (e) Exercise the right of eminent domain to acquire any
 1495 property and lands necessary to the establishment, operation,
 1496 and expansion of the Florida State Fire College.
 1497 (f) Make contracts and execute necessary or convenient
 1498 instruments.
 1499 (g) Undertake by contract or contracts, or by its own
 1500 agent and employees, and otherwise than by contract, any project
 1501 or projects, and operate and maintain such projects.
 1502 (h) Accept grants of money, materials, or property of any
 1503 kind from a federal agency, private agency, county, city, town,
 1504 corporation, partnership, or individual upon such terms and
 1505 conditions as the grantor may impose.
 1506 (i) Perform all acts and do all things necessary or
 1507 convenient to carry out the powers granted herein and the
 1508 purposes of this chapter ~~ss. 633.30-633.49~~.
 1509 (3) The title to all property referred to in part IV ~~ss.~~
 1510 ~~633.43-633.49~~, however acquired, shall be vested in the
 1511 department and shall only be transferred and conveyed by it.
 1512 Section 16. Section 633.132, Florida Statutes, is created

1513 to read:

1514 633.132 Fees.—

1515 (1) The division shall collect in advance the following

1516 fees which it deems necessary to be charged:

1517 (a) Pursuant to part III of this chapter:

1518 1. Contractor certificate initial application: \$300 for

1519 each class of certificate.

1520 2. Contractor biennial renewal fee: \$150 for each class of

1521 certificate.

1522 3. Contractor permit initial application fee: \$100 for

1523 each class of permit.

1524 4. Contractor permit biennial renewal fee: \$50 for each

1525 class of permit.

1526 5. Contractor examination or reexamination fee: \$100 for

1527 each class of certificate.

1528 6. Fire equipment dealer license:

1529 a. Class A: \$250.

1530 b. Class B: \$150.

1531 c. Class C: \$150.

1532 d. Class D: \$200.

1533 7. Fire equipment dealer or contractor application and

1534 renewal fee for an inactive license: \$75.

1535 8. Fire equipment dealer license or permit exam or

1536 reexamination: \$50.

1537 9. Reinspection fee for a dealer equipment inspection

1538 conducted by the State Fire Marshal under s. 633.304(1): \$50 for

1539 each reinspection.

1540 10. Permit for a portable fire extinguisher

1541 | installer/repairer/inspector: \$90.

1542 | 11. Permit for a preengineered fire extinguishing system
 1543 | installer/repairer/inspector: \$120.

1544 | 12. Conversion of a fire equipment dealer's license to a
 1545 | different category: \$10 for each permit and license.

1546 | (b) Pursuant to part IV of this chapter:

1547 | 1. Certificate of compliance: \$30.

1548 | 2. Certificate of competency: \$30.

1549 | 3. Renewal fee for a certificate of compliance,
 1550 | competency, or instruction: \$15.

1551 | (c) Duplicate or change of address for any license,
 1552 | permit, or certificate: \$10.

1553 | (2) All moneys collected by the State Fire Marshal
 1554 | pursuant to this chapter shall be deposited into the Insurance
 1555 | Regulatory Trust Fund.

1556 | Section 17. Section 633.39, Florida Statutes, is
 1557 | transferred and renumbered as section 633.134, Florida Statutes.

1558 | Section 18. Section 633.115, Florida Statutes, is
 1559 | transferred, renumbered as section 633.136, Florida Statutes,
 1560 | and amended to read:

1561 | 633.136 ~~633.115~~ Fire and Emergency Incident Information
 1562 | Reporting Program; duties; fire reports.—

1563 | (1) (a) The Fire and Emergency Incident Information
 1564 | Reporting Program is created within the division ~~of State Fire~~
 1565 | ~~Marshal~~. The program shall:

1566 | 1. Establish and maintain an electronic communication
 1567 | system capable of transmitting fire and emergency incident
 1568 | information to and between fire protection agencies.

1569 2. Initiate a Fire and Emergency Incident Information
 1570 Reporting System that shall be responsible for:
 1571 a. Receiving fire and emergency incident information from
 1572 fire protection agencies.
 1573 b. Preparing and disseminating annual reports to the
 1574 Governor, the President of the Senate, the Speaker of the House
 1575 of Representatives, fire protection agencies, and, upon request,
 1576 the public. Each report shall include, but not be limited to,
 1577 the information listed in the National Fire Incident Reporting
 1578 System.
 1579 c. Upon request, providing other states and federal
 1580 agencies with fire and emergency incident data of this state.
 1581 3. Adopt rules to effectively and efficiently implement,
 1582 administer, manage, maintain, and use the Fire and Emergency
 1583 Incident Information Reporting Program. The rules shall be
 1584 considered minimum requirements and shall not preclude a fire
 1585 protection agency from implementing its own requirements which
 1586 shall not conflict with the rules of the division ~~of State Fire~~
 1587 ~~Marshal~~.
 1588 4. By rule, establish procedures and a format for each
 1589 fire protection agency to voluntarily monitor its records and
 1590 submit reports to the program.
 1591 5. Establish an electronic information database which is
 1592 accessible and searchable by fire protection agencies.
 1593 (b) The division ~~of State Fire Marshal~~ shall consult with
 1594 the Florida Forest Service of the Department of Agriculture and
 1595 Consumer Services and the State Surgeon General of the
 1596 Department of Health to coordinate data, ensure accuracy of the

1597 data, and limit duplication of efforts in data collection,
 1598 analysis, and reporting.

1599 (2) The Fire and Emergency Incident Information System
 1600 Technical Advisory Panel is created within the division ~~of State~~
 1601 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
 1602 the State Fire Marshal with respect to the requirements of this
 1603 section. The membership of the panel shall consist of the
 1604 following 15 members:

1605 (a) The current 13 members of the Firefighters Employment,
 1606 Standards, and Training Council as established in s. 633.402
 1607 ~~633.31~~.

1608 (b) One member from the Florida Forest Service of the
 1609 Department of Agriculture and Consumer Services, appointed by
 1610 the director of the Florida Forest Service.

1611 (c) One member from the Department of Health, appointed by
 1612 the State Surgeon General.

1613 (3) For the purpose of this section, the term "fire
 1614 protection agency" shall be defined by rule by the division ~~of~~
 1615 ~~State Fire Marshal~~.

1616 Section 19. Section 633.138, Florida Statutes, is created
 1617 to read:

1618 633.138 Notice of change of address of record; notice of
 1619 felony actions.—

1620 (1) Any individual issued a license, permit, or
 1621 certificate under this chapter shall notify the division in
 1622 writing of any changes to his or her current mailing address, e-
 1623 mail address, and place of practice as specified in rule adopted
 1624 by the division.

1625 (2) Notwithstanding any other provision of law, delivery
 1626 by regular mail or e-mail to a licensee, permittee, or
 1627 certificateholder, using the last known mailing address or e-
 1628 mail address on record with the division, constitutes adequate
 1629 and sufficient notice to the licensee, permittee, or
 1630 certificateholder of any official communication by the division.

1631 (3) Any individual issued a license, permit, or
 1632 certificate under this chapter shall notify the division in
 1633 writing within 30 days after pleading guilty or nolo contendere
 1634 to, or being convicted or found guilty of, any felony or a crime
 1635 punishable by imprisonment of 1 year or more under the law of
 1636 the United States or of any state thereof, or under the law of
 1637 any other country, without regard to whether a judgment of
 1638 conviction has been entered by the court having jurisdiction of
 1639 the case.

1640 Section 20. Section 633.042, Florida Statutes, is
 1641 transferred and renumbered as subsections (1) through (11) of
 1642 section 633.142, Florida Statutes, and amended, and section
 1643 633.0421, Florida Statutes, is transferred and renumbered as
 1644 paragraph (b) of subsection (11) of that section and amended, to
 1645 read:

1646 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity
 1647 Standard and Firefighter Protection Act; preemption.-

1648 (1) SHORT TITLE.-This section may be cited as the "Reduced
 1649 Cigarette Ignition Propensity Standard and Firefighter
 1650 Protection Act."

1651 (2) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
 1652 and declares that:

1653 (a) Cigarettes are the leading cause of fire deaths in
1654 this state and in the nation.

1655 (b) Each year in the United States, between 700 and 900
1656 persons are killed and around 3,000 persons are injured in fires
1657 ignited by cigarettes, while in this state 153 residential fires
1658 and 5 fatalities were attributable to fires caused by cigarettes
1659 in 2006.

1660 (c) A high percentage of the victims of cigarette fires
1661 are nonsmokers, including senior citizens and young children.

1662 (d) Fires caused by cigarettes result in billions of
1663 dollars in property losses and damages in the United States and
1664 millions of dollars in property losses and damages in this
1665 state.

1666 (e) Cigarette fires unnecessarily jeopardize the safety of
1667 firefighters and result in avoidable emergency response costs
1668 for municipalities.

1669 (f) In 2004, the State of New York implemented a cigarette
1670 firesafety regulation requiring cigarettes sold in that state to
1671 meet a firesafety performance standard; in 2005, Vermont and
1672 California enacted cigarette firesafety laws directly
1673 incorporating New York's regulation into statute; and in 2006,
1674 Illinois, New Hampshire, and Massachusetts joined these states
1675 in enacting similar laws.

1676 (g) In 2005, Canada implemented the New York State
1677 firesafety standard, becoming the first country to have a
1678 nationwide cigarette firesafety standard.

1679 (h) New York State's cigarette firesafety standard is
1680 based upon decades of research by the National Institute of

1681 Standards and Technology, Congressional research groups, and
1682 private industry. This cigarette firesafety standard minimizes
1683 costs to the state; minimally burdens cigarette manufacturers,
1684 distributors, and retail sellers; and, therefore, should become
1685 law in this state.

1686 (i) It is therefore fitting and proper for this state to
1687 adopt the cigarette firesafety standard that is in effect in the
1688 State of New York to reduce the likelihood that cigarettes will
1689 cause fires and result in deaths, injuries, and property
1690 damages.

1691 (3) DEFINITIONS.—For the purposes of this section:

1692 (a) "Agent" means any person authorized by the Division of
1693 Alcoholic Beverages and Tobacco of the Department of Business
1694 and Professional Regulation to purchase and affix stamps on
1695 packages of cigarettes.

1696 (b) "Cigarette" means:

1697 1. Any roll for smoking, whether made wholly or in part of
1698 tobacco or any other substance, irrespective of size or shape,
1699 and whether such tobacco or substance is flavored, adulterated,
1700 or mixed with any other ingredient, the wrapper or cover of
1701 which is made of paper or any other substance or material other
1702 than tobacco; or

1703 2. Any roll for smoking that is wrapped in any substance
1704 containing tobacco and that, because of the type of tobacco used
1705 in the filler or its packaging and labeling, is likely to be
1706 offered to, or purchased by, consumers as a cigarette as
1707 described in subparagraph 1.

1708 (c) "Division" means the Division of Alcoholic Beverages

1709 and Tobacco of the Department of Business and Professional
1710 Regulation.

1711 (d) "Manufacturer" means:

1712 1. Any entity that manufactures or produces, or causes to
1713 be manufactured or produced, regardless of location, cigarettes
1714 that such manufacturer intends to be sold in this state,
1715 including cigarettes intended to be sold in the United States
1716 through an importer;

1717 2. Any entity, regardless of location, that first
1718 purchases cigarettes manufactured anywhere and not intended by
1719 the original manufacturer or maker to be sold in the United
1720 States and that intends to resell such cigarettes in the United
1721 States; or

1722 3. Any entity that becomes a successor of an entity
1723 described in subparagraph 1. or subparagraph 2.

1724 (e) "Quality control and quality assurance program" means
1725 laboratory procedures implemented to ensure that operator bias,
1726 systematic and nonsystematic methodological errors, and
1727 equipment-related problems do not affect the results of
1728 laboratory testing. Such a program shall ensure that the testing
1729 repeatability remains within the required repeatability values
1730 stated in subparagraph (4)(a)6. for all test trials used to
1731 certify cigarettes in accordance with this section.

1732 (f) "Repeatability" means the range of values within which
1733 the results of repeated cigarette test trials from a single
1734 laboratory will fall 95 percent of the time.

1735 (g) "Retail dealer" means:

1736 1. Any person, other than a manufacturer or wholesale

1737 dealer, engaged in selling cigarettes; or

1738 2. Any person who owns, operates, or maintains one or more
1739 cigarette or tobacco-product vending machines in, at, or upon
1740 premises owned or occupied by any other person.

1741 (h) "Sale" means any transfer of title or possession or
1742 both, exchange or barter, conditional or otherwise, in any
1743 manner or by any means whatever or any agreement therefor. In
1744 addition to cash and credit sales, the giving of cigarettes as
1745 samples, prizes, or gifts and the exchanging of cigarettes for
1746 any consideration other than money are considered sales.

1747 (i) "Sell" means to execute a sale or to offer or agree to
1748 execute a sale.

1749 (j) "Wholesale dealer" means any person, other than a
1750 manufacturer, who sells cigarettes to retail dealers or other
1751 persons for purposes of resale.

1752 (4) TEST METHOD AND PERFORMANCE STANDARD.—

1753 (a) Except as provided in paragraph (f), no cigarettes may
1754 be sold or offered for sale in this state, or sold or offered
1755 for sale to persons located in this state, unless the cigarettes
1756 have been tested in accordance with the test method and meet the
1757 performance standard specified in this subsection, a written
1758 certification has been filed by the manufacturer with the
1759 division in accordance with subsection (5), and the cigarettes
1760 have been marked in accordance with subsection (6).

1761 1. Testing of cigarettes shall be conducted in accordance
1762 with the American Society for Testing and Materials standard
1763 E2187-04, "Standard Test Method for Measuring the Ignition
1764 Strength of Cigarettes."

1765 2. Testing shall be conducted on 10 layers of filter
1766 paper.

1767 3. No more than 25 percent of the cigarettes tested in a
1768 test trial in accordance with this subsection shall exhibit
1769 full-length burns. Forty replicate tests shall comprise a
1770 complete test trial for each cigarette tested.

1771 4. The performance standard required by this subsection
1772 shall only be applied to a complete test trial.

1773 5. Written certifications shall be based upon testing
1774 conducted by a laboratory that has been accredited pursuant to
1775 standard ISO/IEC 17025 of the International Organization for
1776 Standardization or another comparable accreditation standard
1777 required by the State Fire Marshal.

1778 6. Laboratories conducting testing in accordance with this
1779 subsection shall implement a quality control and quality
1780 assurance program that includes a procedure that will determine
1781 the repeatability of the testing results. The repeatability
1782 value shall be no greater than 0.19.

1783 7. This subsection does not require additional testing if
1784 cigarettes are tested consistently with this section for any
1785 other purpose.

1786 8. The State Fire Marshal may, in his or her discretion or
1787 upon the request of the division, perform or sponsor testing to
1788 determine a cigarette's compliance with the required performance
1789 standard. Any such discretionary compliance testing by the State
1790 Fire Marshal shall be conducted in accordance with this
1791 subsection.

1792 (b) Each cigarette listed in a certification submitted

1793 pursuant to subsection (5) that uses lowered permeability bands
 1794 in the cigarette paper to achieve compliance with the
 1795 performance standard set forth in this subsection shall have at
 1796 least two nominally identical bands on the paper surrounding the
 1797 tobacco column. At least one complete band shall be located at
 1798 least 15 millimeters from the lighting end of the cigarette. For
 1799 cigarettes on which the bands are positioned by design, there
 1800 shall be at least two bands fully located at least 15
 1801 millimeters from the lighting end and 10 millimeters from the
 1802 filter end of the tobacco column, or 10 millimeters from the
 1803 labeled end of the tobacco column for nonfiltered cigarettes.

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

1821 proposed by a manufacturer as meeting the firesafety standards
1822 of that state's law or regulation under a legal provision
1823 comparable to this subsection, the State Fire Marshal shall
1824 authorize that manufacturer to employ the alternative test
1825 method and performance standard to certify that cigarette for
1826 sale in this state unless the State Fire Marshal demonstrates a
1827 reasonable basis why the alternative test should not be accepted
1828 under this section. All other applicable requirements of this
1829 subsection shall apply to the manufacturer.

1830 (d) Each manufacturer shall maintain copies of the reports
1831 of all tests conducted on all cigarettes offered for sale for a
1832 period of 3 years and shall make copies of the reports available
1833 to the division, the State Fire Marshal, and the Attorney
1834 General upon written request. Any manufacturer who fails to make
1835 copies of the reports available within 60 days after receiving a
1836 written request shall be subject to a civil penalty not to
1837 exceed \$10,000 for each day after the 60th day that the
1838 manufacturer does not make such copies available.

1839 (e) The State Fire Marshal may adopt a subsequent American
1840 Society for Testing and Materials Standard Test Method for
1841 Measuring the Ignition Strength of Cigarettes upon a finding
1842 that such subsequent method does not result in a change in the
1843 percentage of full-length burns exhibited by any tested
1844 cigarette when compared to the percentage of full-length burns
1845 the same cigarette would exhibit when tested in accordance with
1846 American Society for Testing and Materials Standard E2187-04 and
1847 the performance standard in subparagraph (a)3.

1848 (f) The requirements of paragraph (a) shall not prohibit:

1849 | 1. Wholesale or retail dealers from selling their existing
 1850 | inventory of cigarettes on or after the effective date of this
 1851 | section if the wholesale or retail dealer can establish that
 1852 | state tax stamps were affixed to the cigarettes prior to the
 1853 | effective date and the wholesale or retail dealer can establish
 1854 | that the inventory was purchased prior to the effective date in
 1855 | comparable quantity to the inventory purchased during the same
 1856 | period of the prior year; or

1857 | 2. The sale of cigarettes solely for the purpose of
 1858 | consumer testing. For purposes of this subparagraph, the term
 1859 | "consumer testing" means an assessment of cigarettes that is
 1860 | conducted by or is under the control and direction of a
 1861 | manufacturer for the purpose of evaluating consumer acceptance
 1862 | of such cigarettes and that uses only the quantity of cigarettes
 1863 | that is reasonably necessary for such assessment.

1864 | (g) It is the intent of the Legislature by this section to
 1865 | promote uniformity among the states in the regulation of reduced
 1866 | cigarette ignition propensity. As a result, the resolution of
 1867 | issues regarding the interpretation and implementation of this
 1868 | section should be made in a manner consistent with the New York
 1869 | Fire Safety Standards for Cigarettes, New York Executive Law,
 1870 | Section 156-C, as amended, and Part 429 of Title 19 New York
 1871 | Codes, Rules, and Regulations, as amended, and the
 1872 | interpretation and implementation thereof, as they exist on
 1873 | March 1, 2008.

1874 | (5) CERTIFICATION AND PRODUCT CHANGE.—

1875 | (a) Each manufacturer shall submit to the division a
 1876 | written certification attesting that:

1877 1. Each cigarette listed in the certification has been
 1878 tested in accordance with subsection (4).
 1879 2. Each cigarette listed in the certification meets the
 1880 performance standard set forth in subsection (4).
 1881 (b) Each cigarette listed in the certification shall be
 1882 described with the following information:
 1883 1. Brand, or trade name, on the package.
 1884 2. Style, such as light or ultra light.
 1885 3. Length in millimeters.
 1886 4. Circumference in millimeters.
 1887 5. Flavor, such as menthol or chocolate, if applicable.
 1888 6. Filter or nonfilter.
 1889 7. Package description, such as soft pack or box.
 1890 8. Marking pursuant to subsection (6).
 1891 9. The name, address, and telephone number of the testing
 1892 laboratory, if different from the name, address, and telephone
 1893 number of the manufacturer that conducted the test.
 1894 10. The date the testing occurred.
 1895 (c) Each certification shall be made available to the
 1896 Attorney General for purposes consistent with this section and
 1897 to the State Fire Marshal for the purposes of ensuring
 1898 compliance with this subsection.
 1899 (d) Each cigarette certified under this subsection shall
 1900 be recertified every 3 years.
 1901 (e) If a manufacturer has certified a cigarette pursuant
 1902 to this subsection and thereafter makes any change to such
 1903 cigarette that is likely to alter its compliance with the
 1904 reduced cigarette ignition propensity standards required by this

1905 | section, that cigarette shall not be sold or offered for sale in
 1906 | this state until the manufacturer retests the cigarette in
 1907 | accordance with the testing standards set forth in subsection
 1908 | (4) and maintains records of that retesting as required by
 1909 | subsection (4). Any altered cigarette that does not meet the
 1910 | performance standard set forth in subsection (4) may not be sold
 1911 | in this state.

1912 | (6) MARKING OF CIGARETTE PACKAGING.—

1913 | (a) Cigarettes that are certified by a manufacturer in
 1914 | accordance with subsection (5) shall be marked to indicate
 1915 | compliance with the requirements of subsection (4). The marking
 1916 | shall be in 8-point type or larger and consist of:

1917 | 1. Modification of the universal product code to include a
 1918 | visible mark printed at or around the area of the universal
 1919 | product code. The mark may consist of alphanumeric or symbolic
 1920 | characters permanently stamped, engraved, embossed, or printed
 1921 | in conjunction with the universal product code;

1922 | 2. Any visible combination of alphanumeric or symbolic
 1923 | characters permanently stamped, engraved, or embossed upon the
 1924 | cigarette package or cellophane wrap; or

1925 | 3. Printed, stamped, engraved, or embossed text that
 1926 | indicates that the cigarettes meet the standards of this
 1927 | section.

1928 | (b) A manufacturer shall use only one marking and shall
 1929 | apply this marking uniformly for all brands and all packages,
 1930 | including, but not limited to, packs, cartons, and cases,
 1931 | marketed by that manufacturer.

1932 | (c) The division shall be notified as to the marking that

1933 | is selected.

1934 | (d) Prior to the certification of any cigarette, a
 1935 | manufacturer shall present its proposed marking to the division
 1936 | for approval. Upon receipt of the request, the division shall
 1937 | approve or disapprove the marking offered, except that the
 1938 | division shall approve:

1939 | 1. Any marking in use and approved for sale in the State
 1940 | of New York pursuant to the New York Fire Safety Standards for
 1941 | Cigarettes; or

1942 | 2. The letters "FSC," which signify "Fire Standards
 1943 | Compliant," appearing in 8-point type or larger and permanently
 1944 | printed, stamped, engraved, or embossed on the package at or
 1945 | near the universal product code.

1946 |
 1947 | Proposed markings shall be deemed approved if the division fails
 1948 | to act within 10 business days after receiving a request for
 1949 | approval.

1950 | (e) No manufacturer shall modify its approved marking
 1951 | unless the modification has been approved by the division in
 1952 | accordance with this subsection.

1953 | (f) Manufacturers certifying cigarettes in accordance with
 1954 | subsection (5) shall provide a copy of the certifications to all
 1955 | wholesale dealers and agents to which they sell cigarettes and
 1956 | shall also provide sufficient copies of an illustration of the
 1957 | package marking used by the manufacturer pursuant to this
 1958 | subsection for each retail dealer to which the wholesale dealers
 1959 | or agents sell cigarettes. Wholesale dealers and agents shall
 1960 | provide a copy of these package markings received from

1961 manufacturers to all retail dealers to which they sell
 1962 cigarettes. Wholesale dealers, agents, and retail dealers shall
 1963 permit the division, the State Fire Marshal, the Attorney
 1964 General, and their employees to inspect markings of cigarette
 1965 packaging marked in accordance with this subsection.

1966 (7) PENALTIES.—

1967 (a) A manufacturer, wholesale dealer, agent, or any other
 1968 person or entity that knowingly sells or offers to sell
 1969 cigarettes, other than through retail sale, in violation of
 1970 subsection (4) shall be subject to a civil penalty not to exceed
 1971 \$100 for each pack of such cigarettes sold or offered for sale.
 1972 In no case shall the penalty against any such person or entity
 1973 exceed \$100,000 during any 30-day period.

1974 (b) A retail dealer who knowingly sells or offers to sell
 1975 cigarettes in violation of subsection (4) shall be subject to a
 1976 civil penalty not to exceed \$100 for each pack of such
 1977 cigarettes sold or offered for sale. In no case shall the
 1978 penalty against any retail dealer exceed \$25,000 during any 30-
 1979 day period.

1980 (c) In addition to any penalty prescribed by law, any
 1981 corporation, partnership, sole proprietor, limited partnership,
 1982 or association engaged in the manufacture of cigarettes that
 1983 knowingly makes a false certification pursuant to subsection (5)
 1984 shall be subject to a civil penalty of at least \$75,000 and not
 1985 to exceed \$250,000 for each such false certification.

1986 (d) Any person violating any other provision of this
 1987 section shall be subject to a civil penalty not to exceed \$1,000
 1988 for a first offense and not to exceed \$5,000 for each subsequent

1989 offense.

1990 (e) Any penalties collected under this subsection shall be
 1991 deposited into the Insurance Regulatory Trust Fund of the
 1992 Department of Financial Services to support costs associated
 1993 with the responsibilities of the State Fire Marshal under this
 1994 section.

1995 (f) In addition to any other remedy provided by law, the
 1996 division, the State Fire Marshal, or the Attorney General may
 1997 file an action in circuit court for a violation of this section,
 1998 including petitioning for injunctive relief or to recover any
 1999 costs or damages suffered by the state because of a violation of
 2000 this section, including enforcement costs relating to the
 2001 specific violation and attorney's fees. Each violation of this
 2002 section or of rules adopted under this section constitutes a
 2003 separate civil violation for which the division, the State Fire
 2004 Marshal, or the Attorney General may obtain relief.

2005 (g) Whenever any law enforcement personnel or duly
 2006 authorized representative of the division discovers any
 2007 cigarettes that have not been marked in the manner required by
 2008 subsection (6), such personnel or representative is authorized
 2009 and empowered to seize and take possession of such cigarettes.
 2010 Such cigarettes shall be turned over to the division and shall
 2011 be forfeited to the state. Cigarettes seized pursuant to this
 2012 paragraph shall be destroyed; however, prior to the destruction
 2013 of any such cigarette, the true holder of the trademark rights
 2014 in the cigarette brand shall be permitted to inspect the
 2015 cigarette.

2016 (8) IMPLEMENTATION.—

2017 (a) The division and the State Fire Marshal may adopt
2018 rules to implement the provisions of this section.

2019 (b) The division, in the regular course of conducting
2020 inspections of wholesale dealers, agents, and retail dealers as
2021 authorized pursuant to chapter 210, may inspect such cigarettes
2022 to determine if the cigarettes are marked as required by
2023 subsection (6).

2024 (9) INSPECTION.—To enforce the provisions of this section,
2025 the Attorney General, the State Fire Marshal, the division, and
2026 their duly authorized representatives and other law enforcement
2027 personnel are authorized to examine the books, papers, invoices,
2028 and other records of any person in possession, control, or
2029 occupancy of any premises where cigarettes are placed, stored,
2030 sold, or offered for sale, as well as the stock of cigarettes on
2031 the premises. Every person in the possession, control, or
2032 occupancy of any premises where cigarettes are placed, sold, or
2033 offered for sale is directed and required to give the Attorney
2034 General, the State Fire Marshal, the division, and their duly
2035 authorized representatives and other law enforcement personnel
2036 the means, facilities, and opportunity for the examinations
2037 authorized by this subsection.

2038 (10) SALE OUTSIDE OF FLORIDA.—Nothing in this section
2039 shall be construed to prohibit any person or entity from
2040 manufacturing or selling cigarettes that do not meet the
2041 requirements of subsection (4) if the cigarettes are or will be
2042 stamped for sale in another state or are packaged for sale
2043 outside the United States and that person or entity has taken
2044 reasonable steps to ensure that such cigarettes will not be sold

2045 or offered for sale to persons located in this state.

2046 (11) PREEMPTION.—

2047 (a) This section shall be repealed if a federal reduced
 2048 cigarette ignition propensity standard that preempts this
 2049 section is adopted and becomes effective.

2050 ~~633.0421 Preemption of reduced cigarette ignition~~
 2051 ~~propensity standard by state.—~~

2052 (b) ~~Effective upon this act becoming a law, and~~
 2053 Notwithstanding any other provision of law, local government
 2054 units of this state may neither enact nor enforce any ordinance
 2055 or other local law or regulation conflicting with, or preempted
 2056 by, any provision of this act or any policy of this state
 2057 expressed by this act, whether that policy be expressed by
 2058 inclusion of a provision in this act or by exclusion of that
 2059 subject from this act.

2060 Section 21. Part II of chapter 633, consisting of sections
 2061 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216,
 2062 633.218, 633.222, 633.224, 633.226, and 633.228, Florida
 2063 Statutes, is created and entitled "Fire Safety and Prevention."

2064 Section 22. Section 633.0215, Florida Statutes, is
 2065 transferred and renumbered as section 633.202, Florida Statutes,
 2066 and subsections (2), (4), (7), (9), (10), (12), (13), (14), and
 2067 (15) of that section are amended, to read:

2068 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

2069 (1) The State Fire Marshal shall adopt, by rule pursuant
 2070 to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code
 2071 which shall contain or incorporate by reference all firesafety
 2072 laws and rules that pertain to and govern the design,

2073 construction, erection, alteration, modification, repair, and
 2074 demolition of public and private buildings, structures, and
 2075 facilities and the enforcement of such firesafety laws and
 2076 rules. The State Fire Marshal shall adopt a new edition of the
 2077 Florida Fire Prevention Code every third year.

2078 (2) The State Fire Marshal shall adopt the current edition
 2079 of National Fire Protection Association's Standard 1, Fire
 2080 Prevention Code but shall not adopt a building, mechanical, or
 2081 plumbing code. The State Fire Marshal shall adopt the current
 2082 edition of Life Safety Code, NFPA Pamphlet 101, current
 2083 editions, by reference. The State Fire Marshal may modify the
 2084 selected codes and standards as needed to accommodate the
 2085 specific needs of the state. Standards or criteria in the
 2086 selected codes shall be similarly incorporated by reference. The
 2087 State Fire Marshal shall incorporate within sections of the
 2088 Florida Fire Prevention Code provisions that address uniform
 2089 firesafety standards as established in s. 633.206 ~~633.022~~. The
 2090 State Fire Marshal shall incorporate within sections of the
 2091 Florida Fire Prevention Code provisions addressing regional and
 2092 local concerns and variations.

2093 (3) No later than 180 days before the triennial adoption
 2094 of the Florida Fire Prevention Code, the State Fire Marshal
 2095 shall notify each municipal, county, and special district fire
 2096 department of the triennial code adoption and steps necessary
 2097 for local amendments to be included within the code. No later
 2098 than 120 days before the triennial adoption of the Florida Fire
 2099 Prevention Code, each local jurisdiction shall provide the State
 2100 Fire Marshal with copies of its local fire code amendments. The

2101 State Fire Marshal has the option to process local fire code
 2102 amendments that are received less than 120 days before the
 2103 adoption date of the Florida Fire Prevention Code.

2104 (a) The State Fire Marshal shall review or cause the
 2105 review of local amendments to determine:

2106 1. If the local amendment should be adopted as a statewide
 2107 provision;

2108 2. That the local amendment does not provide a lesser
 2109 degree of lifesafety than the code otherwise provides; and

2110 3. That the local amendment does not reference a different
 2111 edition of the national fire codes or other national standard
 2112 than the edition provided or referenced in the uniform or
 2113 minimum firesafety codes adopted by the State Fire Marshal or
 2114 prescribed by statute.

2115 (b) Any local amendment to the Florida Fire Prevention
 2116 Code adopted by a local government shall be effective only until
 2117 the adoption of the new edition of the Florida Fire Prevention
 2118 Code, which shall be every third year. At such time, the State
 2119 Fire Marshal shall adopt such amendment as part of the Florida
 2120 Fire Prevention Code or rescind the amendment. The State Fire
 2121 Marshal shall immediately notify the respective local government
 2122 of the rescission of the amendment and the reason for the
 2123 rescission. After receiving such notice, the respective local
 2124 government may readopt the rescinded amendment. Incorporation of
 2125 local amendments as regional and local concerns and variations
 2126 shall be considered as adoption of an amendment pursuant to this
 2127 section.

2128 (4) The State Fire Marshal shall update, by rule adopted

2129 | pursuant to ss. 120.536(1) and 120.54, the Florida Fire
 2130 | Prevention Code every 3 years. Once initially adopted and
 2131 | subsequently updated, the Florida Fire Prevention Code ~~and the~~
 2132 | ~~Life Safety Code~~ shall be adopted for use statewide without
 2133 | adoptions by local governments. When updating the Florida Fire
 2134 | Prevention Code ~~and the most recent edition of the Life Safety~~
 2135 | ~~Code~~, the State Fire Marshal shall consider changes made by the
 2136 | national model fire codes incorporated into the Florida Fire
 2137 | Prevention Code, the State Fire Marshal's own interpretations,
 2138 | declaratory statements, appellate decisions, and approved
 2139 | statewide and local technical amendments.

2140 | (5) Upon the conclusion of a triennial update to the
 2141 | Florida Fire Prevention Code and notwithstanding any other
 2142 | provisions of law, the State Fire Marshal may address the issues
 2143 | identified in this subsection by amending the Florida Fire
 2144 | Prevention Code, subject only to the rule adoption procedures of
 2145 | chapter 120. Following the approval of any amendments to the
 2146 | Florida Fire Prevention Code by the State Fire Marshal and
 2147 | publication on the State Fire Marshal's website, authorities
 2148 | having jurisdiction to enforce the Florida Fire Prevention Code
 2149 | may enforce the amendments to the code. The State Fire Marshal
 2150 | may approve only amendments that are needed to address:

2151 | (a) Conflicts within the updated Florida Fire Prevention
 2152 | Code;

2153 | (b) Conflicts between the updated Florida Fire Prevention
 2154 | Code and the Florida Building Code adopted pursuant to chapter
 2155 | 553;

2156 | (c) The omission of Florida-specific amendments that were

2157 | previously adopted in the Florida Fire Prevention Code; or

2158 | (d) Unintended results from the integration of Florida-
2159 | specific amendments that were previously adopted with the model
2160 | code.

2161 | (6) The Florida Fire Prevention Code does not apply to,
2162 | and no code enforcement action shall be brought with respect to,
2163 | zoning requirements or land use requirements. Additionally, a
2164 | local code enforcement agency may not administer or enforce the
2165 | Florida Fire Prevention Code to prevent the siting of any
2166 | publicly owned facility, including, but not limited to,
2167 | correctional facilities, juvenile justice facilities, or state
2168 | universities, community colleges, or public education
2169 | facilities. This section shall not be construed to prohibit
2170 | local government from imposing built-in fire protection systems
2171 | or fire-related infrastructure requirements needed to properly
2172 | protect the intended facility.

2173 | (7) Any local amendment adopted by a local government must
2174 | strengthen the Fire Prevention Code requirements of the minimum
2175 | firesafety code.

2176 | (8) Within 30 days after a local government adopts a local
2177 | amendment, the local government must transmit the amendment to
2178 | the Florida Building Commission and the State Fire Marshal.

2179 | (9) The State Fire Marshal is authorized to adopt ~~shall~~
2180 | ~~make rules to that~~ implement this section ~~and ss. 633.01 and~~
2181 | ~~633.025 for the purpose of accomplishing the objectives set~~
2182 | ~~forth in those sections.~~

2183 | (10) Notwithstanding other provisions of this chapter, if
2184 | a county or a municipality within that county adopts an

2185 ordinance providing for a local amendment to the Florida Fire
 2186 Prevention Code and that amendment provides a higher level of
 2187 protection to the public than the level specified in the Florida
 2188 Fire Prevention Code, the local amendment becomes effective
 2189 without approval of the State Fire Marshal and is not rescinded
 2190 pursuant to the provisions of this section, provided that the
 2191 ordinance meets one or more of the following criteria:

2192 (a) The local authority has adopted, by ordinance, a fire
 2193 service facilities and operation plan that outlines goals and
 2194 objectives for related equipment, personnel, and capital
 2195 improvement needs of the local authority related to the specific
 2196 amendment for the next 5 years;

2197 (b) The local authority has adopted, by ordinance, a
 2198 provision requiring proportionate reduction in, or rebate or
 2199 waivers of, impact or other fees or assessments levied on
 2200 buildings that are built or modified in compliance with the more
 2201 stringent firesafety standards required by the local amendment;
 2202 or

2203 (c) The local authority has adopted, by ordinance, a
 2204 growth management plan that requires buildings and structures to
 2205 be equipped with more stringent firesafety requirements required
 2206 by the local amendment when these firesafety requirements are
 2207 used as the basis for planning infrastructure development, uses,
 2208 or housing densities.

2209
 2210 Except as provided in s. 633.206 ~~633.022~~, the local appeals
 2211 process shall be the venue if there is a dispute between parties
 2212 affected by the provisions of the more stringent local

2213 firesafety amendment adopted as part of the Florida Fire
 2214 Prevention Code pursuant to the authority in this subsection.
 2215 Local amendments adopted pursuant to this subsection shall be
 2216 deemed local or regional variations and published as such in the
 2217 Florida Fire Prevention Code. The act of publishing locally
 2218 adopted firesafety amendments to the Florida Fire Prevention
 2219 Code shall not be construed to mean that the State Fire Marshal
 2220 approves or denies the authenticity or appropriateness of the
 2221 locally adopted firesafety provision, and the burden of
 2222 protecting the local firesafety amendment remains solely with
 2223 the adopting local governmental authority.

2224 (11) The design of interior stairways within dwelling
 2225 units, including stair tread width and riser height, landings,
 2226 handrails, and guards, must be consistent with chapter 10 of the
 2227 Florida Building Code.

2228 ~~(12) Notwithstanding other provisions of this section, the~~
 2229 ~~State Fire Marshal shall study the use of managed, facilities-~~
 2230 ~~based, voice-over-Internet-protocol telephone service for~~
 2231 ~~monitoring fire alarm signals. If the study determines that~~
 2232 ~~voice-over-Internet-protocol telephone service technology~~
 2233 ~~provides a level of protection equivalent to that required by~~
 2234 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
 2235 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
 2236 ~~December 1, 2008, to allow the use of this technology as an~~
 2237 ~~additional method of monitoring fire alarm systems.~~

2238 (12) ~~(13)~~ (a) The State Fire Marshal shall issue an
 2239 expedited declaratory statement relating to interpretations of
 2240 provisions of the Florida Fire Prevention Code according to the

2241 following guidelines:

2242 1. The declaratory statement shall be rendered in
 2243 accordance with s. 120.565, except that a final decision must be
 2244 issued by the State Fire Marshal within 45 days after the
 2245 division's receipt of a petition seeking an expedited
 2246 declaratory statement. The State Fire Marshal shall give notice
 2247 of the petition and the expedited declaratory statement or the
 2248 denial of the petition in the next available issue of the
 2249 Florida Administrative Weekly after the petition is filed and
 2250 after the statement or denial is rendered.

2251 2. The petitioner must be the owner of the disputed
 2252 project or the owner's representative.

2253 3. The petition for an expedited declaratory statement
 2254 must be:

2255 a. Related to an active project that is under construction
 2256 or must have been submitted for a permit.

2257 b. The subject of a written notice citing a specific
 2258 provision of the Florida Fire Prevention Code which is in
 2259 dispute.

2260 c. Limited to a single question that is capable of being
 2261 answered with a "yes" or "no" response.

2262 (b) A petition for a declaratory statement which does not
 2263 meet all of the requirements of this subsection must be denied
 2264 without prejudice. This subsection does not affect the right of
 2265 the petitioner as a substantially affected person to seek a
 2266 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

2267 ~~(13)-(14)~~ A condominium, cooperative, or multifamily
 2268 residential building that is less than four stories in height

2269 and has an exterior corridor providing a means of egress is
 2270 exempt from installing a manual fire alarm system as required in
 2271 s. 9.6 of the most recent edition of the Life Safety Code
 2272 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
 2273 ~~clarify existing law.~~

2274 ~~(14)-(15)~~ The Legislature finds that the electronic filing
 2275 of construction plans will increase governmental efficiency,
 2276 reduce costs, and increase timeliness of processing permits. If
 2277 the fire code administrator or fire official provides for
 2278 electronic filing, any construction plans, drawings,
 2279 specifications, reports, final documents, or documents prepared
 2280 or issued by a licensee may be dated and electronically signed
 2281 and sealed by the licensee in accordance with part I of chapter
 2282 668, and may be transmitted electronically to the fire code
 2283 administrator or fire official for approval.

2284 Section 23. Section 633.72, Florida Statutes, is
 2285 transferred, renumbered as section 633.204, Florida Statutes,
 2286 and amended to read:

2287 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

2288 (1) There is created within the department the Florida
 2289 Fire Code Advisory Council with 11 members appointed by the
 2290 State Fire Marshal. The council shall advise and recommend to
 2291 the State Fire Marshal changes to and interpretation of the
 2292 uniform firesafety standards adopted under s. 633.206 ~~633.022~~,
 2293 the Florida Fire Prevention Code, and those portions of the
 2294 Florida Fire Prevention Code that have the effect of conflicting
 2295 with building construction standards that are adopted pursuant
 2296 to ss. 633.202 and 633.206 ~~633.0215 and 633.022~~. The members of

2297 the council shall represent the following groups and
 2298 professions:

2299 (a) One member shall be the State Fire Marshal, or his or
 2300 her designated appointee who shall be an administrative employee
 2301 of the marshal;

2302 (b) One member shall be an administrative officer from a
 2303 fire department representing a municipality, ~~or~~ a county, or a
 2304 special district selected from a list of persons submitted by
 2305 the Florida Fire Chiefs Association;

2306 (c) One member shall be an architect licensed in the state
 2307 selected from a list of persons submitted by the Florida
 2308 Association/American Institute of Architects;

2309 (d) One member shall be an engineer with fire protection
 2310 design experience registered to practice in the state selected
 2311 from a list of persons submitted by the Florida Engineering
 2312 Society;

2313 (e) One member shall be an administrative officer from a
 2314 building department of a county or municipality selected from a
 2315 list of persons submitted by the Building Officials Association
 2316 of Florida;

2317 (f) One member shall be a contractor licensed in the state
 2318 selected from a list submitted by the Florida Home Builders
 2319 Association;

2320 (g) One member shall be a Florida ~~certified~~ firefighter
 2321 selected from a list submitted by the Florida Professional
 2322 Firefighters' Association;

2323 (h) One member shall be a Florida certified firesafety
 2324 ~~municipal fire~~ inspector selected from a list submitted by the

2325 Florida Fire Marshals' and Inspectors' Association; ~~Marshal's~~ Association;

2326 (i) One member shall be selected from a list submitted by
2327 the Department of Education;

2328 (j) One member shall be selected from a list submitted by
2329 the Chancellor of the State University System; and

2330 (k) One member shall be representative of the general
2331 public.

2332 (2) The State Fire Marshal and the Florida Building
2333 Commission shall coordinate efforts to provide consistency
2334 between the Florida Building Code and the Florida Fire
2335 Prevention Code ~~and the Life Safety Code.~~

2336 (3) The council shall meet at least semiannually if
2337 necessary to advise the State Fire Marshal's Office on matters
2338 subject to the provisions of this section.

2339 (4) The council may review proposed changes to the Florida
2340 Fire Prevention Code and the uniform fire safety standards
2341 pursuant to s. 633.202(4).

2342 (5)~~(3)~~ The council and Florida Building Commission shall
2343 cooperate through joint representation and coordination of codes
2344 and standards to resolve conflicts in their development,
2345 updating, and interpretation.

2346 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member
2347 shall serve more than two consecutive terms. No member of the
2348 council shall be paid a salary as such member, but each shall
2349 receive travel and expense reimbursement as provided in s.
2350 112.061.

2351 Section 24. Section 633.022, Florida Statutes, is
2352 transferred and renumbered as section 633.206, Florida Statutes,

2353 and paragraph (a) of subsection (1) and subsection (4) of that
 2354 section are amended, to read:

2355 633.206 ~~633.022~~ Uniform firesafety standards.—The
 2356 Legislature hereby determines that to protect the public health,
 2357 safety, and welfare it is necessary to provide for firesafety
 2358 standards governing the construction and utilization of certain
 2359 buildings and structures. The Legislature further determines
 2360 that certain buildings or structures, due to their specialized
 2361 use or to the special characteristics of the person utilizing or
 2362 occupying these buildings or structures, should be subject to
 2363 firesafety standards reflecting these special needs as may be
 2364 appropriate.

2365 (1) The department shall establish uniform firesafety
 2366 standards that apply to:

2367 (a) All new, existing, and proposed state-owned and state-
 2368 leased buildings, including state universities as defined under
 2369 s. 1000.21(6).

2370 (b) All new, existing, and proposed hospitals, nursing
 2371 homes, assisted living facilities, adult family-care homes,
 2372 correctional facilities, public schools, transient public
 2373 lodging establishments, public food service establishments,
 2374 elevators, migrant labor camps, mobile home parks, lodging
 2375 parks, recreational vehicle parks, recreational camps,
 2376 residential and nonresidential child care facilities, facilities
 2377 for the developmentally disabled, motion picture and television
 2378 special effects productions, tunnels, and self-service gasoline
 2379 stations, of which standards the State Fire Marshal is the final
 2380 administrative interpreting authority.

2381
2382 In the event there is a dispute between the owners of the
2383 buildings specified in paragraph (b) and a local authority
2384 requiring a more stringent uniform firesafety standard for
2385 sprinkler systems, the State Fire Marshal shall be the final
2386 administrative interpreting authority and the State Fire
2387 Marshal's interpretation regarding the uniform firesafety
2388 standards shall be considered final agency action.

2389 (2) (a) With respect to the uniform firesafety standards,
2390 the department shall develop uniform statewide standards which
2391 are reasonably prudent with respect to protecting life, safety,
2392 and property and which take into consideration the
2393 characteristics of the people utilizing the subject buildings
2394 and structures and other hazards associated with the subject
2395 buildings and structures throughout the state.

2396 (b) A local authority may not require more stringent
2397 uniform firesafety standards with respect to buildings or
2398 structures subject to such standards except as provided in
2399 paragraph (c). A local authority may, on a case-by-case basis,
2400 in order to meet special situations arising from historic,
2401 geographic, or unusual conditions, with respect to a building or
2402 structure which is subject to the uniform firesafety standards,
2403 authorize equivalent alternative standards for such building or
2404 structure; however, the alternative requirements shall not
2405 result in a level of protection to life, safety, or property
2406 less stringent than the applicable uniform firesafety standards.
2407 All such local authorities shall enforce, within their
2408 firesafety jurisdiction, the uniform firesafety standards for

2409 those buildings specified in paragraph (1)(b) and the minimum
2410 firesafety standards adopted pursuant to s. 394.879.

2411 (c) A local authority may require more stringent uniform
2412 firesafety standards for sprinkler systems in buildings
2413 specified in paragraph (b), for which the construction contract
2414 is let after January 1, 1994, if the following conditions are
2415 met:

2416 1. The local authority has adopted, by ordinance, a fire
2417 service facilities and operation plan that outlines goals and
2418 objectives for related equipment, personnel, and capital
2419 improvement needs of the local authority for the next 5 years.

2420 2. The local authority has adopted, by ordinance, a
2421 provision requiring proportionate reductions in, or rebate or
2422 waivers of, impact or other fees or assessments levied on
2423 buildings that are built or modified in compliance with the more
2424 stringent sprinkler standards.

2425 3. The local authority has adopted, by ordinance, a plan
2426 that requires buildings specified in paragraph (b) to be
2427 equipped with an automatic sprinkler system installed in
2428 compliance with the provisions prescribed in standards as
2429 established by the National Fire Protection Association and
2430 adopted by the State Fire Marshal.

2431
2432 In the event there is a dispute between the owners of the
2433 buildings specified in paragraph (b) and a local authority
2434 requiring a more stringent uniform firesafety standard for
2435 sprinkler systems, the State Fire Marshal shall be the final
2436 administrative interpreting authority and the State Fire

2437 Marshal's interpretation regarding the uniform firesafety
2438 standards shall be considered final agency action.

2439 (3) In establishing the uniform firesafety standards and
2440 the minimum firesafety standards, as required by s. 394.879, the
2441 department shall consider types of construction materials and
2442 their flame spread and smoke characteristics, occupancy levels,
2443 means of egress, special hazard protection, smoke barriers,
2444 interior finish, and fire protection systems or equipment and
2445 occupancy features necessary to minimize danger to life from
2446 fire, smoke, fumes, or panic. In considering these factors, the
2447 department shall develop minimum standards which are reasonably
2448 prudent with respect to protecting life, safety, and property.

2449 (4) (a) Notwithstanding any provision of law to the
2450 contrary, each nursing home licensed under part II of chapter
2451 400 shall be protected throughout by an approved, supervised
2452 automatic sprinkler system in accordance with s. 9 of National
2453 Fire Protection Association, Inc., Life Safety Code, no later
2454 than December 31, 2010. ~~A nursing home licensee shall submit
2455 complete sprinkler construction documents to the Agency for
2456 Health Care Administration for review by December 31, 2008, and
2457 the licensee must gain final approval to start construction from
2458 the agency by June 30, 2009. The agency shall grant a 6-month
2459 extension to a nursing home licensee if the completion and
2460 submission of the sprinkler construction documents are
2461 contingent upon the approval of the application for the loan
2462 guarantee program authorized under s. 633.0245. In such case,
2463 the agency may extend the deadline for final approval to begin
2464 construction beyond June 30, 2009, but the deadline may not be~~

2465 | ~~extended beyond December 31, 2009.~~

2466 | ~~(b) The division may grant up to two 1-year extensions of~~
 2467 | ~~the time limits for compliance in subparagraph (a)2. if the~~
 2468 | ~~division determines that the nursing home has been prevented~~
 2469 | ~~from complying for reasons beyond its control.~~

2470 | **(b)**~~(e)~~ The division is authorized to adopt any rule
 2471 | necessary for the implementation and enforcement of this
 2472 | subsection. The division shall enforce this subsection in
 2473 | accordance with the provisions of this chapter, and any nursing
 2474 | home licensed under part II of chapter 400 that is in violation
 2475 | of this subsection may be subject to administrative sanctions by
 2476 | the division pursuant to this chapter.

2477 | ~~(c)~~~~(d)~~ Adjustments shall be made to the provider Medicaid
 2478 | rate to allow reimbursement over a 5-year period for Medicaid's
 2479 | portion of the costs incurred to meet the requirements of this
 2480 | subsection. Funding for this adjustment shall come from existing
 2481 | nursing home appropriations.

2482 | Section 25. Section 633.025, Florida Statutes, is
 2483 | transferred and renumbered as section 633.208, Florida Statutes,
 2484 | and amended, to read:

2485 | 633.208 ~~633.025~~ Minimum firesafety standards.—

2486 | (1) The Florida Fire Prevention Code ~~and the Life Safety~~
 2487 | ~~Code~~ adopted by the State Fire Marshal, which shall operate in
 2488 | conjunction with the Florida Building Code, shall be deemed
 2489 | adopted by each municipality, county, and special district with
 2490 | firesafety responsibilities. The minimum firesafety codes shall
 2491 | not apply to buildings and structures subject to the uniform
 2492 | firesafety standards under s. 633.206 ~~633.022~~ and buildings and

2493 structures subject to the minimum firesafety standards adopted
 2494 pursuant to s. 394.879.

2495 (2) Pursuant to subsection (1), each municipality, county,
 2496 and special district with firesafety responsibilities shall
 2497 enforce the Florida Fire Prevention Code ~~and the Life Safety~~
 2498 ~~Code~~ as the minimum firesafety code required by this section.

2499 ~~(3) The most current edition of the National Fire~~
 2500 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~
 2501 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
 2502 ~~municipality, county, and special district with firesafety~~
 2503 ~~responsibilities as part of the minimum firesafety code.~~

2504 (3)~~(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
 2505 municipality, county, or special district with firesafety
 2506 responsibilities may adopt more stringent firesafety standards,
 2507 subject to the requirements of this subsection. Such county,
 2508 municipality, or special district may establish alternative
 2509 requirements to those requirements which are required under the
 2510 minimum firesafety standards on a case-by-case basis, in order
 2511 to meet special situations arising from historic, geographic, or
 2512 unusual conditions, if the alternative requirements result in a
 2513 level of protection to life, safety, or property equal to or
 2514 greater than the applicable minimum firesafety standards. For
 2515 the purpose of this subsection, the term "historic" means that
 2516 the building or structure is listed on the National Register of
 2517 Historic Places of the United States Department of the Interior.

2518 (a) The local governing body shall determine, following a
 2519 public hearing which has been advertised in a newspaper of
 2520 general circulation at least 10 days before the hearing, if

2521 | there is a need to strengthen the requirements of the minimum
2522 | firesafety code adopted by such governing body. The
2523 | determination must be based upon a review of local conditions by
2524 | the local governing body, which review demonstrates that local
2525 | conditions justify more stringent requirements than those
2526 | specified in the minimum firesafety code for the protection of
2527 | life and property or justify requirements that meet special
2528 | situations arising from historic, geographic, or unusual
2529 | conditions.

2530 | (b) Such additional requirements shall not be
2531 | discriminatory as to materials, products, or construction
2532 | techniques of demonstrated capabilities.

2533 | (c) Paragraphs (a) and (b) apply solely to the local
2534 | enforcing agency's adoption of requirements more stringent than
2535 | those specified in the Florida Fire Prevention Code and the Life
2536 | Safety Code that have the effect of amending building
2537 | construction standards. Upon request, the enforcing agency shall
2538 | provide a person making application for a building permit, or
2539 | any state agency or board with construction-related regulation
2540 | responsibilities, a listing of all such requirements and codes.

2541 | (d) A local government which adopts amendments to the
2542 | minimum firesafety code must provide a procedure by which the
2543 | validity of such amendments may be challenged by any
2544 | substantially affected party to test the amendment's compliance
2545 | with the provisions of this section.

2546 | 1. Unless the local government agrees to stay enforcement
2547 | of the amendment, or other good cause is shown, the challenging
2548 | party shall be entitled to a hearing on the challenge within 45

2549 | days.

2550 | 2. For purposes of such challenge, the burden of proof
 2551 | shall be on the challenging party, but the amendment shall not
 2552 | be presumed to be valid or invalid.

2553 |
 2554 | This subsection gives local government the authority to
 2555 | establish firesafety codes that exceed the Florida Fire
 2556 | Prevention Code ~~minimum firesafety codes and standards~~ adopted
 2557 | by the State Fire Marshal. The Legislature intends that local
 2558 | government give proper public notice and hold public hearings
 2559 | before adopting more stringent firesafety codes ~~and standards~~. A
 2560 | substantially affected person may appeal, to the department, the
 2561 | local government's resolution of the challenge, and the
 2562 | department shall determine if the amendment complies with this
 2563 | section. Actions of the department are subject to judicial
 2564 | review pursuant to s. 120.68. The department shall consider
 2565 | reports of the Florida Building Commission, pursuant to part IV
 2566 | of chapter 553, when evaluating building code enforcement.

2567 | (4) ~~(5)~~ The new building or structure provisions enumerated
 2568 | within the Florida Fire Prevention Code ~~firesafety code~~ adopted
 2569 | pursuant to this section shall apply only to buildings or
 2570 | structures for which the building permit is issued on or after
 2571 | the effective date of the current edition of the Florida Fire
 2572 | Prevention Code ~~this act~~. Subject to the provisions of
 2573 | subsection (6), the existing building or structure provisions
 2574 | enumerated within the firesafety code adopted pursuant to this
 2575 | section shall apply to buildings or structures for which the
 2576 | building permit was issued or the building or structure was

2577 constructed prior to the effective date of this act.

2578 ~~(5)(6)~~ With regard to existing buildings, the Legislature
2579 recognizes that it is not always practical to apply any or all
2580 of the provisions of the Florida Fire Prevention Code ~~minimum~~
2581 ~~firesafety code~~ and that physical limitations may require
2582 disproportionate effort or expense with little increase in fire
2583 or life safety. ~~Prior to applying the minimum firesafety code to~~
2584 ~~an existing building, the local fire official shall determine~~
2585 ~~that a threat to lifesafety or property exists.~~ If a threat to
2586 lifesafety or property exists, the firesafety inspector ~~fire~~
2587 ~~official~~ shall apply the applicable firesafety code for existing
2588 buildings to the extent practical to assure a reasonable degree
2589 of lifesafety and safety of property or the firesafety inspector
2590 ~~fire official~~ shall fashion a reasonable alternative which
2591 affords an equivalent degree of lifesafety and safety of
2592 property. The decision of the local firesafety inspector ~~fire~~
2593 ~~official~~ may be appealed to the local administrative board
2594 described in s. 553.73.

2595 ~~(6)(7)~~ Nothing herein shall preclude a municipality,
2596 county, or special district from requiring a structure to be
2597 maintained in accordance with the Florida Fire Prevention Code
2598 ~~applicable firesafety code~~.

2599 ~~(7)(8)~~ Electrically operated single station smoke
2600 detectors required for residential buildings are not required to
2601 be interconnected within individual living units in all
2602 buildings having direct access to the outside from each living
2603 unit and having three stories or less. This subsection does not
2604 apply to any residential building required to have a manual or

2605 | an automatic fire alarm system.

2606 | ~~(8)(9)~~ The provisions of the Life Safety Code, as
2607 | contained in the Florida Fire Prevention Code, shall not apply
2608 | to newly constructed one-family and two-family dwellings.
2609 | However, fire sprinkler protection may be permitted by local
2610 | government in lieu of other fire protection-related development
2611 | requirements for such structures. While local governments may
2612 | adopt fire sprinkler requirements for one- and two-family
2613 | dwellings under this subsection, it is the intent of the
2614 | Legislature that the economic consequences of the fire sprinkler
2615 | mandate on home owners be studied before the enactment of such a
2616 | requirement. After the effective date of this act, any local
2617 | government that desires to adopt a fire sprinkler requirement on
2618 | one- or two-family dwellings must prepare an economic cost and
2619 | benefit report that analyzes the application of fire sprinklers
2620 | to one- or two-family dwellings or any proposed residential
2621 | subdivision. The report must consider the tradeoffs and specific
2622 | cost savings and benefits of fire sprinklers for future owners
2623 | of property. The report must include an assessment of the cost
2624 | savings from any reduced or eliminated impact fees if
2625 | applicable, the reduction in special fire district tax,
2626 | insurance fees, and other taxes or fees imposed, and the waiver
2627 | of certain infrastructure requirements including the reduction
2628 | of roadway widths, the reduction of water line sizes, increased
2629 | fire hydrant spacing, increased dead-end roadway length and a
2630 | reduction in cul-de-sac sizes relative to the costs from fire
2631 | sprinkling. A failure to prepare an economic report shall result
2632 | in the invalidation of the fire sprinkler requirement to any

2633 one- or two-family dwelling or any proposed subdivision. In
2634 addition, a local jurisdiction or utility may not charge any
2635 additional fee, above what is charged to a non-fire sprinklered
2636 dwelling, on the basis that a one- or two-family dwelling unit
2637 is protected by a fire sprinkler system.

2638 (9)~~(10)~~ Before imposing a fire sprinkler requirement on
2639 any one- or two-family dwelling, a local government must provide
2640 the owner of any one- or two-family dwelling a letter
2641 documenting specific infrastructure or other tax or fee
2642 allowances and waivers that are listed in but not limited to
2643 those described in subsection (8)~~(9)~~ for the dwelling. The
2644 documentation must show that the cost savings reasonably
2645 approximate the cost of the purchase and installation of a fire
2646 protection system.

2647 (10)~~(11)~~ Notwithstanding the provisions of subsection
2648 (8)~~(9)~~, a property owner shall not be required to install fire
2649 sprinklers in any residential property based upon the use of
2650 such property as a rental property or any change in or
2651 reclassification of the property's primary use to a rental
2652 property.

2653 Section 26. Section 633.026, Florida Statutes, is
2654 transferred, renumbered as section 633.212, Florida Statutes,
2655 and amended to read:

2656 633.212 ~~633.026~~ Legislative intent; informal
2657 interpretations of the Florida Fire Prevention Code.—It is the
2658 intent of the Legislature that the Florida Fire Prevention Code
2659 be interpreted by fire officials and local enforcement agencies
2660 in a manner that reasonably and cost-effectively protects the

2661 public safety, health, and welfare; ensures uniform
2662 interpretations throughout this state; and provides just and
2663 expeditious processes for resolving disputes regarding such
2664 interpretations. It is the further intent of the Legislature
2665 that such processes provide for the expeditious resolution of
2666 the issues presented and that the resulting interpretation of
2667 such issues be published on the website of the division ~~of State~~
2668 ~~Fire Marshal~~.

2669 (1) The division ~~of State Fire Marshal~~ shall by rule
2670 establish an informal process of rendering nonbinding
2671 interpretations of the Florida Fire Prevention Code. The
2672 division ~~of State Fire Marshal~~ may contract with and refer
2673 interpretive issues to a third party, selected based upon cost
2674 effectiveness, quality of services to be performed, and other
2675 performance-based criteria, which has experience in interpreting
2676 and enforcing the Florida Fire Prevention Code. It is the intent
2677 of the Legislature that the division ~~of State Fire Marshal~~
2678 establish a Fire Code Interpretation Committee composed of seven
2679 persons and seven alternates, equally representing each area of
2680 the state, to which a party can pose questions regarding the
2681 interpretation of the Florida Fire Prevention Code provisions.

2682 (2) Each member and alternate member of the Fire Code
2683 Interpretation Committee must be certified as a firesafety
2684 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a
2685 minimum of 5 years of experience interpreting and enforcing the
2686 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each
2687 member and alternate member must be approved by the division ~~of~~
2688 ~~State Fire Marshal~~ and deemed by the division to have met these

2689 requirements for at least 30 days before participating in a
 2690 review of a nonbinding interpretation.

2691 (3) Each nonbinding interpretation of code provisions must
 2692 be provided within 10 business days after receipt of a request
 2693 for interpretation. The response period established in this
 2694 subsection may be waived only with the written consent of the
 2695 party requesting the nonbinding interpretation and the division
 2696 ~~of State Fire Marshal~~. Nonbinding interpretations shall be
 2697 advisory only and nonbinding on the parties or the State Fire
 2698 Marshal.

2699 (4) In order to administer this section, the division ~~of~~
 2700 ~~State Fire Marshal~~ shall charge a fee for nonbinding
 2701 interpretations. The fee may not exceed \$150 for each request
 2702 for a review or interpretation. The division may authorize
 2703 payment of fees directly to the nonprofit organization under
 2704 contract pursuant to subsection (1).

2705 (5) A party requesting a nonbinding interpretation who
 2706 disagrees with the interpretation issued under this section may
 2707 apply for a declaratory statement ~~formal interpretation~~ from the
 2708 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2709 (6) The division ~~of State Fire Marshal~~ shall issue or
 2710 cause to be issued a nonbinding interpretation of the Florida
 2711 Fire Prevention Code pursuant to this section when requested to
 2712 do so upon submission of a petition by a fire official or by the
 2713 owner or owner's representative or the contractor or
 2714 contractor's representative of a project in dispute. The
 2715 division shall adopt a petition form by rule, and the petition
 2716 form must be published on the State Fire Marshal's website. The

2717 form shall, at a minimum, require:

2718 (a) The name and address of the local fire official,
 2719 including the address of the county, municipality, or special
 2720 district.

2721 (b) The name and address of the owner or owner's
 2722 representative or the contractor or contractor's representative.

2723 (c) A statement of the specific sections of the Florida
 2724 Fire Prevention Code being interpreted by the local fire
 2725 official.

2726 (d) An explanation of how the petitioner's substantial
 2727 interests are being affected by the local interpretation of the
 2728 Florida Fire Prevention Code.

2729 (e) A statement of the interpretation of the specific
 2730 sections of the Florida Fire Prevention Code by the local fire
 2731 official.

2732 (f) A statement of the interpretation that the petitioner
 2733 contends should be given to the specific sections of the Florida
 2734 Fire Prevention Code and a statement supporting the petitioner's
 2735 interpretation.

2736 (7) Upon receipt of a petition that meets the requirements
 2737 of subsection (6), the division ~~of State Fire Marshal~~ shall
 2738 immediately provide copies of the petition to the Fire Code
 2739 Interpretation Committee, and shall publish the petition and any
 2740 response submitted by the local fire official on the State Fire
 2741 Marshal's website.

2742 (8) The committee shall conduct proceedings as necessary
 2743 to resolve the issues and give due regard to the petition, the
 2744 facts of the matter at issue, specific code sections cited, and

2745 any statutory implications affecting the Florida Fire Prevention
2746 Code. The committee shall issue an interpretation regarding the
2747 provisions of the Florida Fire Prevention Code within 10 days
2748 after the filing of a petition. The committee shall issue an
2749 interpretation based upon the Florida Fire Prevention Code or,
2750 if the code is ambiguous, the intent of the code. The
2751 committee's interpretation shall be provided to the petitioner
2752 and shall include a notice that if the petitioner disagrees with
2753 the interpretation, the petitioner may file a request for a
2754 declaratory statement ~~formal interpretation~~ by the State Fire
2755 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's
2756 interpretation shall be provided to the State Fire Marshal, and
2757 the division shall publish the declaratory statement
2758 ~~interpretation~~ on the State Fire Marshal's website and in the
2759 Florida Administrative Weekly.

2760 Section 27. Section 633.052, Florida Statutes, is
2761 transferred and renumbered as section 633.214, Florida Statutes,
2762 and paragraph (a) and (b) of subsection (1), paragraph (d) of
2763 subsection (2), and subsections (3) and (4) of that section are
2764 amended, to read:

2765 633.214 ~~633.052~~ Ordinances relating to firesafety;
2766 definitions; penalties.—

2767 (1) As used in this section:

2768 (a) A "firesafety inspector" is an individual certified by
2769 the division ~~of State Fire Marshal~~, officially assigned the
2770 duties of conducting firesafety inspections of buildings and
2771 facilities on a recurring or regular basis, investigating civil
2772 infractions relating to firesafety, and issuing citations

2773 pursuant to this section on behalf of the state or any county,
2774 municipality, or special district with firesafety
2775 responsibilities.

2776 (b) "Citation" means a written notice, issued only after a
2777 written warning has been previously issued and a minimum time
2778 period of 45 days, except for major structural changes, which
2779 may be corrected within an extended adequate period of time,
2780 from the date of the issuance of the warning whereby the party
2781 warned may correct the alleged violation, issued to a person by
2782 a firesafety inspector, that the firesafety inspector has
2783 probable cause to believe that the person has committed a civil
2784 infraction in violation of a duly enacted ordinance and that the
2785 county court will hear the charge. The citation shall contain:

- 2786 1. The date and time of issuance.
- 2787 2. The name and address of the person.
- 2788 3. The date and time the civil infraction was committed.
- 2789 4. The facts constituting probable cause.
- 2790 5. The Florida Fire Prevention Code ordinance violated.
- 2791 6. The name and authority of the firesafety inspector
2792 ~~officer~~.
- 2793 7. The procedure for the person to follow in order to pay
2794 the civil penalty or to contest the citation.
- 2795 8. The applicable civil penalty if the person elects to
2796 contest the citation.
- 2797 9. The applicable civil penalty if the person elects not
2798 to contest the citation.
- 2799 10. A conspicuous statement that if the person fails to
2800 pay the civil penalty within the time allowed or fails to appear

2801 in court to contest the citation, then she or he shall be deemed
2802 to have waived her or his right to contest the citation and
2803 that, in such case, judgment may be entered against the person
2804 for an amount up to the maximum civil penalty.

2805 (c) "Ordinance" means any ordinance enacted by the
2806 governing body of a county or municipality that is a civil
2807 infraction relating to firesafety codes.

2808 (2) A county or municipality that has created a code
2809 enforcement board or special magistrate system pursuant to
2810 chapter 162 may enforce firesafety code violations as provided
2811 in chapter 162. The governing body of a county or municipality
2812 which has not created a code enforcement board or special
2813 magistrate system for firesafety under chapter 162 is authorized
2814 to enact ordinances relating to firesafety codes, which
2815 ordinances shall provide:

2816 (a) That a violation of such an ordinance is a civil
2817 infraction.

2818 (b) A maximum civil penalty not to exceed \$500.

2819 (c) A civil penalty of less than the maximum civil penalty
2820 if the person who has committed the civil infraction does not
2821 contest the citation.

2822 (d) For the issuance of a citation by an officer who has
2823 probable cause to believe that a person has committed a
2824 violation of an ordinance relating to firesafety or the Florida
2825 Fire Prevention Code.

2826 (e) For the contesting of a citation in the county court.

2827 (f) Such procedures and provisions necessary to implement
2828 any ordinances enacted under the authority of this section.

2829 (3) Any person who willfully refuses to sign and accept a
 2830 citation issued by a firesafety inspector commits ~~shall be~~
 2831 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 2832 provided in s. 775.082 or s. 775.083.

2833 (4) Nothing contained in this section shall prevent any
 2834 county, ~~or~~ municipality, or special district from enacting any
 2835 ordinance relating to firesafety codes which is identical to the
 2836 provisions of this chapter or any state law, except as to
 2837 penalty; however, no county or municipal ordinance relating to
 2838 firesafety codes shall conflict with the provisions of this
 2839 chapter or any other state law.

2840 Section 28. Section 633.081, Florida Statutes, is
 2841 transferred, renumbered as section 633.216, Florida Statutes,
 2842 and amended to read:

2843 633.216 ~~633.081~~ Inspection of buildings and equipment;
 2844 orders; firesafety inspection training requirements;
 2845 certification; disciplinary action.—The State Fire Marshal and
 2846 her or his agents or persons authorized to enforce laws and
 2847 rules of the State Fire Marshal shall, at any reasonable hour,
 2848 when the State Fire Marshal has reasonable cause to believe that
 2849 a violation of this chapter or s. 509.215, or a rule promulgated
 2850 thereunder, or a minimum firesafety code adopted by the State
 2851 Fire Marshal or a local authority, may exist, inspect any and
 2852 all buildings and structures which are subject to the
 2853 requirements of this chapter or s. 509.215 and rules promulgated
 2854 thereunder. The authority to inspect shall extend to all
 2855 equipment, vehicles, and chemicals which are located on or
 2856 within the premises of any such building or structure.

2857 (1) Each county, municipality, and special district that
2858 has firesafety enforcement responsibilities shall employ or
2859 contract with a firesafety inspector. Except as provided in s.
2860 633.312(2) ~~633.082(2)~~ and subsection (3), the firesafety
2861 inspector must conduct all firesafety inspections that are
2862 required by law. The governing body of a county, municipality,
2863 or special district that has firesafety enforcement
2864 responsibilities may provide a schedule of fees to pay only the
2865 costs of inspections conducted pursuant to this subsection and
2866 related administrative expenses. Two or more counties,
2867 municipalities, or special districts that have firesafety
2868 enforcement responsibilities may jointly employ or contract with
2869 a firesafety inspector.

2870 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
2871 firesafety inspection conducted pursuant to state or local
2872 firesafety requirements shall be by a person certified as having
2873 met the inspection training requirements set by the State Fire
2874 Marshal. Such person shall meet the requirements of s.
2875 633.412(1)(a)-(d), and:

2876 (a) ~~Be a high school graduate or the equivalent as~~
2877 ~~determined by the department;~~

2878 (b) ~~Not have been found guilty of, or having pleaded~~
2879 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
2880 ~~imprisonment of 1 year or more under the law of the United~~
2881 ~~States, or of any state thereof, which involves moral turpitude,~~
2882 ~~without regard to whether a judgment of conviction has been~~
2883 ~~entered by the court having jurisdiction of such cases;~~

2884 (c) ~~Have her or his fingerprints on file with the~~

2885 | ~~department or with an agency designated by the department;~~
 2886 | ~~(d) Have good moral character as determined by the~~
 2887 | ~~department;~~
 2888 | ~~(e) Be at least 18 years of age;~~
 2889 | ~~(f) Have satisfactorily completed the firesafety inspector~~
 2890 | ~~certification examination as prescribed by division rule the~~
 2891 | ~~department; and~~
 2892 | (b)~~(g)~~1. Have satisfactorily completed, as determined by
 2893 | division rule ~~the department~~, a firesafety inspector training
 2894 | program of not less than 200 hours established by the department
 2895 | and administered by education or training providers ~~agencies and~~
 2896 | ~~institutions~~ approved by the department for the purpose of
 2897 | providing basic certification training for firesafety
 2898 | inspectors; or
 2899 | 2. Have received in another state training which is
 2900 | determined by the division ~~department~~ to be at least equivalent
 2901 | to that required by the department for approved firesafety
 2902 | inspector education and training programs in this state.
 2903 | (3) (a)1. Effective July 1, 2013, the classification of
 2904 | special state firesafety inspector is abolished, and all special
 2905 | state firesafety inspector certifications shall expire at
 2906 | midnight June 30, 2013.
 2907 | 2. Any person who is a special state firesafety inspector
 2908 | on June 30, 2013, and who has failed to comply with paragraph
 2909 | (b) or paragraph (c) may not perform any firesafety inspection
 2910 | required by law.
 2911 | 3. A special state firesafety inspector certificate may
 2912 | not be issued after June 30, 2011.

2913 (b)1. Any person who is a special state firesafety
 2914 inspector on July 1, 2011, and who has at least 5 years of
 2915 experience as a special state firesafety inspector as of July 1,
 2916 2011, may take the firesafety inspection examination as provided
 2917 in paragraph (2) (a) ~~(f)~~ for firesafety inspectors before July 1,
 2918 2013, to be certified as a firesafety inspector under this
 2919 section.

2920 2. Upon passing the examination, the person shall be
 2921 certified as a firesafety inspector as provided in this section.

2922 3. A person who fails to become certified must comply with
 2923 paragraph (c) to be certified as a firesafety inspector under
 2924 this section.

2925 (c)1. To be certified as a firesafety inspector under this
 2926 section, any person who:

2927 a. Is a special state firesafety inspector on July 1,
 2928 2011, and who does not have 5 years of experience as a special
 2929 state firesafety inspector as of July 1, 2011; or

2930 b. Has 5 years of experience as a special state firesafety
 2931 inspector but has failed the examination taken as provided in
 2932 paragraph (2) (a) ~~(f)~~,

2933
 2934 must take an additional 80 hours of the courses described in
 2935 paragraph (2) (b) ~~(g)~~.

2936 2. After successfully completing the courses described in
 2937 this paragraph, such person may take the firesafety inspection
 2938 examination as provided in paragraph (2) (a) ~~(f)~~, if such
 2939 examination is taken before July 1, 2013.

2940 3. Upon passing the examination, the person shall be

2941 certified as a firesafety inspector as provided in this section.

2942 4. A person who fails the course of study or the
 2943 examination described in this paragraph may not perform any
 2944 firesafety inspection required by law on or after July 1, 2013.

2945 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
 2946 may conduct firesafety inspections, under the supervision of a
 2947 certified firesafety inspector, while on duty as a member of a
 2948 fire department company conducting inservice firesafety
 2949 inspections without being certified as a firesafety inspector,
 2950 if such firefighter has satisfactorily completed an inservice
 2951 fire department company inspector training program of at least
 2952 24 hours' duration as provided by rule of the department.

2953 (5) Every firesafety inspector certificate is valid for a
 2954 period of 4 ~~3~~ years from the date of issuance. Renewal of
 2955 certification is subject to the affected person's completing
 2956 proper application for renewal and meeting all of the
 2957 requirements for renewal as established under this chapter or by
 2958 rule adopted under this chapter, which shall include completion
 2959 of at least 54 ~~40~~ hours during the preceding 4-year ~~3-year~~
 2960 period of continuing education as required by the rule of the
 2961 department or, in lieu thereof, successful passage of an
 2962 examination as established by the department.

2963 (6) A previously certified fire safety inspector whose
 2964 certification has lapsed for 8 years or more must repeat the
 2965 fire safety inspector training as specified by the division.

2966 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,
 2967 suspend, or revoke the certificate of a firesafety inspector if
 2968 the State Fire Marshal finds that any of the following grounds

2969 exist:

2970 (a) Any cause for which issuance of a certificate could
 2971 have been refused had it then existed and been known to the
 2972 division ~~State Fire Marshal~~.

2973 (b) Violation of this chapter or any rule or order of the
 2974 State Fire Marshal.

2975 (c) Falsification of records relating to the certificate.

2976 ~~(d) Having been found guilty of or having pleaded guilty~~
 2977 ~~or nolo contendere to a felony, whether or not a judgment of~~
 2978 ~~conviction has been entered.~~

2979 (d) ~~(e)~~ Failure to meet any of the renewal requirements.

2980 ~~(f) Having been convicted of a crime in any jurisdiction~~
 2981 ~~which directly relates to the practice of fire code inspection,~~
 2982 ~~plan review, or administration.~~

2983 (e) ~~(g)~~ Making or filing a report or record that the
 2984 certificateholder knows to be false, or knowingly inducing
 2985 another to file a false report or record, or knowingly failing
 2986 to file a report or record required by state or local law, or
 2987 knowingly impeding or obstructing such filing, or knowingly
 2988 inducing another person to impede or obstruct such filing.

2989 (f) ~~(h)~~ Failing to properly enforce applicable fire codes
 2990 or permit requirements within this state which the
 2991 certificateholder knows are applicable by committing willful
 2992 misconduct, gross negligence, gross misconduct, repeated
 2993 negligence, or negligence resulting in a significant danger to
 2994 life or property.

2995 (g) ~~(i)~~ Accepting labor, services, or materials at no
 2996 charge or at a noncompetitive rate from any person who performs

2997 work that is under the enforcement authority of the
2998 certificateholder and who is not an immediate family member of
2999 the certificateholder. For the purpose of this paragraph, the
3000 term "immediate family member" means a spouse, child, parent,
3001 sibling, grandparent, aunt, uncle, or first cousin of the person
3002 or the person's spouse or any person who resides in the primary
3003 residence of the certificateholder.

3004 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida
3005 Building Code Administrators and Inspectors Board, established
3006 pursuant to s. 468.605, shall enter into a reciprocity agreement
3007 to facilitate joint recognition of continuing education
3008 recertification hours for certificateholders licensed under s.
3009 468.609 and firesafety inspectors certified under subsection
3010 (2).

3011 (9)~~(8)~~ The State Fire Marshal shall develop by rule an
3012 advanced training and certification program for firesafety
3013 inspectors having fire code management responsibilities. The
3014 program must be consistent with the appropriate provisions of
3015 NFPA 1037, or similar standards adopted by the division, and
3016 establish minimum training, education, and experience levels for
3017 firesafety inspectors having fire code management
3018 responsibilities.

3019 (10)~~(9)~~ The department shall provide by rule for the
3020 certification of firesafety inspectors and Fire Code
3021 Administrators.

3022 Section 29. Section 633.085, Florida Statutes, is
3023 transferred, renumbered as section 633.218, Florida Statutes,
3024 and amended to read:

3025 | 633.218 ~~633.085~~ Inspections of state buildings and
 3026 | premises; tests of firesafety equipment; building plans to be
 3027 | approved.—

3028 | (1) (a) It is the duty of the State Fire Marshal and her or
 3029 | his agents to inspect, or cause to be inspected, each state-
 3030 | owned building on a recurring basis established by rule, and to
 3031 | ensure that high-hazard occupancies are inspected at least
 3032 | annually, for the purpose of ascertaining and causing to be
 3033 | corrected any conditions liable to cause fire or endanger life
 3034 | from fire and any violation of the firesafety standards for
 3035 | state-owned buildings, the provisions of this chapter, or the
 3036 | rules or regulations adopted and promulgated pursuant hereto.
 3037 | The State Fire Marshal shall, within 7 days following an
 3038 | inspection, submit a report of such inspection to the head of
 3039 | the ~~department of state~~ agency ~~government~~ responsible for the
 3040 | building.

3041 | (b) Except as provided in s. 255.45, the department head
 3042 | is responsible for ensuring that deficiencies noted in the
 3043 | inspection are corrected as soon as practicable.

3044 | (c) Each department shall, in its annual budget proposal,
 3045 | include requests for sufficient funds to correct any firesafety
 3046 | deficiencies noted by the State Fire Marshal.

3047 | (d) Each department shall, in its annual budget proposal
 3048 | and for all proposals for new construction or renovations to
 3049 | existing structures, include requests for sufficient funds to
 3050 | pay for any charges or fees imposed by the State Fire Marshal
 3051 | for review of plans, renovations, occupancy, or inspections,
 3052 | whether recurring or high hazard.

3053 (e) For purposes of this section:
 3054 1.a. The term "high-hazard occupancy" means any building
 3055 or structure:
 3056 (I) That contains combustible or explosive matter or
 3057 flammable conditions dangerous to the safety of life or
 3058 property;
 3059 (II) At which persons receive educational instruction;
 3060 (III) At which persons reside, excluding private
 3061 dwellings; or
 3062 (IV) Containing three or more floor levels.
 3063 b. As used in this subparagraph, the phrase "building or
 3064 structure":
 3065 (I) Includes, but is not limited to, all hospitals and
 3066 residential health care facilities, nursing homes and other
 3067 adult care facilities, correctional or detention facilities,
 3068 public schools, public lodging establishments, migrant labor
 3069 camps, residential child care facilities, and self-service
 3070 gasoline stations.
 3071 (II) Does not include any residential condominium where
 3072 the declaration of condominium or the bylaws provide that the
 3073 rental of units shall not be permitted for less than 90 days.
 3074 2. The term "state-owned building," includes private
 3075 correctional facilities as defined under s. 944.710(3) and state
 3076 universities as defined under s. 1000.21(6).
 3077 (f) State-owned building or state-leased building or space
 3078 shall be identified through use of the United States National
 3079 Grid Coordinate System.
 3080 (2) The State Fire Marshal and her or his agents may ~~shall~~

3081 | conduct performance tests on any electronic fire warning and
 3082 | smoke detection system, and any pressurized air-handling unit,
 3083 | in any state-owned building or state-leased building or space on
 3084 | a recurring basis as provided in subsection (1). The State Fire
 3085 | Marshal and her or his agents shall also ensure that fire drills
 3086 | are conducted in all high-hazard state-owned buildings or high-
 3087 | hazard state-leased ~~high-hazard~~ occupancies at least annually.

3088 | (3) All construction of any new state-owned building or
 3089 | state-leased building or space, or any renovation, alteration,
 3090 | or change of occupancy of any existing, state-owned building or
 3091 | state-leased building or space shall comply with the uniform
 3092 | firesafety standards of the State Fire Marshal.

3093 | (a) For all new construction or renovation, alteration, or
 3094 | change of occupancy of state-leased space, compliance with the
 3095 | uniform firesafety standards shall be determined by reviewing
 3096 | the plans for the proposed construction or occupancy submitted
 3097 | by the lessor to the division ~~of State Fire Marshal~~ for review
 3098 | and approval prior to commencement of construction or occupancy,
 3099 | which review shall be completed within 10 working days after
 3100 | receipt of the plans by the division ~~of State Fire Marshal~~.

3101 | (b) The plans for all construction of any new, or
 3102 | renovation or alteration of any existing, state-owned building
 3103 | are subject to the review and approval of the division ~~of State~~
 3104 | ~~Fire Marshal~~ for compliance with the uniform firesafety
 3105 | standards prior to commencement of construction or change of
 3106 | occupancy, which review shall be completed within 30 calendar
 3107 | days of receipt of the plans by the division ~~of State Fire~~
 3108 | ~~Marshal~~.

3109 (4) The division ~~of State Fire Marshal~~ may inspect state-
3110 owned buildings and space and state-leased buildings and space
3111 as necessary prior to occupancy or during construction,
3112 renovation, or alteration to ascertain compliance with the
3113 uniform firesafety standards. Whenever the division ~~of State~~
3114 ~~Fire Marshal~~ determines by virtue of such inspection or by
3115 review of plans that construction, renovation, or alteration of
3116 state-owned buildings and state-leased buildings or space is not
3117 in compliance with the uniform firesafety standards, the
3118 division ~~of State Fire Marshal~~ shall issue an order to cease
3119 construction, renovation, or alteration, or to preclude
3120 occupancy, of a building until compliance is obtained, except
3121 for those activities required to achieve such compliance.

3122 (5) The division ~~of State Fire Marshal~~ shall by rule
3123 provide a schedule of fees to pay for the costs of the
3124 inspections, whether recurring or high hazard, any firesafety
3125 review or plans for proposed construction, renovations, or
3126 occupancy, and related administrative expenses.

3127 Section 30. Section 633.027, Florida Statutes, is
3128 transferred and renumbered as section 633.222, Florida Statutes,
3129 and subsection (3) of that section is amended, to read:

3130 633.222 ~~633.027~~ Buildings with light-frame truss-type
3131 construction; notice requirements; enforcement.-

3132 (1) The owner of any commercial or industrial structure,
3133 or any multiunit residential structure of three units or more,
3134 that uses light-frame truss-type construction shall mark the
3135 structure with a sign or symbol approved by the State Fire
3136 Marshal in a manner sufficient to warn persons conducting fire

3137 control and other emergency operations of the existence of
3138 light-frame truss-type construction in the structure.

3139 (2) The State Fire Marshal shall adopt rules necessary to
3140 implement the provisions of this section, including, but not
3141 limited to:

3142 (a) The dimensions and color of such sign or symbol.

3143 (b) The time within which commercial, industrial, and
3144 multiunit residential structures that use light-frame truss-type
3145 construction shall be marked as required by this section.

3146 (c) The location on each commercial, industrial, and
3147 multiunit residential structure that uses light-frame truss-type
3148 construction where such sign or symbol must be posted.

3149 (3) The State Fire Marshal, and local fire officials in
3150 accordance with s. 633.118 ~~633.121~~, shall enforce the provisions
3151 of this section. Any owner who fails to comply with the
3152 requirements of this section is subject to penalties as provided
3153 in s. 633.228 ~~633.161~~.

3154 Section 31. Section 633.60, Florida Statutes, is
3155 renumbered as section 633.224, Florida Statutes, and subsection
3156 (1) of that section is amended, to read:

3157 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-
3158 family dwellings, two-family dwellings, and mobile homes.—

3159 (1) It is unlawful for any person to engage in the
3160 business or act in the capacity of a contractor of automatic
3161 fire sprinkler systems for one-family dwellings, two-family
3162 dwellings, and mobile homes without having been duly certified
3163 and holding a current certificate as a Contractor I, Contractor
3164 II, or Contractor IV as defined in s. 633.102(3) ~~633.021~~.

3165 (2) A person who violates any provision of this section
 3166 commits a misdemeanor of the second degree, punishable as
 3167 provided in s. 775.082 or s. 775.083.

3168 Section 32. Section 633.557, Florida Statutes, is
 3169 transferred and renumbered as section 633.226, Florida Statutes.

3170 Section 33. Section 633.161, Florida Statutes, is
 3171 transferred, renumbered as section 633.228, Florida Statutes,
 3172 and amended to read:

3173 633.228 ~~633.161~~ Violations; orders to cease and desist,
 3174 correct hazardous conditions, preclude occupancy, or vacate;
 3175 enforcement; penalties.—

3176 (1) If it is determined by the department that a violation
 3177 specified in this subsection exists, the State Fire Marshal or
 3178 her or his deputy may issue and deliver to the person committing
 3179 the violation an order to cease and desist from such violation,
 3180 to correct any hazardous condition, to preclude occupancy of the
 3181 affected building or structure, or to vacate the premises of the
 3182 affected building or structure. Such violations are:

3183 (a) Except as set forth in paragraph (b), a violation of
 3184 any provision of this chapter, of any rule adopted pursuant
 3185 thereto, of any applicable uniform firesafety standard adopted
 3186 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed
 3187 by any alternative requirements adopted on a local level, or of
 3188 any minimum firesafety standard adopted pursuant to s. 394.879.

3189 (b) A substantial violation of an applicable minimum
 3190 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which
 3191 is not reasonably addressed by any alternative requirement
 3192 imposed at the local level, or an unreasonable interpretation of

3193 an applicable minimum firesafety standard, and which violation
 3194 or interpretation clearly constitutes a danger to lifesafety.

3195 (c) A building or structure which is in a dilapidated
 3196 condition and as a result thereof creates a danger to life,
 3197 safety, or property.

3198 (d) A building or structure which contains explosive
 3199 matter or flammable liquids or gases constituting a danger to
 3200 life, safety, or property.

3201 (2)(a) If, during the conduct of a firesafety inspection
 3202 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is
 3203 determined that a violation described in this section exists
 3204 which poses an immediate danger to the public health, safety, or
 3205 welfare, the State Fire Marshal may issue an order to vacate the
 3206 building in question, which order shall be immediately effective
 3207 and shall be an immediate final order under s. 120.569(2)(n).
 3208 With respect to a facility under the jurisdiction of a district
 3209 school board or community college board of trustees, the order
 3210 to vacate shall be issued jointly by the district superintendent
 3211 or college president and the State Fire Marshal.

3212 (b) The State Fire Marshal may seek an injunction in the
 3213 circuit court of the county in which the building is located to
 3214 enforce an order issued pursuant to this subsection.

3215 (3) Any person who violates or fails to comply with any
 3216 order under subsection (1) or subsection (2) commits ~~is guilty~~
 3217 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

3218 Section 34. Part III of chapter 633, Florida Statutes,
 3219 consisting of sections 633.302, 633.304, 633.306, 633.308,
 3220 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,

3221 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
 3222 633.346, 633.348, and 633.3482, is created and entitled "Fire
 3223 Protection and Suppression."

3224 Section 35. Section 633.511, Florida Statutes, is
 3225 transferred and renumbered as subsections (1), (2), and (3) of
 3226 section 633.302, Florida Statutes, and amended, and section
 3227 633.514, Florida Statutes, is transferred and renumbered as
 3228 subsections (4) and (5) of that section, to read:

3229 633.302 ~~633.511~~ Florida Fire Safety Board; membership;
 3230 duties; meetings.—

3231 (1) The Florida Fire Safety Board is created consisting of
 3232 seven members who are citizens and residents of this state. One
 3233 shall be the State Fire Marshal, or her or his designee
 3234 ~~designated appointee~~ who shall be an administrative employee of
 3235 the marshal; one shall be an administrative officer from a
 3236 building department representing an incorporated municipality or
 3237 a county; one shall be an administrative officer from a fire
 3238 department representing an incorporated municipality or a
 3239 county; two shall be contractors licensed pursuant to s. 633.318
 3240 ~~633.521~~; and two shall be persons who hold valid licenses under
 3241 s. 633.304 ~~633.061~~.

3242 (2) (a) To be eligible for appointment, each contractor
 3243 shall personally hold a current certificate of competency and a
 3244 current license issued by the division ~~State Fire Marshal~~,
 3245 together with an unexpired occupational license to operate as a
 3246 contractor issued by an incorporated municipality or a county;
 3247 be actively engaged in such business and have been so engaged
 3248 for a period of not less than 5 consecutive years before the

3249 | date of her or his appointment; and be a citizen and resident of
 3250 | the state.

3251 | (b) To be eligible for appointment, each fire equipment
 3252 | dealer shall personally hold a current Class A, B, or C and
 3253 | Class D fire equipment dealer license issued by the division
 3254 | ~~State Fire Marshal~~, together with an unexpired occupational
 3255 | license to operate as a fire equipment dealer issued by an
 3256 | incorporated municipality or a county; shall be actively engaged
 3257 | in such business and have been so engaged for a period of not
 3258 | less than 5 consecutive years before the date of appointment;
 3259 | and shall be a citizen and resident of this state.

3260 | (3) The State Fire Marshal's term on the board, or that of
 3261 | her or his designee ~~designated administrative employee~~, shall
 3262 | coincide with the State Fire Marshal's term of office. Of the
 3263 | other six members of the board, one member shall be appointed
 3264 | for a term of 1 year, one member for a term of 2 years, two
 3265 | members for terms of 3 years, and two members for terms of 4
 3266 | years. All terms expire on June 30 of the last year of the term.
 3267 | When Effective July 1, 1997, as the term of a ~~each~~ member
 3268 | expires, the State Fire Marshal shall appoint a member to fill
 3269 | the vacancy for a term of 4 years. The State Fire Marshal may
 3270 | remove any appointed member for cause. A vacancy in the
 3271 | membership of the board for any cause shall be filled by
 3272 | appointment by the State Fire Marshal for the balance of the
 3273 | unexpired term.

3274 | ~~633.514 Board duties; meetings; officers; quorum;~~
 3275 | ~~compensation; seal.—~~

3276 | (4) ~~(1)~~ The board shall act in an advisory capacity to the

3277 State Fire Marshal and shall meet regularly as the need presents
3278 itself. The board shall have the authority to review complaints
3279 and disputed administrative action and make recommendations for
3280 disciplinary action to the division at the request of the
3281 licenseholder, permitholder, or certificateholder. The board
3282 will serve in an advisory capacity to the division regarding
3283 rules, codes, standards, interpretations, and training. As soon
3284 as practicable after the effective date of this act, the board
3285 shall meet to elect officers from its membership, whose terms
3286 shall expire on June 30 and annually thereafter. A majority of
3287 the board shall constitute a quorum. No member of the advisory
3288 board shall be paid a salary as such member, but each shall
3289 receive necessary expenses while attending advisory board
3290 meetings and reimbursement, including travel in performance of
3291 his or her duties, as provided in s. 112.061.

3292 (5)~~(2)~~ The board shall adopt a seal for its use containing
3293 the words "Florida Fire Safety Board."

3294 Section 36. Section 633.061, Florida Statutes, is
3295 renumbered as section 633.304, Florida Statutes, and subsections
3296 (1), (2), (3), (4), and (9) of that section are amended, to
3297 read:

3298 633.304 ~~633.061~~ Fire suppression equipment; license to
3299 install or maintain.—

3300 (1) It is unlawful for any organization or individual to
3301 engage in the business of servicing, repairing, recharging,
3302 testing, marking, inspecting, installing, or hydrotesting any
3303 fire extinguisher or preengineered system in this state except
3304 in conformity with the provisions of this chapter. Each

3305 organization or individual that engages in such activity must
 3306 possess a valid and subsisting license issued by the division
 3307 ~~State Fire Marshal~~. All fire extinguishers and preengineered
 3308 systems required by statute or by rule must be serviced by an
 3309 organization or individual licensed under the provisions of this
 3310 chapter. A licensee who receives appropriate training shall not
 3311 be prohibited by a manufacturer from servicing any particular
 3312 brand of fire extinguisher or preengineered system. The licensee
 3313 is legally qualified to act for the business organization in all
 3314 matters connected with its business, and the licensee must
 3315 supervise all activities undertaken by such business
 3316 organization. Each licensee shall maintain a specific business
 3317 location. A further requirement, in the case of multiple
 3318 locations where such servicing or recharging is taking place, is
 3319 that each licensee who maintains more than one place of business
 3320 where actual work is carried on must possess an additional
 3321 license, as set forth in this section, for each location, except
 3322 that a licensed individual may not qualify for more than five
 3323 locations. A licensee is limited to a specific type of work
 3324 performed depending upon the class of license held. Licenses ~~and~~
 3325 ~~license fees~~ are required for the following:

3326 (a) Class A:\$250
 3327 To service, recharge, repair, install, or inspect all types of
 3328 fire extinguishers and to conduct hydrostatic tests on all types
 3329 of fire extinguishers.

3330 (b) Class B:\$150
 3331 To service, recharge, repair, install, or inspect all types of
 3332 fire extinguishers, including recharging carbon dioxide units

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

3335 (c) Class C:\$150

3336 To service, recharge, repair, install, or inspect all types of
 3337 fire extinguishers, except recharging carbon dioxide units, and
 3338 to conduct hydrostatic tests on all types of fire extinguishers,
 3339 except carbon dioxide units.

3340 (d) Class D:\$200

3341 To service, repair, recharge, hydrotest, install, or inspect all
 3342 types of preengineered fire extinguishing systems.

3343 ~~(e) Licenses issued as duplicates or to reflect a change~~
 3344 ~~of address.....\$10~~

3345
 3346 Any fire equipment dealer licensed pursuant to this subsection
 3347 who does not want to engage in the business of servicing,
 3348 inspecting, recharging, repairing, hydrotesting, or installing
 3349 halon equipment must file an affidavit on a form provided by the
 3350 division so stating. Licenses will be issued by the division to
 3351 reflect the work authorized thereunder. It is unlawful,
 3352 unlicensed activity for any person or firm to falsely hold
 3353 himself or herself or a business organization out to perform any
 3354 service, inspection, recharge, repair, hydrotest, or
 3355 installation except as specifically described in the license.

3356 Any fire equipment dealer licensed pursuant to this subsection
 3357 who wishes to withdraw a previously filed halon equipment
 3358 exemption affidavit and engage in the business of servicing,
 3359 inspecting, recharging, repairing, hydrotesting, or installing
 3360 halon equipment must submit a written statement requesting the

3361 withdrawal to the division. The dealer must also submit to an
 3362 inspection by the State Fire Marshal or his or her designee in
 3363 order to determine that the dealer possesses the equipment
 3364 required to service, inspect, recharge, repair, hydrotest, or
 3365 install halon equipment.

3366 (2) A person who holds a valid fire equipment dealer
 3367 license may maintain such license in an inactive status during
 3368 which time he or she may not engage in any work under the
 3369 definition of the license held. An inactive status license shall
 3370 be void after 4 ~~2~~ years or at the time that the license is
 3371 renewed, whichever comes first. ~~The biennial renewal fee for an~~
 3372 ~~inactive status license shall be \$75.~~ An inactive status license
 3373 may not be reactivated unless the continuing education
 3374 requirements of this chapter have been fulfilled.

3375 (3) Each individual actually performing the work of
 3376 servicing, recharging, repairing, hydrotesting, installing,
 3377 testing, or inspecting fire extinguishers or preengineered
 3378 systems must possess a valid and subsisting permit issued by the
 3379 division ~~State Fire Marshal~~. Permittees are limited as to
 3380 specific type of work performed to allow work no more extensive
 3381 than the class of license held by the licensee under whom the
 3382 permittee is working. Permits will be issued by the division ~~and~~
 3383 ~~the fees required are~~ as follows:

3384 (a) Portable permit.\$90
 3385 "Portable permittee" means a person who is limited to performing
 3386 work no more extensive than the employing licensee in the
 3387 servicing, recharging, repairing, installing, or inspecting all
 3388 types of portable fire extinguishers.

3389 (b) Preengineered permit.-----\$120

3390 "Preengineered permittee" means a person who is limited to the
 3391 servicing, recharging, repairing, installing, or inspecting of
 3392 all types of preengineered fire extinguishing systems.

3393 ~~(c) Permits issued as duplicates or to reflect a change of~~
 3394 ~~address.....\$10~~

3395
 3396 Any fire equipment permittee licensed pursuant to this
 3397 subsection who does not want to engage in servicing, inspecting,
 3398 recharging, repairing, hydrotesting, or installing halon
 3399 equipment must file an affidavit on a form provided by the
 3400 division so stating. Permits will be issued by the division to
 3401 reflect the work authorized thereunder. It is unlawful,
 3402 unlicensed activity for any person or firm to falsely hold
 3403 himself or herself out to perform any service, inspection,
 3404 recharge, repair, hydrotest, or installation except as
 3405 specifically described in the permit.

3406 (4) (a) Such licenses and permits shall be issued by the
 3407 division ~~State Fire Marshal~~ for 2 years beginning January 1,
 3408 2000, and each 2-year period thereafter and expiring December 31
 3409 of the second year. All licenses or permits issued will expire
 3410 on December 31 of each odd-numbered year. The failure to renew a
 3411 license or permit by December 31 of the second year will cause
 3412 the license or permit to become inoperative. The holder of an
 3413 inoperative license or permit shall not engage in any activities
 3414 for which a license or permit is required by this section. A
 3415 license or permit which is inoperative because of the failure to
 3416 renew it shall be restored upon payment of the applicable fee

3417 plus a penalty equal to the applicable fee, if the application
3418 for renewal is filed no later than the following March 31. If
3419 the application for restoration is not made before the March
3420 31st deadline, the fee for restoration shall be equal to the
3421 original application fee and the penalty provided for herein,
3422 and, in addition, the State Fire Marshal shall require
3423 reexamination of the applicant. The fee for a license or permit
3424 issued for 1 year or less shall be prorated at 50 percent of the
3425 applicable fee for a biennial license or permit.

3426 (b) After initial licensure, each licensee or permittee
3427 must successfully complete a course or courses of continuing
3428 education for fire equipment technicians of at least 16 hours. A
3429 license or permit may not be renewed unless the licensee or
3430 permittee produces documentation of the completion of at least
3431 16 hours of continuing education for fire equipment technicians
3432 during the biennial licensure period. A person who is both a
3433 licensee and a permittee shall be required to complete 16 hours
3434 of continuing education during each renewal period. Each
3435 licensee shall ensure that all permittees in his or her
3436 employment meet their continuing education requirements. The
3437 State Fire Marshal shall adopt rules describing the continuing
3438 education requirements and shall have the authority upon
3439 reasonable belief, to audit a fire equipment dealer to determine
3440 compliance with continuing education requirements.

3441 (c) ~~(b)~~ The forms of such licenses and permits and
3442 applications therefor shall be prescribed by the State Fire
3443 Marshal; in addition to such other information and data as that
3444 officer determines is appropriate and required for such forms,

3445 | there shall be included in such forms the following matters.
3446 | Each such application shall be in such form as to provide that
3447 | the data and other information set forth therein shall be sworn
3448 | to by the applicant or, if a corporation, by an officer thereof.
3449 | An application for a permit shall include the name of the
3450 | licensee employing such permittee, and the permit issued in
3451 | pursuance of such application shall also set forth the name of
3452 | such licensee. A permit is valid solely for use by the holder
3453 | thereof in his or her employment by the licensee named in the
3454 | permit.

3455 | ~~(d)-(e)~~ A license of any class shall not be issued or
3456 | renewed by the division ~~State Fire Marshal~~ and a license of any
3457 | class shall not remain operative unless:

3458 | 1. The applicant has submitted to the State Fire Marshal
3459 | evidence of registration as a Florida corporation or evidence of
3460 | compliance with s. 865.09.

3461 | 2. The State Fire Marshal or his or her designee has by
3462 | inspection determined that the applicant possesses the equipment
3463 | required for the class of license sought. The State Fire Marshal
3464 | shall give an applicant a reasonable opportunity to correct any
3465 | deficiencies discovered by inspection. To obtain such
3466 | inspection, an applicant with facilities located outside this
3467 | state must:

3468 | a. Provide a notarized statement from a professional
3469 | engineer licensed by the applicant's state of domicile
3470 | certifying that the applicant possesses the equipment required
3471 | for the class of license sought and that all such equipment is
3472 | operable; or

3473 b. Allow the State Fire Marshal or his or her designee to
3474 inspect the facility. All costs associated with the State Fire
3475 Marshal's inspection shall be paid by the applicant. The State
3476 Fire Marshal, in accordance with s. 120.54, is authorized to
3477 adopt rules to establish standards for the calculation and
3478 establishment of the amount of costs associated with any
3479 inspection conducted by the State Fire Marshal under this
3480 section. Such rules shall include procedures for invoicing and
3481 receiving funds in advance of the inspection. A fee of \$50,
3482 ~~payable to the State Fire Marshal, shall be required for any~~
3483 ~~subsequent reinspection.~~

3484 3. The applicant has submitted to the State Fire Marshal
3485 proof of insurance providing coverage for comprehensive general
3486 liability for bodily injury and property damage, products
3487 liability, completed operations, and contractual liability. The
3488 State Fire Marshal shall adopt rules providing for the amounts
3489 of such coverage, but such amounts shall not be less than
3490 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
3491 licenses, and \$100,000 for Class C licenses; and the total
3492 coverage for any class of license held in conjunction with a
3493 Class D license shall not be less than \$300,000. The State Fire
3494 Marshal may, at any time after the issuance of a license or its
3495 renewal, require upon demand, and in no event more than 30 days
3496 after notice of such demand, the licensee to provide proof of
3497 insurance, on a form provided by the State Fire Marshal,
3498 containing confirmation of insurance coverage as required by
3499 this chapter. Failure, for any length of time, to provide proof
3500 of insurance coverage as required shall result in the immediate

3501 suspension of the license until proof of proper insurance is
3502 provided to the State Fire Marshal. An insurer which provides
3503 such coverage shall notify the State Fire Marshal of any change
3504 in coverage or of any termination, cancellation, or nonrenewal
3505 of any coverage.

3506 4. The applicant applies to the State Fire Marshal,
3507 provides proof of experience, and successfully completes a
3508 prescribed training course offered by the State Fire College or
3509 an equivalent course approved by the State Fire Marshal. This
3510 subparagraph does not apply to any holder of or applicant for a
3511 permit under paragraph (g) ~~(f)~~ or to a business organization or a
3512 governmental entity seeking initial licensure or renewal of an
3513 existing license solely for the purpose of inspecting,
3514 servicing, repairing, marking, recharging, and maintaining fire
3515 extinguishers used and located on the premises of and owned by
3516 such organization or entity.

3517 5. The applicant has a current retestor identification
3518 number that is appropriate for the license for which the
3519 applicant is applying and that is listed with the United States
3520 Department of Transportation.

3521 6. The applicant has passed, with a grade of at least 70
3522 percent, a written examination testing his or her knowledge of
3523 the rules and statutes regulating the activities authorized by
3524 the license and demonstrating his or her knowledge and ability
3525 to perform those tasks in a competent, lawful, and safe manner.
3526 Such examination shall be developed and administered by the
3527 State Fire Marshal, or his or her designee in accordance with
3528 policies and procedures of the State Fire Marshal. An applicant

3529 shall pay a nonrefundable examination fee of \$50 for each
3530 examination or reexamination scheduled. No reexamination shall
3531 be scheduled sooner than 30 days after any administration of an
3532 examination to an applicant. No applicant shall be permitted to
3533 take an examination for any level of license more than a total
3534 of four times during 1 year, regardless of the number of
3535 applications submitted. As a prerequisite to licensure of the
3536 applicant, he or she:

3537 a. Must be at least 18 years of age.

3538 b. Must have 4 years of proven experience as a fire
3539 equipment permittee at a level equal to or greater than the
3540 level of license applied for or have a combination of education
3541 and experience determined to be equivalent thereto by the State
3542 Fire Marshal. Having held a permit at the appropriate level for
3543 the required period constitutes the required experience.

3544 c. Must not have been convicted of a felony or a crime
3545 punishable by imprisonment of 1 year or more under the law of
3546 the United States or of any state thereof or under the law of
3547 any other country, or pled nolo contendere to, any felony.
3548 "Convicted" means a finding of guilt or the acceptance of a plea
3549 of guilty or nolo contendere in any federal or state court or a
3550 court in any other country, without regard to whether a judgment
3551 of conviction has been entered by the court having jurisdiction
3552 of the case. If an applicant has been convicted of any such
3553 felony, the applicant shall be excluded from licensure for a
3554 period of 4 years after expiration of sentence or final release
3555 by the Parole Commission unless the applicant, before the
3556 expiration of the 4-year period, has received a full pardon or

3557 has had his or her civil rights restored ~~must comply with s.~~
3558 ~~112.011(1)(b).~~

3559

3560 This subparagraph does not apply to any holder of or applicant
3561 for a permit under paragraph (g) ~~(f)~~ or to a business
3562 organization or a governmental entity seeking initial licensure
3563 or renewal of an existing license solely for the purpose of
3564 inspecting, servicing, repairing, marking, recharging,
3565 hydrotesting, and maintaining fire extinguishers used and
3566 located on the premises of and owned by such organization or
3567 entity.

3568 ~~(d) An applicant who fails the examination may take it~~
3569 ~~three more times during the 1-year period after he or she~~
3570 ~~originally filed an application for the examination. If the~~
3571 ~~applicant fails the examination within 1 year after the~~
3572 ~~application date and seeks to retake the examination, he or she~~
3573 ~~must file a new application, pay the application and examination~~
3574 ~~fees, and successfully complete a prescribed training course~~
3575 ~~approved by the State Fire College or an equivalent course~~
3576 ~~approved by the State Fire Marshal. An applicant may not submit~~
3577 ~~a new application within 6 months after the date of his or her~~
3578 ~~last reexamination.~~

3579 (e) A fire equipment dealer licensed under this section
3580 may apply to convert ~~upgrade~~ the license currently held to a
3581 higher licensing category, if the licensed dealer:

3582 1. Submits an application for the license on a form in
3583 conformance with paragraph (c) ~~(b)~~. The application must be
3584 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~

3585 for the type of license requested.

3586 2. Provides evidence of 2 years' experience as a licensed
3587 dealer and meets such relevant educational requirements as are
3588 established by rule by the State Fire Marshal for purposes of
3589 upgrading a license.

3590 3. Meets the requirements of paragraph (d) ~~(e)~~.

3591 (f) A fire equipment dealer licensed under this section
3592 may apply to convert the license currently held to a lower
3593 licensing category, if the license dealer:

3594 1. Submits an application for the license on a form in
3595 conformance with paragraph (c). The application must be
3596 accompanied by a fee as prescribed in s. 633.132 for the type of
3597 license requested.

3598 2. Submits proof of insurance providing coverage meeting
3599 the requirements prescribed in subparagraph (d)3.

3600 3. Submits to an inspection of the facility to ensure all
3601 equipment associated with the higher class of license has been
3602 removed and submits the required reinspection fee.

3603 (g) No permit of any class shall be issued or renewed to a
3604 person by the division ~~State Fire Marshal~~, and no permit of any
3605 class shall remain operative, unless the person has:

3606 1. Submitted a nonrefundable examination fee in the amount
3607 of \$50;

3608 2. Successfully completed a training course offered by the
3609 State Fire College or an equivalent course approved by the State
3610 Fire Marshal; and

3611 3. Passed, with a grade of at least 70 percent, a written
3612 examination testing his or her knowledge of the rules and

3613 statutes regulating the activities authorized by the permit and
3614 demonstrating his or her knowledge and ability to perform those
3615 tasks in a competent, lawful, and safe manner. Such examination
3616 shall be developed and administered by the State Fire Marshal in
3617 accordance with the policies and procedures of the State Fire
3618 Marshal. An examination fee shall be paid for each examination
3619 scheduled. No reexamination shall be scheduled sooner than 30
3620 days after any administration of an examination to an applicant.
3621 No applicant shall be permitted to take an examination for any
3622 level of permit more than four times during 1 year, regardless
3623 of the number of applications submitted. As a prerequisite to
3624 taking the permit examination, the applicant must be at least 16
3625 years of age.

3626 (h) ~~(g)~~ An applicant for a license or permit under this
3627 section who fails the examination may take it three more times
3628 during the 1-year period after he or she originally filed an
3629 application for the examination. If the applicant fails the
3630 examination within 1 year after the application date and he or
3631 she seeks to retake the examination, he or she must file a new
3632 application, pay the application and examination fees, and
3633 successfully complete a prescribed training course offered by
3634 the State Fire College or an equivalent course approved by the
3635 State Fire Marshal. The applicant may not submit a new
3636 application within 6 months after the date of his or her fourth
3637 last reexamination. An applicant who passes the examination but
3638 does not meet the remaining qualifications prescribed by law and
3639 rule within 1 year after the application date must file a new
3640 application, pay the application and examination fee,

3641 successfully complete a prescribed training course approved by
3642 the State Fire College or an equivalent course approved by the
3643 State Fire Marshal, and pass the written examination.

3644 (5) (a) No one that is being trained shall perform work
3645 requiring a permit unless an individual possessing a valid and
3646 current fire equipment permit for the type of work performed is
3647 physically present. The trainee must:

3648 1. Be 18 years of age.

3649 2. Possess on his or her person at all times a valid
3650 Florida driver's license or a valid state identification card,
3651 issued by the Department of Highway Safety and Motor Vehicles. A
3652 trainee must produce identification to the State Fire Marshal or
3653 his or her designated representative upon demand.

3654 (b) No more than two trainees shall be under the
3655 supervision of a single trainer, who shall be directly
3656 responsible for all work performed by any trainee while under
3657 his or her supervision. No trainee shall perform any work not
3658 within the scope of the license or permit held by the fire
3659 equipment dealer or permittee directly supervising his or her
3660 work.

3661 (6) The State Fire Marshal shall adopt rules providing for
3662 the approval of the time, place, and curriculum of each training
3663 course required by this section.

3664 (7) Every permittee must have a valid and subsisting
3665 permit upon his or her person at all times while engaging in the
3666 servicing, recharging, repairing, testing, inspecting, or
3667 installing of fire extinguishers and preengineered systems, and
3668 every licensee or permittee must be able to produce such license

3669 or permit upon demand. In addition, every permittee shall at all
3670 times carry an identification card containing his or her
3671 photograph and other identifying information as prescribed by
3672 the State Fire Marshal or the State Fire Marshal's designee,
3673 which shall be produced on demand. The State Fire Marshal shall
3674 supply this card at a fee which shall be related to the cost of
3675 producing the card.

3676 (8) The fees collected for any such licenses and permits
3677 and the filing fees for license and permit examination are
3678 hereby appropriated for the use of the State Fire Marshal in the
3679 administration of this chapter and shall be deposited in the
3680 Insurance Regulatory Trust Fund.

3681 (9) The provisions of this section ~~chapter~~ do not apply to
3682 inspections by fire chiefs, fire inspectors, fire marshals, or
3683 insurance company inspectors.

3684 (10) All fire extinguishers and preengineered systems that
3685 are required by statute or by rule must be serviced, recharged,
3686 repaired, hydrotested, tested, inspected, and installed in
3687 compliance with this chapter and with the rules adopted by the
3688 State Fire Marshal. The State Fire Marshal may adopt by rule the
3689 standards of the National Fire Protection Association and of
3690 other reputable national organizations.

3691 (11) If the licensee leaves the business organization or
3692 dies, the business organization shall immediately notify the
3693 State Fire Marshal of the licensee's departure, shall return the
3694 license to the State Fire Marshal, and shall have a grace period
3695 of 60 days in which to license another person under the
3696 provisions of this chapter, failing which the business shall no

3697 longer perform those activities for which a license under this
3698 section is required.

3699 Section 37. Section 633.065, Florida Statutes, is
3700 transferred and renumbered as section 633.306, Florida Statutes,
3701 and paragraph (a) of subsection (1) of that section is amended,
3702 to read:

3703 633.306 ~~633.065~~ Requirements for installation, inspection,
3704 and maintenance of fire suppression equipment.—

3705 (1) The requirements for installation of fire
3706 extinguishers and preengineered systems are as follows:

3707 (a) Fire equipment dealers shall be licensed under s.
3708 633.304 ~~633.061~~.

3709 (b) Equipment supplied shall be listed by a nationally
3710 recognized testing laboratory, such as Underwriters
3711 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
3712 Equipment supplied for new installations or alterations of
3713 existing systems must be currently listed as described in this
3714 section. The State Fire Marshal shall adopt by rule procedures
3715 for determining whether a laboratory is nationally recognized,
3716 taking into account the laboratory's facilities, procedures, use
3717 of nationally recognized standards, and any other criteria
3718 reasonably calculated to reach an informed determination.

3719 (c) Equipment shall be installed in accordance with the
3720 applicable standards of the National Fire Protection Association
3721 and the manufacturer's drawings and specifications.

3722 (d) Each piece of equipment supplied shall be guaranteed
3723 for a period of 1 year against defects in material or operation.

3724 (e) The fire equipment dealer shall furnish the consumer

3725 with: the manufacturer's descriptive literature, including the
3726 specifications and maintenance requirements as approved by the
3727 nationally recognized testing laboratory; the operating
3728 instructions for all equipment installed; the mechanical
3729 drawings and specifications for proper installation and use of
3730 equipment; and a diagram of the final installation, if
3731 applicable.

3732 (2) Equipment shall be inspected, serviced, and maintained
3733 in accordance with the manufacturer's maintenance procedures and
3734 with the applicable National Fire Protection Association
3735 standards.

3736 Section 38. Section 633.071, Florida Statutes, is
3737 transferred and renumbered as section 633.308, Florida Statutes,
3738 and subsection (2) of that section is amended, to read:

3739 633.308 ~~633.071~~ Standard service tag required on all fire
3740 extinguishers and preengineered systems; serial number required
3741 on all portable fire extinguishers; standard inspection tags
3742 required on all fire protection systems.—

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

3753 systems may be tagged only after a system has been inspected,
3754 serviced, installed, repaired, tested, recharged, and
3755 hydrotested in compliance with this chapter, the standards of
3756 the National Fire Protection Association, and the manufacturer's
3757 specifications, and after a report, as specified by rule, has
3758 been completed in detail, indicating any and all deficiencies or
3759 deviations from the manufacturer's specifications and the
3760 standards of the National Fire Protection Association. A copy of
3761 the inspection report shall be provided to the owner at the time
3762 of inspection, and, if a system is found to be in violation of
3763 this chapter, the manufacturer's specifications, or the
3764 standards of the National Fire Protection Association, a copy
3765 shall be forwarded to the state or local authority having
3766 jurisdiction within 30 days from the date of service. It shall
3767 be unlawful to place in service, service, test, repair, inspect,
3768 install, hydrotest, or recharge any fire extinguisher or
3769 preengineered system without attaching one of these tags
3770 completed in detail, including the actual month work was
3771 performed, or to use a tag not meeting the specifications set
3772 forth by the State Fire Marshal.

3773 (2) All portable fire extinguishers required by statute or
3774 by rule shall be listed by Underwriters Laboratories, Inc., or
3775 approved by Factory Mutual Laboratories, Inc., or listed by a
3776 nationally recognized testing laboratory in accordance with
3777 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and
3778 carry an Underwriters Laboratories, Inc., or manufacturer's
3779 serial number. These listings, approvals, and serial numbers may
3780 be stamped on the manufacturer's identification and instructions

3781 | plate or on a separate Underwriters Laboratories, Inc., or
3782 | Factory Mutual Laboratories, Inc., plate soldered or attached to
3783 | the extinguisher shell in some permanent manner.

3784 | (3) The State Fire Marshal shall adopt by rule
3785 | specifications as to the size, shape, color, information, and
3786 | data contained thereon of inspection tags to be attached to all
3787 | types of fire protection systems and information required on an
3788 | inspection report of such an inspection.

3789 | Section 39. Section 633.082, Florida Statutes, is
3790 | transferred and renumbered as section 633.312, Florida Statutes,
3791 | and subsections (2) and (3) of that section are amended, to
3792 | read:

3793 | 633.312 ~~633.082~~ Inspection of fire control systems, fire
3794 | hydrants, and fire protection systems.—

3795 | (1) The State Fire Marshal shall have the right to inspect
3796 | any fire control system during and after construction to
3797 | determine that such system meets the standards set forth in the
3798 | laws and rules of the state.

3799 | (2) Fire hydrants and fire protection systems installed in
3800 | public and private properties, except one-family or two-family
3801 | dwellings, shall be inspected following procedures established
3802 | in the nationally recognized inspection, testing, and
3803 | maintenance standards publications NFPA-24 and NFPA-25 as set
3804 | forth in the edition adopted by the State Fire Marshal.
3805 | Quarterly, annual, 3-year, and 5-year inspections consistent
3806 | with the contractual provisions with the owner shall be
3807 | conducted by the certificateholder or permittees employed by the
3808 | certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

3809 (a) Public fire hydrants owned by a governmental entity
 3810 shall be inspected following procedures established in the
 3811 inspection, testing, and maintenance standards adopted by the
 3812 State Fire Marshal or equivalent standards such as those
 3813 contained in the latest edition of the American Water Works
 3814 Association's Manual M17, "Installation, Field Testing, and
 3815 Maintenance of Fire Hydrants."

3816 (b) County, municipal, and special district utilities may
 3817 perform fire hydrant inspections required by this section using
 3818 designated employees. Such designated employees need not be
 3819 certified under this chapter. However, counties, municipalities,
 3820 or special districts that use designated employees are
 3821 responsible for ensuring that the designated employees are
 3822 qualified to perform such inspections.

3823 (3) The inspecting contractor shall provide to the
 3824 building owner or hydrant owner and the local authority having
 3825 jurisdiction a copy of the applicable inspection report
 3826 established under this chapter. The maintenance of fire hydrant
 3827 and fire protection systems as well as corrective actions on
 3828 deficient systems is the responsibility of the owner of the
 3829 system or hydrant. Equipment requiring periodic testing or
 3830 operation to ensure its maintenance shall be tested or operated
 3831 as specified in the Fire Prevention Code, Life Safety Code,
 3832 National Fire Protection Association standards, or as directed
 3833 by the appropriate authority ~~agency having jurisdiction,~~
 3834 provided that such appropriate authority ~~agency~~ shall not
 3835 require a sprinkler system not required by the Fire Prevention
 3836 Code, Life Safety Code, or National Fire Protection Association

3837 standards to be removed regardless of its condition. This
 3838 section does not prohibit governmental entities from inspecting
 3839 and enforcing firesafety codes.

3840 (4) At least once each year, each fire hydrant shall be
 3841 opened fully and the water allowed to flow until all foreign
 3842 materials have cleared the hydrant. The flow shall be maintained
 3843 for not less than 1 minute.

3844 (5) If a fire hydrant is made nonfunctional by the closing
 3845 of a water supply valve, the valve must immediately be tagged
 3846 with a red tag that is boldly marked "nonfunctional" and the
 3847 local fire authority notified that the hydrant is nonfunctional.

3848 Section 40. Section 633.083, Florida Statutes, is
 3849 transferred and renumbered as section 633.314, Florida Statutes,
 3850 and subsection (3) of that section is amended, to read:

3851 633.314 ~~633.083~~ Sale or use of certain types of fire
 3852 extinguishers prohibited; penalty.-

3853 (1)(a) It is unlawful to have for use any of the following
 3854 types of fire extinguishers:

- 3855 1. Carbon tetrachloride;
- 3856 2. Chlorobromomethane;
- 3857 3. Dibromodifluoromethane (commonly known as Halon 1202);
- 3858 4. Dichlorodifluoromethane;
- 3859 5. Azeotropic chloromethane;
- 3860 6. 1,2 dibromo-2-chloro-1, 1,2 trifluoroethane;
- 3861 7. 1,2 dibromo-2, 2-difluoroethane;
- 3862 8. Methyl bromide;
- 3863 9. Ethylene dibromide;
- 3864 10. Hydrogen bromide;

- 3865 | 11. Methylene bromide;
- 3866 | 12. Bromodifluoromethane;
- 3867 | 13. Any other toxic or poisonous vaporizing liquid fire
- 3868 | extinguishers using extinguishing agents determined by the State
- 3869 | Fire Marshal to be unacceptably harmful; and
- 3870 | 14. Inverting water fire extinguishers.

3871 | (b) It is unlawful to offer for sale, sell, or give in
 3872 | this state any of the types of fire extinguishers listed in
 3873 | paragraph (a).

3874 | (2) It is unlawful for any person, directly or through an
 3875 | agent, to sell, offer for sale, or give in this state any make,
 3876 | type, or model of fire extinguisher, either new or used, unless
 3877 | such make, type, or model of extinguisher has first been tested
 3878 | and is currently approved or listed by Underwriters
 3879 | Laboratories, Inc., Factory Mutual Laboratories, Inc., or
 3880 | another testing laboratory recognized by the State Fire Marshal
 3881 | as nationally recognized in accordance with procedures adopted
 3882 | by rule, taking into account the laboratory's facilities,
 3883 | procedures, use of nationally recognized standards, and any
 3884 | other criteria reasonably calculated to reach an informed
 3885 | determination, and unless such extinguisher carries an
 3886 | Underwriters Laboratories, Inc., or manufacturer's serial
 3887 | number. Such serial number shall be permanently stamped on the
 3888 | manufacturer's identification and instruction plate.

3889 | (3) A person who violates any of the provisions of this
 3890 | section commits ~~is guilty of~~ a misdemeanor of the second degree,
 3891 | punishable as provided in s. 775.082 or s. 775.083.

3892 | Section 41. Section 633.162, Florida Statutes, is

3893 transferred and renumbered as section 633.316, Florida Statutes,
 3894 and subsection (1) and paragraph (e) of subsection (4) of that
 3895 section are amended, to read:

3896 633.316 ~~633.162~~ Fire suppression system contractors;
 3897 disciplinary action.—

3898 (1) The violation of any provision of this chapter or any
 3899 rule adopted and promulgated pursuant hereto or the failure or
 3900 refusal to comply with any notice or order to correct a
 3901 violation or any cease and desist order by any person who
 3902 possesses a license or permit issued pursuant to s. 633.304
 3903 ~~633.061~~ is cause for denial, nonrenewal, revocation, or
 3904 suspension of such license or permit by the State Fire Marshal
 3905 after such officer has determined that the person is guilty of
 3906 such violation. An order of suspension shall state the period of
 3907 time of such suspension, which period may not be in excess of 2
 3908 years from the date of such order. An order of revocation may be
 3909 entered for a period not exceeding 5 years. Such orders shall
 3910 effect suspension or revocation of all licenses or permits
 3911 issued by the division to ~~then held by~~ the person, and during
 3912 such period of time no license or permit shall be issued by the
 3913 division to such person. During the suspension or revocation of
 3914 any license or permit, the former licensee or permittee shall
 3915 not engage in or attempt or profess to engage in any transaction
 3916 or business for which a license or permit is required under this
 3917 chapter or directly or indirectly own, control, or be employed
 3918 in any manner by any firm, business, or corporation for which a
 3919 license or permit under this chapter is required. If, during the
 3920 period between the beginning of proceedings and the entry of an

3921 order of suspension or revocation by the State Fire Marshal, a
3922 new license or permit has been issued by the division to the
3923 person so charged, the order of suspension or revocation shall
3924 operate to suspend or revoke such new license or permit held by
3925 such person.

3926 (2) The department shall not, so long as the revocation or
3927 suspension remains in effect, grant any new license or permit
3928 for the establishment of any new firm, business, or corporation
3929 of any person or qualifier that has or will have the same or
3930 similar management, ownership, control, employees, permittees,
3931 or licensees, or will use a same or similar name as a previously
3932 revoked or suspended firm, business, corporation, person, or
3933 qualifier.

3934 (3) The State Fire Marshal may deny, nonrenew, suspend, or
3935 revoke the license or permit of:

3936 (a) Any person, firm, or corporation the license of which
3937 under this chapter has been suspended or revoked;

3938 (b) Any firm or corporation if an officer, qualifier,
3939 director, stockholder, owner, or person interested directly or
3940 indirectly in the firm or corporation has had his or her license
3941 or permit under this chapter suspended or revoked; or

3942 (c) Any person who is or has been an officer, qualifier,
3943 director, stockholder, or owner of a firm or corporation, or who
3944 was interested directly or indirectly in a firm or corporation,
3945 the license or permit of which has been suspended or revoked
3946 under this chapter.

3947 (4) In addition to the grounds set forth in subsection
3948 (1), it is cause for denial, nonrenewal, revocation, or

3949 suspension of a license or permit by the State Fire Marshal if
3950 she or he determines that the licensee or permittee has:

3951 (a) Rendered inoperative a fire extinguisher or
3952 preengineered system required by statute or by rule, except
3953 during such time as the extinguisher or preengineered system is
3954 being inspected, serviced, repaired, hydrottested, or recharged,
3955 or except pursuant to court order.

3956 (b) Falsified any record required to be maintained by this
3957 chapter or rules adopted pursuant hereto.

3958 (c) Improperly serviced, recharged, repaired, hydrottested,
3959 tested, or inspected a fire extinguisher or preengineered
3960 system.

3961 (d) While holding a permit or license, allowed another
3962 person to use the permit number or license number, or used a
3963 license number or permit number other than her or his valid
3964 license number or permit number.

3965 (e) Failed to provide proof of insurance to the State Fire
3966 Marshal or failed to maintain in force the insurance coverage
3967 required by s. 633.304 ~~633.061~~.

3968 (f) Failed to obtain, retain, or maintain one or more of
3969 the qualifications for a license or permit as specified in this
3970 chapter.

3971 (g) Made a material misstatement or~~7~~ misrepresentation~~7~~ or
3972 committed a fraud in obtaining or attempting to obtain a license
3973 or permit.

3974 (h) Failed to notify the State Fire Marshal, in writing,
3975 within 30 days after a change of residence, principal business
3976 address, or name.

3977 (5) In addition, the department shall not issue a new
 3978 license or permit if it finds that the circumstance or
 3979 circumstances for which the license or permit was previously
 3980 revoked or suspended still exist or are likely to recur.

3981 Section 42. Section 633.521, Florida Statutes, is
 3982 transferred and renumbered as section 633.318, Florida Statutes,
 3983 and subsection (1), paragraph (a) of subsection (2), paragraphs
 3984 (c) and (g) of subsection (3), and subsections (4), (8), and
 3985 (11) of that section are amended, to read:

3986 633.318 ~~633.521~~ Certificate application and issuance;
 3987 permit issuance; examination and investigation of applicant.-

3988 (1) To obtain a fire protection system contractor's
 3989 certificate, an applicant shall submit to the division State
 3990 ~~Fire Marshal~~ an application in writing, on a form provided by
 3991 the division State ~~Fire Marshal~~ containing the information
 3992 prescribed, which shall be accompanied by the fee fixed herein,
 3993 containing a statement that the applicant desires the issuance
 3994 of a certificate and stating the class of certificate requested.

3995 (2) (a) Examinations shall be administered by the division
 3996 ~~State Fire Marshal~~ and held at times and places within the state
 3997 as the division State ~~Fire Marshal~~ determines, but there shall
 3998 be at least two examinations a year. Each applicant shall take
 3999 and pass an objective, written examination of her or his fitness
 4000 for a certificate in the class for which the application is
 4001 requested. There shall be a type of examination for each class
 4002 of certificate for contractors as ~~of the classes of certificates~~
 4003 defined in s. 633.102(3) ~~633.021(5)~~. The examination shall test
 4004 the applicant's ability to lay out, fabricate, install, alter,

4005 repair, and inspect fire protection systems and their
4006 appurtenances and shall test the applicant's fitness in business
4007 and financial management. The test shall be based on applicable
4008 standards of the National Fire Protection Association and on
4009 relevant Florida and federal laws pertaining to the construction
4010 industry, safety standards, administrative procedures, and
4011 pertinent technical data.

4012 (b) A passing grade on the examination is 70 percent, and
4013 such examinations may be developed by an independent
4014 professional testing agency. The tests shall be prepared,
4015 administered, and scored in compliance with generally accepted
4016 professional testing standards.

4017 (c) The division shall solicit suggestions from affected
4018 persons regarding the content of examinations.

4019 (d) A reexamination may not be scheduled sooner than 30
4020 days after any administration of an examination to an applicant.

4021 (e) An applicant may not be examined more than four times
4022 during 1 year for certification as a contractor pursuant to this
4023 section unless the person is or has been certified and is taking
4024 the examination to change classifications. If an applicant does
4025 not pass one or more parts of the examination, she or he may
4026 take any part of the examination three more times during the 1-
4027 year period beginning upon the date she or he originally filed
4028 an application to take the examination. If the applicant does
4029 not pass the examination within that 1-year period, she or he
4030 must file a new application and pay the application and
4031 examination fees in order to take the examination or a part of
4032 the examination again. However, the applicant may not file a new

4033 application sooner than 6 months after the date of her or his
4034 last examination. An applicant who passes the examination but
4035 does not meet the remaining qualifications as provided in
4036 applicable statutes and rules within 1 year after the
4037 application date must file a new application, pay the
4038 application and examination fee, successfully complete a
4039 prescribed training course approved by the State Fire College or
4040 an equivalent course approved by the State Fire Marshal, and
4041 retake and pass the written examination.

4042 (3) (a) As a prerequisite to taking the examination for
4043 certification as a Contractor I, the applicant must be at least
4044 18 years of age, be of good moral character, and possess 4
4045 years' proven experience in the employment of a fire protection
4046 system Contractor I or a combination of equivalent education and
4047 experience in both water-based and chemical fire suppression
4048 systems.

4049 (b) As a prerequisite to taking the examination for
4050 certification as a Contractor II, the applicant must be at least
4051 18 years of age, be of good moral character, and have 4 years of
4052 verifiable employment experience with a fire protection system
4053 as a Contractor I or Contractor II, or a combination of
4054 equivalent education and experience in water-based fire
4055 suppression systems.

4056 (c) Required education and experience for certification as
4057 a Contractor I, Contractor II, Contractor III, or Contractor IV
4058 includes training and experience in both installation and system
4059 layout as defined in s. 633.102 ~~633.021~~.

4060 (d) As a prerequisite to taking the examination for

4061 certification as a Contractor III, the applicant must be at
4062 least 18 years of age, be of good moral character, and have 4
4063 years of verifiable employment experience with a fire protection
4064 system as a Contractor I or Contractor II, or a combination of
4065 equivalent education and experience in chemical fire suppression
4066 systems.

4067 (e) As a prerequisite to taking the examination for
4068 certification as a Contractor IV, the applicant must be at least
4069 18 years old, be of good moral character, be licensed as a
4070 certified plumbing contractor under chapter 489, and
4071 successfully complete a training program acceptable to the State
4072 Fire Marshal of not less than 40 contact hours regarding the
4073 applicable installation standard used by the Contractor IV as
4074 described in NFPA 13D. The State Fire Marshal may adopt rules to
4075 administer this subsection.

4076 (f) As a prerequisite to taking the examination for
4077 certification as a Contractor V, the applicant must be at least
4078 18 years old, be of good moral character, and have been licensed
4079 as a certified underground utility and excavation contractor or
4080 certified plumbing contractor pursuant to chapter 489, have
4081 verification by an individual who is licensed as a certified
4082 utility contractor or certified plumbing contractor pursuant to
4083 chapter 489 that the applicant has 4 years' proven experience in
4084 the employ of a certified underground utility and excavation
4085 contractor or certified plumbing contractor, or have a
4086 combination of education and experience equivalent to 4 years'
4087 proven experience in the employ of a certified underground
4088 utility and excavation contractor or certified plumbing

4089 contractor.

4090 (g) Within 30 days after the date of the examination, the
4091 division ~~State Fire Marshal~~ shall inform the applicant in
4092 writing whether she or he has qualified or not and, if the
4093 applicant has qualified, that she or he is eligible ~~ready to be~~
4094 issued ~~issue~~ a certificate of competency, subject to compliance
4095 with the requirements of subsection (4).

4096 (4) As a prerequisite to issuance of a certificate, the
4097 division ~~State Fire Marshal~~ shall require the applicant to
4098 submit satisfactory evidence that she or he has obtained
4099 insurance providing coverage for comprehensive general liability
4100 for bodily injury and property damages, products liability,
4101 completed operations, and contractual liability. The division
4102 ~~State Fire Marshal~~ may adopt rules providing for the amount of
4103 insurance, but such amount shall not be less than \$500,000 for a
4104 Contractor I, Contractor II, Contractor III, or Contractor V and
4105 shall not be less than \$250,000 for a Contractor IV. An insurer
4106 that ~~which~~ provides such coverage shall notify ~~within 30 days~~
4107 the division ~~State Fire Marshal~~ of any material change in
4108 coverage or any termination, cancellation, or nonrenewal of such
4109 coverage within 30 days of the change in coverage or
4110 termination, cancellation, or nonrenewal of such coverage. An
4111 insurer that ~~which~~ fails to so notify the division ~~State Fire~~
4112 ~~Marshal's office~~ shall be subject to the penalties provided
4113 under s. 624.4211.

4114 (5) Upon satisfaction of the requirements of subsections
4115 (1), (2), (3), and (4), the certificate shall be issued
4116 forthwith. However, no certificate shall remain in effect if,

4117 after issuance, the certificateholder fails to maintain the
 4118 insurance coverage required by this section.

4119 (6) If an applicant for an original certificate, after
 4120 having been notified to do so, does not appear for examination
 4121 or does not pass the examination within 1 year from the date of
 4122 filing her or his application, the fee paid by the applicant
 4123 shall be forfeited. New applications for a certificate shall be
 4124 accompanied by another application fee fixed by this chapter.

4125 (7) The State Fire Marshal may, at any time subsequent to
 4126 the issuance of the certificate or its renewal, require, upon
 4127 demand and in no event more than 30 days after notice of the
 4128 demand, the certificateholder to provide proof of insurance
 4129 coverage on a form provided by the State Fire Marshal containing
 4130 confirmation of insurance coverage as required by this chapter.
 4131 Failure to provide proof of insurance coverage as required, for
 4132 any length of time, shall result in the immediate suspension of
 4133 the certificate until proof of insurance is provided to the
 4134 State Fire Marshal.

4135 (8) An individual employed by a Contractor I or Contractor
 4136 II certificateholder, as established in this section, who will
 4137 be inspecting water-based fire protection systems as required
 4138 under s. 633.312 ~~633.082~~, must be issued a permit by the
 4139 division ~~State Fire Marshal~~ to conduct such work. The permit is
 4140 valid solely for use by the holder thereof in his or her
 4141 employment by the certificateholder named in the permit. A
 4142 permittee must have a valid and subsisting permit upon his or
 4143 her person at all times while engaging in inspecting fire
 4144 protection systems, and a permitholder must be able to produce

4145 such a permit upon demand. In addition, a permittee shall, at
4146 all times while performing inspections, carry an identification
4147 card containing his or her photograph and other identifying
4148 information as prescribed by the State Fire Marshal, and the
4149 permittee must produce the identification card and information
4150 upon demand. The permit and the identification may be one and
4151 the same. A permittee is limited as to the specific type of work
4152 performed, depending upon the class of certificate held by the
4153 certificateholder under whom the permittee is working. The
4154 permit class shall be known as a Water-Based Fire Protection
4155 Inspector whose permit allows the holder to inspect water
4156 sprinkler systems, water spray systems, foam-water sprinkler
4157 systems, foam-water spray systems, standpipes, combination
4158 standpipes and sprinkler systems, all piping that is an integral
4159 part of the system beginning at the point where the piping is
4160 used exclusively for fire protection, sprinkler tank heaters,
4161 air lines, thermal systems used in connection with sprinklers,
4162 and tanks and pumps connected thereto, excluding preengineered
4163 systems.

4164 (9) It is the intent of the Legislature that the
4165 inspections and testing of automatic fire sprinkler systems for
4166 detached one-family dwellings, detached two-family dwellings,
4167 and mobile homes be accomplished by the owner, who is
4168 responsible for requesting service from a contractor when
4169 necessary. It is further intended that the NFPA-25 inspection of
4170 exposed underground piping and any attached appurtenances
4171 supplying a fire protection system be conducted by a Contractor
4172 I or Contractor II.

4173 (10) The State Fire Marshal shall require the National
4174 Institute of Certification in Engineering Technologies (NICET),
4175 Sub-field of Inspection and Testing of Fire Protection Systems
4176 Level II or equivalent training and education as determined by
4177 the division as proof that the permitholders are knowledgeable
4178 about nationally accepted standards for the inspection of fire
4179 protection systems.

4180 (11) It is intended that a certificateholder, or a
4181 permitholder who is employed by a certificateholder, conduct
4182 inspections required by this chapter. It is understood that
4183 after July 1, 2008, employee turnover may result in a depletion
4184 of personnel who are certified under the NICET Sub-field of
4185 Inspection and Testing of Fire Protection Systems Level II or
4186 equivalent training and education as required by the division ~~of~~
4187 ~~State Fire Marshal~~. A certificateholder may obtain a provisional
4188 permit with an endorsement for inspection, testing, and
4189 maintenance of water-based fire extinguishing systems for an
4190 employee if the employee has initiated procedures for obtaining
4191 Level II certification from the National Institute for
4192 Certification in Engineering Technologies Sub-field of
4193 Inspection and Testing of Fire Protection Systems and achieved
4194 Level I certification or an equivalent level as determined by
4195 the State Fire Marshal through verification of experience,
4196 training, and examination. The division ~~State Fire Marshal~~ may
4197 establish rules to administer this subsection. After 2 years of
4198 provisional certification, the employee must have achieved NICET
4199 Level II certification or obtain equivalent training and
4200 education as determined by the division, or cease performing

4201 inspections requiring Level II certification. The provisional
 4202 permit is valid only for the 2 calendar years after the date of
 4203 issuance, may not be extended, and is not renewable. After the
 4204 initial 2-year provisional permit expires, the certificateholder
 4205 must wait 2 additional years before a new provisional permit may
 4206 be issued. The intent is to prohibit the certificateholder from
 4207 using employees who never reach NICET Level II status, or
 4208 equivalent training and education as determined by the division,
 4209 by continuously obtaining provisional permits.

4210 Section 43. Section 633.551, Florida Statutes, is
 4211 transferred and renumbered as section 633.322, Florida Statutes,
 4212 and subsections (1), (2), and (3) of that section are amended,
 4213 to read:

4214 633.322 ~~633.551~~ County and municipal powers; effect of ch.
 4215 75-240.—

4216 (1) Nothing in this chapter ~~act~~ limits the power of a
 4217 municipality, ~~or county,~~ or special district to regulate the
 4218 quality and character of work performed by contractors through a
 4219 system of permits, fees, and inspections which are designed to
 4220 secure compliance with, and aid in the implementation of, state
 4221 and local building laws or to enforce other local laws for the
 4222 protection of the public health and safety.

4223 (2) Nothing in this chapter ~~act~~ limits the power of a
 4224 municipality, ~~or county,~~ or special district to adopt any system
 4225 of permits requiring submission to and approval by the
 4226 municipality, ~~or county,~~ or special district of plans and
 4227 specifications for work to be performed by contractors before
 4228 commencement of the work, except that no municipality or county

4229 shall require a fire protection system contractor's shop
4230 drawings to be sealed by a professional engineer.

4231 (3) Any official authorized to issue building or other
4232 related permits shall ascertain that the applicant contractor is
4233 duly certified before issuing the permit. The evidence shall
4234 consist only of the exhibition to him or her of ~~current~~ evidence
4235 of current certification.

4236 (4) The State Fire Marshal shall inform each county and
4237 municipal building department, prior to November 1 of each year,
4238 of the names of the certified contractors and the type of
4239 certificate held.

4240 Section 44. Section 633.527, Florida Statutes, is
4241 transferred and renumbered as section 633.324, Florida Statutes.

4242 Section 45. Section 633.531, Florida Statutes, is
4243 transferred and renumbered as section 633.326, Florida Statutes.

4244 Section 46. Section 633.534, Florida Statutes, is
4245 transferred and renumbered as section 633.328, Florida Statutes,
4246 and subsection (4) of that section is amended, to read:

4247 633.328 ~~633.534~~ Issuance of certificate to individuals and
4248 business organizations.—

4249 (1) When an individual proposes to do business in her or
4250 his own name, certifications, when granted, shall be issued only
4251 to that individual.

4252 (2) If the applicant proposing to engage in contracting is
4253 a business organization, such as a partnership, corporation,
4254 business trust, or other legal entity, the application shall
4255 state the name of the partnership and its partners, the name of
4256 the corporation and its officers and directors, the name of the

4257 business trust and its trustees, or the name of such other legal
4258 entity and its members and shall furnish evidence of statutory
4259 compliance if a fictitious name is used. Such application shall
4260 also show that the person applying for the examination is an
4261 employee of and is legally qualified to act for the business
4262 organization in all matters connected with its contracting
4263 business and that she or he has authority to supervise and will
4264 supervise any construction undertaken by such business
4265 organization. The certification, when issued upon application of
4266 a business organization, shall be in the name of such business
4267 organization, and the name of the qualifying individual or
4268 individuals shall be noted thereon.

4269 (3) (a) At least one member or supervising employee of the
4270 business organization as designated to the State Fire Marshal by
4271 such organization shall be certified under this chapter in order
4272 for the business organization to hold a current certificate as a
4273 contractor. If any individual so certified on behalf of such
4274 business organization ceases to be affiliated with such business
4275 organization, she or he shall inform the State Fire Marshal as
4276 provided in paragraph (b). A certified individual who is the
4277 sole contractor on behalf of a business organization may not
4278 affiliate simultaneously with another business organization. In
4279 addition, if such individual was the only certified individual
4280 affiliated with the business organization, the business
4281 organization shall immediately notify the State Fire Marshal of
4282 the individual's termination and shall have a grace period of 60
4283 days from the date of termination in which to certify another
4284 person under the provisions of this chapter, failing which the

4285 certification of the business organization shall expire without
4286 further operation of law.

4287 (b) The certified individual shall also inform the State
4288 Fire Marshal in writing when she or he proposes to engage in
4289 contracting in her or his own name or to affiliate with another
4290 business organization, and she or he or such new business
4291 organization shall supply the same information to the State Fire
4292 Marshal as is required of applicants under this chapter. Each
4293 certified individual must pay to the department an amount equal
4294 to the original fee for certification of a new business entity.

4295 (c) In the event of the death of a sole proprietor or in
4296 the event that a business organization has only one
4297 certificateholder and that person dies, the individual's estate
4298 or personal representative or the business organization, as the
4299 case may be, shall immediately notify the State Fire Marshal of
4300 the individual's death and shall have a grace period of 60 days
4301 from the date of death in which to certify another person under
4302 the provisions of this chapter, failing which the certification
4303 of the business organization shall expire without further
4304 operation of law.

4305 (4) When the certified business organization makes
4306 application for an occupational license in any municipality or
4307 county of this state, the application shall be made with the tax
4308 collector in the name of the business organization, and the
4309 license, when issued, shall be issued to the business
4310 organization upon payment of the appropriate licensing fee and
4311 exhibition to the tax collector of a valid certificate issued by
4312 the division ~~State Fire Marshal~~.

4313 Section 47. Section 633.537, Florida Statutes, is
 4314 transferred and renumbered as section 633.332, Florida Statutes,
 4315 and subsections (1) and (2) and paragraph (a) of subsection (3)
 4316 are amended, to read:

4317 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive
 4318 certificate; continuing education.—

4319 (1) Certificates shall expire every 2 years at midnight on
 4320 June 30. ~~Effective with the June 30, 1998, renewal,~~ All
 4321 certificates must be renewed every 2 years. The failure to renew
 4322 a certificate before ~~during~~ June 30, shall cause the certificate
 4323 to become inoperative, and it is unlawful thereafter for any
 4324 person to engage, offer to engage, or hold herself or himself
 4325 out as engaging in contracting under the certificate unless the
 4326 certificate is restored or reissued. A certificate which is
 4327 inoperative because of failure to renew shall be restored on
 4328 payment of the proper renewal fee if the application for
 4329 restoration is made within 90 days after June 30. If the
 4330 application for restoration is not made within the 90-day
 4331 period, the fee for restoration shall be equal to the original
 4332 application fee, and, in addition, the State Fire Marshal shall
 4333 require examination or reexamination of the applicant.

4334 (2) A person who holds a valid certificate may maintain
 4335 such certificate in an inactive status during which time she or
 4336 he may not engage in contracting. An inactive status certificate
 4337 shall be void after a 2-year period. ~~The biennial renewal fee~~
 4338 ~~for an inactive status certificate shall be \$75.~~ An inactive
 4339 status certificate may be reactivated upon application to the
 4340 State Fire Marshal and payment of the initial application fee.

4341 (3) (a) A certificate for the Contractor I, II, and III
4342 classifications as defined in this chapter shall not be renewed
4343 unless the certificateholder produces documentation of at least
4344 32 contact hours of continuing education in the fire protection
4345 discipline during the biennial licensure period. Holders of
4346 Contractor IV certificates are required to obtain 14 contact
4347 hours of continuing education encompassing the appropriate
4348 National Fire Protection Association fire sprinkler documents
4349 prior to renewal. Holders of Contractor V certificates are
4350 required to obtain 14 contact hours of continuing education
4351 prior to renewal, at least 1 hour of which is in the fire
4352 protection discipline. Any continuing education hours approved
4353 pursuant to chapter 489 by the Construction Industry Licensing
4354 Board for underground utility and excavation contractors shall
4355 be considered as also approved to comply with Contractor V
4356 continuing education requirements. A Contractor V
4357 certificateholder shall provide to the State Fire Marshal
4358 evidence of approval of such coursework by the Construction
4359 Industry Licensing Board.

4360 (b) Any continuing education hours approved by the
4361 department for a Contractor I, Contractor II, Contractor III,
4362 Contractor IV, or Contractor V certificateholder shall be
4363 considered as also approved to comply with continuing education
4364 requirements for licensees under the Construction Industry
4365 Licensing Board. Such continuing education requirements under
4366 this section may include seminars and conferences if the program
4367 and subject thereof is acceptable to the State Fire Marshal.

4368 (c) The contact hours of continuing education must be

4369 | obtained within the licensure period.

4370 | (4) The renewal period for the permit class is the same as
4371 | that for the employing certificateholder. The continuing
4372 | education requirements for permitholders are what is required to
4373 | maintain NICET Sub-field of Inspection and Testing of Fire
4374 | Protection Systems Level II, equivalent training and education
4375 | as determined by the division, or higher certification plus 8
4376 | contact hours of continuing education approved by the State Fire
4377 | Marshal during each biennial renewal period thereafter. It is
4378 | the responsibility of the permitholder to maintain NICET II
4379 | certification or equivalent training and education as determined
4380 | by the division as a condition of permit renewal after July 1,
4381 | 2008.

4382 | Section 48. Section 633.539, Florida Statutes, is
4383 | transferred and renumbered as section 633.334, Florida Statutes,
4384 | and paragraph (a) of subsection (1), subsection (2), and
4385 | subsection (4) of that section are amended, to read:

4386 | 633.334 ~~633.539~~ Requirements for installation, inspection,
4387 | and maintenance of fire protection systems.—

4388 | (1) The requirements for installation of fire protection
4389 | systems are as follows:

4390 | (a) Contractors of fire protection systems shall be
4391 | certified under s. 633.318 ~~633.521~~.

4392 | (b) Equipment shall be listed by a nationally recognized
4393 | testing laboratory, such as Underwriters Laboratories, Inc., or
4394 | Factory Mutual Laboratories, Inc., or shall comply with
4395 | nationally accepted standards. The State Fire Marshal shall
4396 | adopt by rule procedures for determining whether a laboratory is

4397 nationally recognized, taking into account the laboratory's
4398 facilities, procedures, use of nationally recognized standards,
4399 and any other criteria reasonably calculated to reach an
4400 informed determination.

4401 (c) Equipment shall be installed in accordance with the
4402 applicable standards of the National Fire Protection Association
4403 and the manufacturer's specifications.

4404 (d) Each piece of equipment supplied shall be guaranteed
4405 for a period of 1 year against defects in material or
4406 operations.

4407 (e) The contractor shall furnish the user with operating
4408 instructions for all equipment installed, together with a
4409 diagram of the final installation.

4410 (2) Equipment shall be inspected, serviced, and maintained
4411 in accordance with the manufacturer's maintenance procedures and
4412 with applicable National Fire Protection Association standards.
4413 The inspection of fire protection systems shall be conducted by
4414 a certificateholder or holder of a permit issued by the division
4415 ~~State Fire Marshal~~. The permitholder may perform inspections on
4416 fire protection systems only while employed by the
4417 certificateholder. This section does not prohibit the authority
4418 having jurisdiction or insurance company representatives from
4419 reviewing the system in accordance with acceptable oversight
4420 standards.

4421 (3) For contracts written after June 30, 2005, the
4422 contractor who installs the underground piping from the point of
4423 service is responsible for completing the installation to the
4424 aboveground connection flange, which by definition in this

4425 chapter is no more than 1 foot above the finished floor, before
4426 completing the Contractor's Material and Test Certificate for
4427 Underground Piping document. Aboveground contractors may not
4428 complete the Contractor's Material and Test Certificate for
4429 Underground Piping document for underground piping or portions
4430 thereof which have been installed by others.

4431 (4) The Contractor V may install the cross-connection
4432 backflow prevention device as defined in this chapter on new
4433 installations following the engineer of record's direction on
4434 type and size of the device. The retrofitting of a backflow
4435 device on an existing fire protection system will cause a
4436 reduction in available water pressure and probable system
4437 malfunction. The development of aboveground fire protection
4438 system hydraulic calculations is a task of the Contractor I and
4439 II, as defined in this chapter. Accordingly, a Contractor V is
4440 expressly prohibited from retrofitting cross-connection backflow
4441 prevention devices on an existing fire protection system, and
4442 only a Contractor I or Contractor II who is tasked to
4443 recalculate the system and take corrective actions to ensure
4444 that the system will function with the available water supply
4445 may retroactively install these backflow devices on existing
4446 fire protection systems.

4447 Section 49. Section 633.541, Florida Statutes, is
4448 transferred and renumbered as section 633.336, Florida Statutes,
4449 and subsections (1), (3), and (4) of that section are amended,
4450 to read:

4451 633.336 ~~633.541~~ Contracting without certificate
4452 prohibited; violations; penalty.-

4453 (1) It is unlawful for any organization or individual to
4454 engage in the business of layout, fabrication, installation,
4455 inspection, alteration, repair, or service of a fire protection
4456 system, other than a preengineered system, act in the capacity
4457 of a fire protection contractor, or advertise itself as being a
4458 fire protection contractor without having been duly certified
4459 and holding a valid and existing certificate, except as
4460 hereinafter provided. The holder of a certificate used to
4461 qualify an organization must be a full-time employee of the
4462 qualified organization or business. A certificateholder who is
4463 employed by more than one fire protection contractor during the
4464 same period of time is deemed not to be a full-time employee of
4465 either contractor. The State Fire Marshal shall revoke, for a
4466 period of time determined by the State Fire Marshal, the
4467 certificate of a certificateholder who allows the use of the
4468 certificate to qualify a company of which the certificateholder
4469 is not a full-time employee. A contractor who maintains more
4470 than one place of business must employ a certificateholder at
4471 each location. Nothing in this subsection prohibits an employee
4472 acting on behalf of governmental entities from inspecting and
4473 enforcing firesafety codes, provided such employee is certified
4474 under s. 633.216 ~~633.081~~.

4475 (2) A fire protection contractor certified under this
4476 chapter may not:

4477 (a) Enter into a written or oral agreement to authorize,
4478 or otherwise knowingly allow, a contractor who is not certified
4479 under this chapter to engage in the business of, or act in the
4480 capacity of, a fire protection contractor.

4481 (b) Apply for or obtain a construction permit for fire
 4482 protection work unless the fire protection contractor or the
 4483 business organization qualified by the fire protection
 4484 contractor has contracted to conduct the work specified in the
 4485 application for the permit.

4486 (3) Any person who violates any provision of this act or
 4487 commits any of the acts constituting cause for disciplinary
 4488 action as herein set forth commits ~~is guilty of~~ a misdemeanor of
 4489 the second degree, punishable as provided in s. 775.082 or s.
 4490 775.083.

4491 (4) In addition to the penalties provided in subsection
 4492 (3), a fire protection contractor certified under this chapter
 4493 who violates any provision of this section or who commits any
 4494 act constituting cause for disciplinary action is subject to
 4495 suspension or revocation of the certificate and administrative
 4496 fines pursuant to s. 633.338 ~~633.547~~.

4497 Section 50. Section 633.547, Florida Statutes, is
 4498 transferred and renumbered as section 633.338, Florida Statutes,
 4499 and paragraphs (d) and (h) of subsection (2) and subsections (3)
 4500 and (4) of that section are amended, to read:

4501 633.338 ~~633.547~~ Disciplinary action; fire protection
 4502 system contractors; grounds for denial, nonrenewal, suspension,
 4503 or revocation of certificate or permit.—

4504 (1) The State Fire Marshal shall investigate the alleged
 4505 illegal action of any fire protection system contractor or
 4506 permittee certified under this chapter and hold hearings
 4507 pursuant to chapter 120.

4508 (2) The following acts constitute cause for disciplinary

4509 action:

4510 (a) Violation of any provision of this chapter or of any

4511 rule adopted pursuant thereto.

4512 (b) Violation of the applicable building codes or laws of

4513 this state or any municipality or county thereof.

4514 (c) Diversion of funds or property received for

4515 prosecution or completion of a specified construction project or

4516 operation when, as a result of the diversion, the contractor is,

4517 or will be, unable to fulfill the terms of her or his obligation

4518 or contract.

4519 (d) Disciplinary action by any municipality, ~~or~~ county, or

4520 special district, which action shall be reviewed by the State

4521 Fire Marshal before taking any disciplinary action.

4522 (e) Failure to supervise the installation of the fire

4523 protection system covered by the building permit signed by the

4524 contractor.

4525 (f) Rendering a fire protection system, standpipe system,

4526 or underground water supply main connecting to the system

4527 inoperative except when the fire protection system, standpipe

4528 system, or underground water supply main is being inspected,

4529 serviced, tested, or repaired, or except pursuant to court

4530 order.

4531 (g) Improperly servicing, repairing, testing, or

4532 inspecting a fire protection, standpipe system, or underground

4533 water supply main connecting to the system.

4534 (h) Failing to provide proof of insurance to the State

4535 Fire Marshal or failing to maintain in force the insurance

4536 coverage required by s. 633.318 ~~633.521~~.

4537 (i) Failing to obtain, retain, or maintain one or more of
4538 the qualifications for a certificate as specified in this
4539 chapter.

4540 (j) Making a material misstatement, misrepresentation, or
4541 committing a fraud in obtaining or attempting to obtain a
4542 certificate.

4543 (k) Failing to notify the State Fire Marshal, in writing,
4544 within 30 days after a change of residence address, principal
4545 business address, or name.

4546 (3) The State Fire Marshal ~~is authorized to take the~~
4547 ~~following disciplinary action:~~

4548 ~~(a) She or he may suspend the contractor's certificate~~
4549 ~~certificateholder for a period not to exceed 2 years. During~~
4550 ~~that period, the contractor must cease all operations as a~~
4551 ~~contractor, but the State Fire Marshal may authorize the~~
4552 ~~certificateholder from all operations as a contractor during the~~
4553 ~~period fixed by the State Fire Marshal, but she or he may permit~~
4554 ~~the certificateholder to complete any contracts then incomplete.~~

4555 ~~(b) She or he may revoke a certificate for a period not to~~
4556 ~~exceed 5 years.~~

4557 (4) During the suspension or revocation of the
4558 certificate, the former certificateholder shall not engage in or
4559 attempt ~~to profess~~ to engage in any transaction or business for
4560 which a certificate is required under this chapter or directly
4561 or indirectly own, control, or be employed in any manner by any
4562 firm or corporation for which a certificate under this chapter
4563 is required. The department shall not, so long as the revocation
4564 or suspension remains in effect, grant any new certificate for

4565 the establishment of any new firm, business, or corporation of
4566 any person that has or will have the same or similar management,
4567 ownership, control, or employees or that will use a same or
4568 similar name as a previously revoked or suspended firm,
4569 business, or corporation.

4570 (5) The State Fire Marshal may deny, suspend, or revoke
4571 the certificate of:

4572 (a) Any person, firm, or corporation the certificate of
4573 which under this chapter has been suspended or revoked.

4574 (b) Any firm or corporation if an officer, director,
4575 stockholder, owner, or person interested directly or indirectly
4576 has had his or her certificate under this chapter suspended or
4577 revoked.

4578 (c) Any person who is or has been an officer, director,
4579 stockholder, or owner of a firm or corporation, or who was
4580 interested directly or indirectly in a corporation, the
4581 certificate of which has been suspended or revoked under this
4582 chapter.

4583 (6) The lapse or suspension of a certificate by operation
4584 of law or by order of the State Fire Marshal or a court or its
4585 voluntary surrender by a certificateholder does not deprive the
4586 State Fire Marshal of jurisdiction to investigate or act in
4587 disciplinary proceedings against the certificateholder.

4588 (7) The filing of a petition in bankruptcy, either
4589 voluntary or involuntary, or the making of a composition of
4590 creditors or the appointment of a receiver for the business of
4591 the certificateholder may be considered by the State Fire
4592 Marshal as just cause for suspension of a certificate.

4593 Section 51. Section 633.549, Florida Statutes, is
 4594 transferred and renumbered as section 633.342, Florida Statutes,
 4595 and amended to read:

4596 633.342 ~~633.549~~ Violations subject to injunction.—Any
 4597 person who operates as a contractor without a current
 4598 certificate or who violates any part of this chapter or any
 4599 rule, decision, order, direction, demand, or requirement of the
 4600 State Fire Marshal in relation thereto, or any part or provision
 4601 thereof, may be enjoined by the courts of the state from any
 4602 such violation or such unauthorized or unlawful contracting at
 4603 the request ~~instance~~ of the State Fire Marshal, the board, or
 4604 any citizen or taxpayer of the state.

4605 Section 52. Section 633.554, Florida Statutes, is
 4606 transferred and renumbered as section 633.344, Florida Statutes.

4607 Section 53. Section 633.70, Florida Statutes, is
 4608 transferred and renumbered as section 633.346, Florida Statutes,
 4609 and subsection (1) of that section is amended, to read:

4610 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over
 4611 alarm system contractors and certified unlimited electrical
 4612 contractors.—

4613 (1) When the State Fire Marshal, in the course of its
 4614 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that
 4615 an alarm system contractor or a certified unlimited electrical
 4616 contractor working with an alarm system has violated any
 4617 provision of this chapter or the rules of the State Fire
 4618 Marshal, the State Fire Marshal shall have jurisdiction,
 4619 notwithstanding any other provision of this chapter, to order
 4620 corrective action by the alarm system contractor or the

4621 certified unlimited electrical contractor to bring the alarm
 4622 system into compliance with applicable standards set forth in
 4623 this chapter and the rules of the State Fire Marshal.

4624 (2) Any order issued by the State Fire Marshal shall
 4625 comply with the provisions of chapter 120 and allow a reasonable
 4626 time for corrective action to be completed.

4627 (3) The Department of Business and Professional Regulation
 4628 and the Electrical Contractors' Licensing Board may participate,
 4629 at their discretion, but not as a party, in any proceedings
 4630 relating to corrective action.

4631 (4) The State Fire Marshal shall adopt standards, by rule,
 4632 for the installation, maintenance, alteration, repair,
 4633 monitoring, inspection, replacement, or servicing of fire alarms
 4634 and fire alarm systems.

4635 Section 54. Section 633.701, Florida Statutes, is
 4636 transferred and renumbered as section 633.348, Florida Statutes.

4637 Section 55. Section 633.702, Florida Statutes, is
 4638 transferred and renumbered as section 633.3482, Florida
 4639 Statutes, and subsection (2) and paragraph (c) of subsection (3)
 4640 of that section are amended, to read:

4641 633.3482 ~~633.702~~ Prohibited acts regarding alarm system
 4642 contractors or certified unlimited electrical contractors;
 4643 penalties.—

4644 (1) It shall be unlawful for any person, directly or
 4645 through an agent, to sell, offer for sale, or give any make,
 4646 type, or model of fire alarm system, either new or used, unless
 4647 such make, type, or model has been tested and is currently
 4648 approved or listed by a nationally recognized testing

4649 laboratory.

4650 (2) Any person who violates this section commits ~~is guilty~~
 4651 ~~of~~ a misdemeanor of the second degree, punishable as provided in
 4652 s. 775.082 or s. 775.083.

4653 (3) It is a misdemeanor of the first degree, punishable as
 4654 provided in s. 775.082 or s. 775.083, for any fire alarm system
 4655 contractor or certified unlimited electrical contractor to
 4656 intentionally or willfully:

4657 (a) Render inoperative any fire alarm system which is
 4658 required by the State Fire Marshal's rules, except when the
 4659 system is being serviced, tested, repaired, inspected, or
 4660 improved.

4661 (b) Improperly install, service, test, repair, improve, or
 4662 inspect a fire alarm system.

4663 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~
 4664 with any person by allowing one's certificate to be used by any
 4665 uncertified person with intent to evade the provisions of this
 4666 act. When a licensee allows his or her license to be used by one
 4667 or more companies without having any active participation in the
 4668 operation or management of said companies, such act constitutes
 4669 prima facie evidence of any intent to evade the provisions of
 4670 this chapter ~~act~~.

4671 (4) It is a misdemeanor of the first degree, punishable as
 4672 provided in s. 775.082 or s. 775.083, for any person to
 4673 intentionally or willfully install, service, test, repair,
 4674 improve, or inspect a fire alarm system unless:

4675 (a) The person is the holder of a valid and current active
 4676 license as a certified unlimited electrical contractor, as

4677 defined in part II of chapter 489;

4678 (b) The person is the holder of a valid and current active
 4679 license as a licensed fire alarm contractor, as defined in part
 4680 II of chapter 489;

4681 (c) The person is authorized to act as a fire alarm system
 4682 agent pursuant to s. 489.5185; or

4683 (d) The person is exempt pursuant to s. 489.503.

4684 Section 56. Part IV of chapter 633, Florida Statutes,
 4685 consisting of sections 633.402, 633.404, 633.406, 633.408,
 4686 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
 4687 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,
 4688 and 633.446, is created and entitled "Fire Standards and
 4689 Training."

4690 Section 57. Section 633.31, Florida Statutes, is
 4691 transferred and renumbered as subsections (1), (2), (3), and (4)
 4692 of section 633.402, Florida Statutes, and subsection (1) of that
 4693 section is amended, section 633.32, Florida Statutes, is
 4694 transferred and renumbered as subsections (5), (6), (7), and (8)
 4695 of that section, and section 633.33, Florida Statutes, is
 4696 transferred and renumbered as subsection (9) of that section and
 4697 amended, to read:

4698 633.402 ~~633.31~~ Firefighters Employment, Standards, and
 4699 Training Council.—

4700 (1) There is created within the department a Firefighters
 4701 Employment, Standards, and Training Council of 13 members.

4702 (a) The members shall be appointed as follows:

4703 1. ~~Two members shall be~~ fire chiefs appointed by the
 4704 Florida Fire Chiefs Association.

4705 2. Two ~~members shall be~~ firefighters, who are not
4706 officers, appointed by the Florida Professional Firefighters
4707 Association.

4708 3. Two ~~members shall be~~ firefighter officers, who are not
4709 fire chiefs, appointed by the State Fire Marshal.

4710 4. One individual member appointed by the Florida League
4711 of Cities.

4712 5. One individual member appointed by the Florida
4713 Association of Counties.

4714 6. One individual member appointed by the Florida
4715 Association of Special Districts.

4716 7. One individual member appointed by the Florida Fire
4717 Marshals' and Inspectors' ~~Marshal's~~ Association, and

4718 8. One employee of the Florida Forest Service of the
4719 Department of Agriculture and Consumer Services appointed by the
4720 director of the Florida Forest Service.

4721 9. One individual member appointed by the State Fire
4722 Marshal, and

4723 10. One ~~member shall be~~ a director or instructor of a
4724 state-certified firefighting training facility appointed by the
4725 State Fire Marshal.

4726 (b) To be eligible for appointment as a member under
4727 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
4728 8., or subparagraph 10. fire chief member, firefighter officer
4729 member, firefighter member, or a director or instructor of a
4730 state-certified firefighting facility, a person must shall have
4731 had at least 4 years' experience in the firefighting profession.
4732 The remaining member, who shall be appointed by the State Fire

4733 Marshal, shall not be a member or representative of the
 4734 firefighting profession or of any local government. Members
 4735 shall serve only as long as they continue to meet the criteria
 4736 under which they were appointed, or unless a member has failed
 4737 to appear at three consecutive and properly noticed meetings
 4738 unless excused by the chair.

4739 (2) Members shall be appointed for 4-year terms and in no
 4740 event shall a member serve more than two consecutive terms. Any
 4741 vacancy shall be filled in the manner of the original
 4742 appointment for the remaining time of the term.

4743 (3) The State Fire Marshal, in making her or his
 4744 appointments, shall take into consideration representation by
 4745 geography, population, and other relevant factors, in order that
 4746 the membership on the council will be apportioned to give
 4747 representation to the state at large rather than to a particular
 4748 area.

4749 (4) Membership on the council shall not disqualify a
 4750 member from holding any other public office or being employed by
 4751 a public entity, except that no member of the Legislature shall
 4752 serve on the council.

4753 ~~633.32 Organization; meetings; quorum; compensation;~~
 4754 ~~seal.~~

4755 (5)~~(1)~~ The council shall elect to 1-year terms a chair and
 4756 a vice chair. No person shall serve more than two consecutive
 4757 terms in either office.

4758 (6)~~(2)~~ The council shall meet at the call of the chair, at
 4759 the request of a majority of its membership, at the request of
 4760 the department, or at such times as may be prescribed by its

4761 rules, and a majority of the council shall constitute a quorum.

4762 (7)~~(3)~~ Members of the council shall serve without
 4763 compensation but shall be entitled to be reimbursed for per diem
 4764 and travel expenses as provided by s. 112.061.

4765 (8)~~(4)~~ The council may adopt a seal for its use containing
 4766 the words "Firefighters Employment, Standards, and Training
 4767 Council."

4768 ~~633.33 Special powers; firefighter training.~~

4769 (9) The council shall have special powers in connection
 4770 with the employment and training of firefighters to:

4771 (a)~~(1)~~ Recommend, for adoption by the division, uniform
 4772 minimum standards for the employment and training of
 4773 firefighters and training of volunteer firefighters.

4774 (b)~~(2)~~ Recommend, for adoption by the division, minimum
 4775 curriculum requirements for schools operated by or for any fire
 4776 service provider ~~employing agency~~ for the specific purpose of
 4777 training firefighter trainees, recruits or firefighters, and
 4778 volunteer firefighters.

4779 (c)~~(3)~~ Recommend, for adoption by the division, on matters
 4780 relating to the funding, general operation, and administration
 4781 of the Bureau of Fire Standards and Training (Florida State Fire
 4782 College), including, but not limited to, all standards,
 4783 training, curriculum, and the issuance of any certificate of
 4784 competency required by this chapter.

4785 ~~(4) Consult and cooperate with any employing agency,~~
 4786 ~~university, college, community college, the Florida State Fire~~
 4787 ~~College, or other educational institution concerning the~~
 4788 ~~employment and safety of firefighters, including, but not~~

4789 ~~limited to, the safety of firefighters while at the scene of a~~
 4790 ~~fire or the scene of an incident related to the provision of~~
 4791 ~~emergency services to which a firefighter responds, and the~~
 4792 ~~development of firefighter training schools and programs of~~
 4793 ~~courses of instruction, including, but not limited to, education~~
 4794 ~~and training in the areas of firefighter employment, fire~~
 4795 ~~science, fire technology, fire administration, and all allied~~
 4796 ~~and supporting fields.~~

4797 (d) ~~(5)~~ Make or support studies on any aspect of
 4798 firefighting employment, education, and training or recruitment.

4799 (e) ~~(6)~~ Make recommendations concerning any matter within
 4800 its purview pursuant to this section ~~act~~.

4801 Section 58. Section 633.42, Florida Statutes, is
 4802 transferred and renumbered as 633.404, Florida Statutes, and
 4803 amended to read:

4804 633.404 ~~633.42~~ Additional standards authorized.—Nothing
 4805 herein shall be construed to preclude an fire service provider
 4806 ~~employing agency~~ from establishing qualifications and standards
 4807 for hiring, training, or promoting firefighters that exceed the
 4808 minimum set by the division ~~department~~.

4809 Section 59. Section 633.406, Florida Statutes, is created
 4810 to read:

4811 633.406 Classes of certification.—

4812 (1) The division may award one or more of the following
 4813 certificates:

4814 (a) Firefighter Certificate of Compliance.—A Firefighter
 4815 Certificate of Compliance may be awarded to a person who meets
 4816 the requirements established in s. 633.408(4).

4817 (b) Fire Safety Inspector Certificate of Compliance.—A
4818 Fire Safety Inspector Certificate of Compliance may be awarded
4819 to a person who meets the requirements established in s.
4820 633.216(2).

4821 (c) Special Certificate of Compliance.—A Special
4822 Certificate of Compliance may be awarded to a person who
4823 qualifies under s. 633.408(6).

4824 (d) Forestry Certificate of Compliance.—A Forestry
4825 Certificate of Compliance may be awarded to a person who has
4826 satisfactorily complied with a training program and successfully
4827 passed an examination as prescribed by rule, and who possesses
4828 the qualifications established in s. 590.02(1)(e).

4829 (e) Fire Service Instructor Certificate.—A Fire Service
4830 Instructor Certificate may be awarded to a person who
4831 demonstrates general or specialized knowledge, skills, and
4832 abilities in firefighting service and meets the qualification
4833 requirements prescribed by rule.

4834 (f) Certificate of Competency.—A Certificate of Competency
4835 may be awarded to a person who meets the experience, training,
4836 advanced education, or examination requirements as prescribed by
4837 rule, and are especially qualified for particular aspects of
4838 firefighting service.

4839 (g) Volunteer Firefighter Certificate of Completion.—A
4840 Fire Service Instructor Certificate may be awarded to a person
4841 who has satisfactorily completed the training requirements as
4842 prescribed by rule for a volunteer firefighter.

4843 (2) The division may establish by rule certificates, in
4844 addition to those provided in subsection (1), that the division

4845 may award in recognition of special training or education
4846 received by an individual, which authorizes that individual to
4847 perform specialized firefighting services or provide specialized
4848 firefighting instruction, such as hazardous materials and urban
4849 search and rescue.

4850 Section 60. Section 633.35, Florida Statutes, is
4851 transferred and renumbered as subsections (1) and (2), paragraph
4852 (a) of subsection (3), and subsections (4), (5), (6), (7), and
4853 (8) of section 633.408, Florida Statutes, and amended, and
4854 section 633.37, Florida Statutes, is transferred and renumbered
4855 as paragraph (b) of subsection (3) of that section, and amended,
4856 to read:

4857 633.408 ~~633.35~~ Firefighter and volunteer firefighter
4858 training and certification.—

4859 (1) The division shall establish by rule:

4860 (a) A Minimum Standards Course and course examination to
4861 provide the training required to obtain a Firefighter
4862 Certificate of Compliance;

4863 (b) Courses and course examinations to provide training
4864 required to obtain a Volunteer Firefighter Certificate of
4865 Completion or a Special Certificate of Compliance; and

4866 (c) Courses to provide continuing training for
4867 firefighters and volunteer firefighters.

4868 (2) Courses under subsection (1) may only be administered
4869 by education or training providers approved by the division
4870 pursuant to s. 633.128(1)(c) and taught by instructors certified
4871 pursuant to s. 633.128(1)(d) a firefighter training program of
4872 not less than 360 hours, administered by such agencies and

4873 ~~institutions as it approves for the purpose of providing basic~~
 4874 ~~employment training for firefighters.~~

4875 (3) (a) Nothing herein shall require a fire service
 4876 provider ~~public employer~~ to pay the cost of such training.

4877 ~~633.37 Payment of tuition by employing agency.~~

4878 (b) A fire service provider ~~An employing agency~~ is
 4879 authorized to pay part or all of the costs of tuition for ~~of~~
 4880 ~~trainees in attendance at approved~~ courses ~~training programs.~~

4881 (4) (2) The division shall issue a firefighter certificate
 4882 of compliance to any individual who:

4883 (a) ~~person~~ Satisfactorily completes ~~complying with~~ the
 4884 Minimum Standards Course or who has satisfactorily completed
 4885 training for firefighters in another state which has been
 4886 determined by the division to be at least the equivalent of the
 4887 training required for the Minimum Standards Course;

4888 (b) Passes the minimum standards course examination;
 4889 ~~training program established in subsection (1), who has~~
 4890 ~~successfully passed an examination as prescribed by the~~
 4891 ~~division,~~ and

4892 (c) ~~who~~ Possesses the qualifications ~~for employment in s.~~
 4893 633.412 ~~633.34, except s. 633.34(5).~~

4894 (5) The division shall issue a Volunteer Firefighter
 4895 Certificate of Completion to any individual who satisfactorily
 4896 completes the course established under paragraph (1) (b). ~~No~~
 4897 ~~person may be employed as a regular or permanent firefighter by~~
 4898 ~~an employing agency, or by a private entity under contract with~~
 4899 ~~the state or any political subdivision of the state, including~~
 4900 ~~authorities and special districts, for a period of time in~~

4901 ~~excess of 1 year from the date of initial employment until he or~~
 4902 ~~she has obtained such certificate of compliance. A person who~~
 4903 ~~does not hold a certificate of compliance and is employed under~~
 4904 ~~this section may not directly engage in hazardous operations,~~
 4905 ~~such as interior structural firefighting and hazardous-~~
 4906 ~~materials incident mitigation, requiring the knowledge and~~
 4907 ~~skills taught in a training program established in subsection~~
 4908 ~~(1). However, a person who has served as a volunteer firefighter~~
 4909 ~~with the state or any political subdivision of the state,~~
 4910 ~~including authorities and special districts, who is then~~
 4911 ~~employed as a regular or permanent firefighter may function,~~
 4912 ~~during this period, in the same capacity in which he or she~~
 4913 ~~acted as a volunteer firefighter, provided that he or she has~~
 4914 ~~completed all training required by the volunteer organization.~~

4915 ~~(3) The division may issue a certificate to any person who~~
 4916 ~~has received basic employment training for firefighters in~~
 4917 ~~another state when the division has determined that such~~
 4918 ~~training was at least equivalent to that required by the~~
 4919 ~~division for approved firefighter education and training~~
 4920 ~~programs in this state and when such person has satisfactorily~~
 4921 ~~complied with all other requirements of this section.~~

4922 (6) (a) The division may also issue a Special Certificate
 4923 of Compliance to an individual a person who:

- 4924 1. Satisfactorily completes the course established in
 4925 subsection (1) (b) to obtain a Special Certificate of Compliance;
- 4926 2. Passes the examination established in subsection
 4927 (1) (b), to obtain a Special Certificate of Compliance; and
- 4928 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~

4929 ~~qualified under this section and who is employed as the~~
4930 ~~administrative and command head of a fire/rescue/emergency~~
4931 ~~services organization, based on the acknowledgment that such~~
4932 ~~person is less likely to need physical dexterity and more likely~~
4933 ~~to need advanced knowledge of firefighting and supervisory~~
4934 ~~skills.~~

4935 (b) ~~A special~~ The certificate of compliance ~~is valid~~ only
4936 authorizes an individual to serve ~~while the person is serving in~~
4937 ~~a position~~ as an administrative and command head of a fire
4938 service provider ~~fire/rescue/emergency services organization.~~

4939 (7)-(4) An individual ~~A person~~ who fails an examination
4940 given under this section may retake the examination once within
4941 6 months after the original examination date. If the individual
4942 ~~An applicant who~~ does not retake the examination or fails the
4943 reexamination within such time, the individual must take the
4944 Minimum Standards Course for a Firefighter Certificate of
4945 Compliance or the course established under subsection (1)(b) for
4946 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~
4947 before being reexamined. The division may grant an extension of
4948 the 6-month period based upon documented medical necessity and
4949 may establish reasonable preregistration deadlines for ~~such~~
4950 reexaminations.

4951 (8)-(5) Pursuant to s. 590.02(1)(e), the division shall
4952 establish a structural fire training program of not less than
4953 206 ~~40~~ hours. The division shall issue to any person
4954 satisfactorily complying with this training program and who has
4955 successfully passed an examination as prescribed by the division
4956 and who has met the requirements of s. 590.02(1)(e), a Forestry

4957 | Certificate of Compliance ~~Certificate of Forestry Firefighter.~~
 4958 | ~~(6)~~ An individual who holds a current and valid Forestry
 4959 | Certificate of Compliance ~~A certified forestry firefighter is~~
 4960 | entitled to the same rights, privileges, and benefits provided
 4961 | for by law as a ~~certified~~ firefighter.

4962 | Section 61. Section 633.34, Florida Statutes, is
 4963 | transferred, renumbered as section 633.412, Florida Statutes,
 4964 | and amended to read:

4965 | 633.412 ~~633.34~~ Firefighters; qualifications for
 4966 | certification ~~employment.~~-

4967 | (1) Any person applying for certification ~~employment~~ as a
 4968 | firefighter must:

4969 | (a)~~(1)~~ Be a high school graduate or the equivalent, as the
 4970 | term may be determined by the division, and at least 18 years of
 4971 | age.

4972 | (b)~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor
 4973 | relating to the certification or to perjury or false statements,
 4974 | or a felony or a crime punishable by imprisonment of 1 year or
 4975 | more under the law of the United States or of any state thereof
 4976 | or under the law of any other country, or dishonorably
 4977 | discharged from any of the Armed Forces of the United States.

4978 | "Convicted" means a finding of guilt or the acceptance of a plea
 4979 | of guilty or nolo contendere, in any federal or state court or a
 4980 | court in any other country, without regard to whether a judgment
 4981 | of conviction has been entered by the court having jurisdiction
 4982 | of the case. ~~felony or of a misdemeanor directly related to the~~
 4983 | ~~position of employment sought, nor have pled nolo contendere to~~
 4984 | ~~any charge of a felony. If an applicant has been convicted of a~~

4985 ~~felony, such applicant must be in compliance with s.~~
4986 ~~112.011(2) (b). If an applicant has been convicted of a~~
4987 ~~misdemeanor directly related to the position of employment~~
4988 ~~sought, such applicant shall be excluded from employment for a~~
4989 ~~period of 4 years after expiration of sentence. If the sentence~~
4990 ~~is suspended or adjudication is withheld in a felony charge or~~
4991 ~~in a misdemeanor directly related to the position or employment~~
4992 ~~sought and a period of probation is imposed, the applicant must~~
4993 ~~have been released from probation.~~

4994 (c)(3) Submit fingerprints ~~a fingerprint card~~ to the
4995 division with a current processing fee. The fingerprints
4996 ~~fingerprint card~~ will be forwarded to the Department of Law
4997 Enforcement for state processing, and forwarded by the
4998 Department of Law Enforcement to and/or the Federal Bureau of
4999 Investigation for national processing.

5000 (d)(4) Have a good moral character as determined by
5001 investigation under procedure established by the division.

5002 (e)(5) Be in good physical condition as determined by a
5003 medical examination given by a physician, surgeon, or physician
5004 assistant licensed to practice in the state pursuant to chapter
5005 458; an osteopathic physician, surgeon, or physician assistant
5006 licensed to practice in the state pursuant to chapter 459; or an
5007 advanced registered nurse practitioner licensed to practice in
5008 the state pursuant to chapter 464. Such examination may include,
5009 but need not be limited to, provisions of the National Fire
5010 Protection Association Standard 1582. A medical examination
5011 evidencing good physical condition shall be submitted to the
5012 division, on a form as provided by rule, before an individual is

5013 eligible for admission into a course under ~~firefighter training~~
 5014 ~~program as defined in s. 633.408~~ 633.35.

5015 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at
 5016 least 1 year immediately preceding application, as evidenced by
 5017 the sworn affidavit of the applicant.

5018 (2) If the division suspends or revokes an individual's
 5019 certificate, the division must suspend or revoke all other
 5020 certificates issued by the division pursuant to this part.

5021 Section 62. Section 633.352, Florida Statutes, is
 5022 transferred, renumbered as section 633.414, Florida Statutes,
 5023 and amended to read:

5024 633.414 ~~633.352~~ Retention of firefighter certification.—

5025 (1) In order for a firefighter to retain his or her
 5026 Firefighter Certificate of Compliance, every 4 years he or she
 5027 must:

5028 (a) Be ~~Any certified firefighter who has not been active~~
 5029 ~~as a firefighter, or as a volunteer firefighter with an~~
 5030 ~~organized fire department, for a period of 3 years shall be~~
 5031 ~~required to retake the practical portion of the minimum~~
 5032 ~~standards state examination specified in rule 69A-37.056(6)(b),~~
 5033 ~~Florida Administrative Code, in order to maintain her or his~~
 5034 ~~certification as a firefighter;~~

5035 (b) Maintain a current and valid fire service instructor
 5036 certificate, instruct at least 40 hours during the 4 year
 5037 period, and provide proof of such instruction to the division,
 5038 which proof must be registered in an electronic database
 5039 designated by the division;

5040 (c) Successfully complete a refresher course consisting of
5041 a minimum of 40 hours of training to be prescribed by rule; or

5042 (d) Within 6 months before the 4-year period expires,
5043 successfully retake and pass the Minimum Standards Course
5044 examination.

5045 (2) In order for a volunteer firefighter to retain his or
5046 her Volunteer Firefighter Certificate of Completion, every 4
5047 years he or she must:

5048 (a) Be active as a volunteer firefighter; or

5049 (b) Successfully complete a refresher course consisting of
5050 a minimum of 40 hours of training to be prescribed by rule.

5051 (3) Subsection (1) however, this requirement does not
5052 apply to state-certified firefighters who are certified and
5053 employed as full-time, as determined by the fire service
5054 provider, as firesafety inspectors or fire investigators
5055 firesafety instructors, regardless of their the firefighter's
5056 employment status as a firefighter.

5057 (4) For the purposes of this section, "active" means being
5058 employed as a firefighter or providing service as a volunteer
5059 firefighter for a cumulative 6 months within a 4-year period.

5060 (5) The 4-year ~~3-year~~ period begins:

5061 (a) If the individual is certified on or after July 1,
5062 2013, on the date the certificate ~~of compliance~~ is issued or
5063 upon termination of employment or service with a ~~an~~ organized
5064 fire department.

5065 (b) If the individual is certified before July 1, 2013, on
5066 July 1, 2014, or upon termination of employment or service
5067 thereafter.

5068 Section 63. Section 633.41, Florida Statutes, is
 5069 transferred, renumbered as section 633.416, Florida Statutes,
 5070 and amended to read:

5071 633.416 ~~633.41~~ Firefighter employment and volunteer
 5072 firefighter service; saving clause.—

5073 (1) A fire service provider may not employ an individual
 5074 to:

5075 (a) Extinguish fires for the protection of life or
 5076 property or to supervise individuals who perform such services
 5077 unless the individual holds a current and valid Firefighter
 5078 Certificate of Compliance; or

5079 (b) Serve as the administrative and command head of a fire
 5080 service provider for a period in excess of 1 year unless the
 5081 individual holds a current and valid Firefighter Certificate of
 5082 Compliance or Special Certificate of Compliance.

5083 (2) A fire service provider may not retain the services of
 5084 an individual volunteering to extinguish fires for the
 5085 protection of life or property or to supervise individuals who
 5086 perform such services unless the individual holds a current and
 5087 valid Volunteer Firefighter Certificate of Completion.

5088 (3) (a) A fire service provider must make a diligent effort
 5089 to determine whether the individual has a current and valid
 5090 certificate prior to employing or retaining an individual for
 5091 the services under subsection (1) or subsection (2), including
 5092 making a determination of whether the requirements set forth in
 5093 s. 633.414 have been fulfilled.

5094 (b) For the purposes of this subsection, the term
 5095 "diligent effort" means contacting at least three of the

5096 individual's previous employers to obtain his or her dates of
 5097 employment and contacting the division to determine the
 5098 certification status of the individual.

5099 (4) (a) A fire service provider must notify the division
 5100 electronically, as directed by rule by the division, within 10
 5101 days of:

- 5102 1. The hiring of a firefighter.
- 5103 2. The retention of a volunteer firefighter.
- 5104 3. The cessation of employment of a firefighter.
- 5105 4. A decision not to retain a volunteer firefighter.

5106 (b) Notification under paragraph (a) must include:

- 5107 1. The individual's name.
- 5108 2. The date on which he or she was hired or retained.
- 5109 3. The last date of employment or retention prior to
 5110 leaving the fire service provider.

5111 4. Any other information deemed necessary by the division
 5112 to determine compliance with ss. 633.414 and 633.426.

5113 (5) If the fire service provider makes a determination
 5114 that an individual has not met the requirements set forth in s.
 5115 633.414(1), the fire service provider must notify the division
 5116 in writing within 10 days of making that determination.

5117 (6) The division may conduct site visits to fire
 5118 departments to monitor compliance with this section.

5119 (7) For purposes of this section, the term "employ" means
 5120 to pay an individual a salary, wage, or other compensation for
 5121 the performance of work. The term does not include the payment
 5122 of expenses, reasonable benefits, a nominal fee, or a
 5123 combination thereof, to a volunteer for a public or private fire

5124 service provider who is only paid in a manner that would be
 5125 authorized for a volunteer under the federal Fair Labor
 5126 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,
 5127 and its implementing regulations.

5128 (8) Firefighters employed on July 5, 1969, are not
 5129 required to meet the provisions of ss. 633.408 and 633.412
 5130 ~~633.34 and 633.35~~ as a condition of tenure or continued
 5131 employment; nor shall their failure to fulfill such requirements
 5132 make them ineligible for any promotional examination for which
 5133 they are otherwise eligible or affect in any way any pension
 5134 rights to which they may be entitled on July 5, 1969.

5135 Section 64. Section 633.38, Florida Statutes, is
 5136 transferred, renumbered as section 633.418, Florida Statutes,
 5137 and amended to read:

5138 633.418 ~~633.38~~ Inservice training and promotion;
 5139 participation.—

5140 (1) (a) The division shall by rules and regulations
 5141 prescribe curricula and standards for advanced and specialized
 5142 training courses and education ~~training~~ in addition to those
 5143 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

5144 (b) The standards provided by this section shall not bind
 5145 any fire service provider ~~employing agency~~ as to the
 5146 requirements it may have for promoting personnel.

5147 (2) Fire service providers ~~departments or any fire service~~
 5148 participating under the provisions of this section shall adhere
 5149 to the standards and procedures established by the division.

5150 Section 65. Section 633.382, Florida Statutes, is
 5151 transferred, renumbered as section 633.422, Florida Statutes,

5152 and amended to read:

5153 633.422 ~~633.382~~ Firefighters; supplemental compensation.-

5154 ~~(1) DEFINITIONS. As used in this section, the term:~~

5155 ~~(a) "Employing agency" means any municipality or any~~
 5156 ~~county, the state, or any political subdivision of the state,~~
 5157 ~~including authorities and special districts employing~~
 5158 ~~firefighters.~~

5159 ~~(b) "Firefighter" means any person who meets the~~
 5160 ~~definition of the term "firefighter" in s. 633.30(1) who is~~
 5161 ~~certified in compliance with s. 633.35 and who is employed~~
 5162 ~~solely within the fire department of the employing agency or is~~
 5163 ~~employed by the division.~~

5164 ~~(1)(2)~~ QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.-The
 5165 Legislature recognizes the need for supplemental compensation
 5166 for firefighters who pursue higher educational opportunities
 5167 that directly relate to the improvement of the health, safety,
 5168 and welfare of firefighters and those that firefighters protect.
 5169 The State Fire Marshal shall determine, and is authorized to
 5170 adopt by rule, the course work or degrees that represent the
 5171 best practices toward this goal in the field of firefighting.

5172 (a) In addition to the compensation now paid by a fire
 5173 service provider ~~an employing agency~~ to any firefighter, every
 5174 firefighter shall be paid supplemental compensation by the fire
 5175 service provider ~~employing agency~~ when such firefighter is a
 5176 full-time employee, as determined by the employing fire service
 5177 provider, and has complied with one of the following criteria:

5178 1. Any firefighter who receives an associate degree from
 5179 an accredited ~~a~~ college, which degree is directly applicable to

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5180 fire department duties, as outlined in policy guidelines adopted
5181 by rule by ~~of~~ the division, shall be additionally compensated as
5182 outlined in paragraph (2) ~~(3)~~ (a).

5183 2. Any firefighter, regardless of whether or not she or he
5184 earned an associate degree earlier, who receives from an
5185 accredited college or university a bachelor's degree, which
5186 bachelor's degree is directly applicable to fire department
5187 duties, as outlined in policy guidelines adopted by rule by ~~of~~
5188 the division, shall receive compensation as outlined in
5189 paragraph (2) ~~(3)~~ (b).

5190 (b) Whenever any question arises as to the eligibility of
5191 any firefighter to receive supplemental compensation as provided
5192 in this section, the question, together with all facts relating
5193 thereto, shall be submitted to the division for determination,
5194 and the decision of the division with regard to determination of
5195 eligibility shall be final, subject to the provisions of chapter
5196 120.

5197 (2) ~~(3)~~ SUPPLEMENTAL COMPENSATION.—Supplemental
5198 compensation shall be determined as follows:

5199 (a) Fifty dollars shall be paid monthly to each
5200 firefighter who qualifies under the provisions of subparagraph
5201 (1) ~~(2)~~ (a) 1.

5202 (b) One hundred and ten dollars shall be paid monthly to
5203 each firefighter who qualifies under the provisions of
5204 subparagraph (1) ~~(2)~~ (a) 2.

5205 (3) ~~(4)~~ FUNDING.—

5206 (a) The fire service provider ~~employing agency~~ is
5207 responsible for the correct payment of firefighters pursuant to

5208 | the provisions of this section. The division may review, in a
 5209 | postaudit capacity, any action taken by an agency in
 5210 | administering the educational incentive program. The fire
 5211 | service provider ~~employing agency~~ shall take appropriate action
 5212 | when a postaudit shows that an action taken by the fire service
 5213 | provider ~~employing agency~~ was in error.

5214 | (b) Each fire service provider ~~agency~~ employing
 5215 | firefighters who are eligible for this compensation shall submit
 5216 | reports containing information relating to compensation paid as
 5217 | a result of this section to the division on March 31, June 30,
 5218 | September 30, and December 31 of each year.

5219 | (c) There is appropriated from the Police and
 5220 | Firefighter's Premium Tax Trust Fund to the Firefighters'
 5221 | Supplemental Compensation Trust Fund, which is hereby created
 5222 | under the Department of Revenue, all moneys which have not been
 5223 | distributed to municipalities and special fire control districts
 5224 | in accordance with s. 175.121 as a result of the limitation
 5225 | contained in s. 175.122 on the disbursement of revenues
 5226 | collected pursuant to chapter 175 or as a result of any
 5227 | municipality or special fire control district not having
 5228 | qualified in any given year, or portion thereof, for
 5229 | participation in the distribution of the revenues collected
 5230 | pursuant to chapter 175. The total required annual distribution
 5231 | from the Firefighters' Supplemental Compensation Trust Fund
 5232 | shall equal the amount necessary to pay supplemental
 5233 | compensation as provided in this section, provided that:

5234 | 1. Any deficit in the total required annual distribution
 5235 | shall be made up from accrued surplus funds existing in the

5236 Firefighters' Supplemental Compensation Trust Fund on June 30,
 5237 1990, for as long as such funds last. If the accrued surplus is
 5238 insufficient to cure the deficit in any given year, the
 5239 proration of the appropriation among the counties,
 5240 municipalities, and special fire service taxing districts shall
 5241 equal the ratio of compensation paid in the prior year to
 5242 county, municipal, and special fire service taxing district
 5243 firefighters pursuant to this section. This ratio shall be
 5244 provided annually to the Department of Revenue by the division
 5245 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue
 5246 on or after July 1, 1990, shall be redistributed to
 5247 municipalities and special fire control districts as provided in
 5248 subparagraph 2.

5249 2. By October 1 of each year, any funds that have accrued
 5250 or accrue on or after July 1, 1990, and remain in the
 5251 Firefighters' Supplemental Compensation Trust Fund following the
 5252 required annual distribution shall be redistributed by the
 5253 Department of Revenue pro rata to those municipalities and
 5254 special fire control districts identified by the Department of
 5255 Management Services as being eligible for additional funds
 5256 pursuant to s. 175.121(3)(b).

5257 (d) Salary incentive payments to firefighters shall
 5258 commence in the first full calendar month following the initial
 5259 date of certification of eligibility by the division ~~of State~~
 5260 ~~Fire Marshal~~.

5261 (e) Special fire service taxing districts are authorized
 5262 and empowered to expend the funds necessary to ensure correct
 5263 payment to firefighters.

5264 (4)~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental
 5265 compensation and expenses of the administration provided by this
 5266 section is found to serve a state, county, district, and
 5267 municipal purpose and to provide benefit to the state and to its
 5268 counties, municipalities, and districts.

5269 (5) For the purposes of this section, the division shall be
 5270 considered a fire service provider responsible for the payment
 5271 of supplemental compensation in accordance with this section to
 5272 firefighters employed full-time by the division.

5273 Section 66. Section 633.353, Florida Statutes, is
 5274 transferred, renumbered as section 633.424, Florida Statutes,
 5275 and amended to read:

5276 633.424 ~~633.353~~ Falsification of qualifications.—Any
 5277 individual ~~person~~ who willfully and knowingly falsifies her or
 5278 his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of Fire
 5279 Standards and Training of the division commits ~~is guilty of~~ a
 5280 misdemeanor of the second degree, punishable as provided in s.
 5281 775.082 or s. 775.083.

5282 Section 67. Section 633.351, Florida Statutes, is
 5283 transferred, renumbered as section 633.426, Florida Statutes,
 5284 and amended to read:

5285 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~
 5286 standards for revocation of certification.—

5287 (1) For purposes of this section, the term:

5288 (a) "Certificate" means any of the certificates issued
 5289 under s. 633.406.

5290 (b) "Certification" or "certified" means the act of
 5291 holding a current and valid certificate.

5292 (c) "Convicted" means a finding of guilt, or the
5293 acceptance of a plea of guilty or nolo contendere, in any
5294 federal or state court or a court in any other country, without
5295 regard to whether a judgment of conviction has been entered by
5296 the court having jurisdiction of the case.

5297 (2) An individual is ineligible to apply for certification
5298 if the individual has, at any time, been:

5299 (a) Convicted of a misdemeanor relating to the
5300 certification or to perjury or false statements.

5301 (b) Convicted of a felony or a crime punishable by
5302 imprisonment of 1 year or more under the law of the United
5303 States or of any state thereof, or under the law of any other
5304 country.

5305 (c) Dishonorably discharged from any of the Armed Forces
5306 of the United States.

5307 (3) (a) The certification of an individual shall be
5308 permanently revoked if the individual is:

5309 1. Convicted of a misdemeanor relating to perjury or false
5310 statement.

5311 2. Convicted of a felony or a crime punishable by
5312 imprisonment of 1 year or more under the law of the United
5313 States or of any state thereof, or under the law of any other
5314 country.

5315 3. Dishonorably discharged from any of the Armed Forces of
5316 the United States.

5317 (b) For individuals who are certified prior to the
5318 effective date of this act:

5319 1. This subsection shall apply prospectively to

5320 convictions or dishonorable discharges entered on or after the
5321 effective date of this act.

5322 2. The provisions of former s. 633.351 as it existed prior
5323 to the effective date of this act shall apply to convictions
5324 entered prior to the effective date of this act.

5325 (4) The certification of an individual a firefighter shall
5326 be revoked if evidence is found which demonstrates that the
5327 certification was improperly issued by the division or if
5328 evidence is found that the certification was issued on the basis
5329 of false, incorrect, incomplete, or misleading information, or
5330 that the individual has demonstrated a lack of moral fitness or
5331 trustworthiness to carry out the responsibilities under the
5332 individual's certification.

5333 (5) If the division, after investigation, has reason to
5334 believe that any individual who is certified may have been
5335 convicted of a felony or of a misdemeanor related to perjury or
5336 false statement in this or any other state or jurisdiction, the
5337 division may require the individual to submit fingerprints to
5338 the division with a current processing fee. The fingerprints
5339 will be forwarded by the division to the Department of Law
5340 Enforcement for state processing and will be forwarded by the
5341 Department of Law Enforcement to the Federal Bureau of
5342 Investigation for national processing.

5343 ~~(2) The certification of a firefighter who is convicted of~~
5344 ~~a felony, or who is convicted of a misdemeanor relating to~~
5345 ~~misleading or false statements, or who pleads nolo contendere to~~
5346 ~~any charge of a felony shall be revoked until the firefighter~~
5347 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~

5348 ~~felony or such misdemeanor charge is suspended or adjudication~~
 5349 ~~is withheld, the firefighter's certification shall be revoked~~
 5350 ~~until she or he completes any probation.~~

5351 Section 68. Section 633.43, Florida Statutes, is
 5352 transferred, renumbered as section 633.428, Florida Statutes,
 5353 and amended to read:

5354 633.428 ~~633.43~~ Florida State Fire College established.—
 5355 There is hereby established a state institution to be known as
 5356 the Florida State Fire College, to be located at or near Ocala,
 5357 Marion County. The institution shall be operated by the division
 5358 ~~of State Fire Marshal of the department.~~

5359 Section 69. Section 633.44, Florida Statutes, is
 5360 transferred, renumbered as section 633.432, Florida Statutes,
 5361 and amended, to read:

5362 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
 5363 this part ~~ss. 633.43–633.49~~ and of the Florida State Fire
 5364 College shall be:

5365 (1) To provide professional and volunteer firefighters
 5366 with needful professional instruction and training in subjects,
 5367 including, but not limited to, firefighting, fire prevention,
 5368 hazardous materials, urban search and rescue, and emergency
 5369 operations, at a minimum of cost to them and to their employers.

5370 (2) To ensure the professionalism and competence of those
 5371 performing firefighting, fire prevention, and associated fire
 5372 protection functions by administering a system of certification
 5373 and licensing.

5374 (3) ~~(2)~~ To develop new methods and practices of
 5375 firefighting and fire prevention.

5376 (4)~~(3)~~ To assist the state and county, municipal, and
 5377 other local governments of this state and their agencies and
 5378 officers in their investigation and determination of the causes
 5379 of fires.

5380 (5)~~(4)~~ To provide testing facilities for testing
 5381 firefighting equipment.

5382 (6)~~(5)~~ To disseminate useful information on fires,
 5383 firefighting and fire prevention and other related subjects, to
 5384 fire departments and others interested in such information.

5385 (7)~~(6)~~ To do such other needful or useful things necessary
 5386 to the promotion of public safety in the field of fire hazards
 5387 and fire prevention work.

5388
 5389 It is hereby declared by the Legislature that the above purposes
 5390 are legitimate state functions and are designed to promote
 5391 public safety.

5392 Section 70. Section 633.48, Florida Statutes, is
 5393 transferred, renumbered as section 633.434, Florida Statutes,
 5394 and amended to read:

5395 633.434 ~~633.48~~ Superintendent of college.—The division may
 5396 employ a superintendent for the Florida State Fire College, who
 5397 shall be especially trained and qualified in firefighting, fire
 5398 prevention and fire experimental work, and may employ on the
 5399 recommendations of said superintendent such other instructors,
 5400 experimental helpers and laborers as may be necessary to the
 5401 proper conduct of said institution; and may proceed with the
 5402 erection and detailed operation of said institution under ss.
 5403 633.428-633.444 ~~633.43-633.49~~.

5404 Section 71. Section 633.461, Florida Statutes, is
 5405 transferred, renumbered as section 633.436, Florida Statutes,
 5406 and amended to read:

5407 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—
 5408 The funds received from the Insurance Regulatory Trust Fund
 5409 shall be used by the staff of the Florida State Fire College to
 5410 provide all necessary services, training, equipment, and
 5411 supplies to carry out the college's responsibilities, including,
 5412 but not limited to, ~~the State Fire Marshal Scholarship Grant~~
 5413 ~~Program~~ and the procurement of training resources and films,
 5414 ~~videotapes, audiovisual~~ equipment, and other useful information
 5415 on fire, firefighting, and fire prevention, including public
 5416 fire service information packages.

5417 Section 72. Section 633.46, Florida Statutes, is
 5418 transferred and renumbered as section 633.446, Florida Statutes.

5419 Section 73. Section 633.47, Florida Statutes, is
 5420 transferred and renumbered as section 633.438, Florida Statutes.

5421 Section 74. Section 633.49, Florida Statutes, is
 5422 transferred, renumbered as section 633.442, Florida Statutes,
 5423 and amended to read:

5424 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
 5425 use.—The division shall have the power to prescribe and shall
 5426 make the necessary rules and regulations for the use of
 5427 buildings, equipment and other facilities of the Florida State
 5428 Fire College when they are not in use for the purposes set forth
 5429 in this part ~~ss. 633.43-633.49~~.

5430 Section 75. Section 633.50, Florida Statutes, is
 5431 transferred, renumbered as section 633.444, Florida Statutes,

5432 and amended to read:

5433 633.444 ~~633.50~~ Division powers and duties; Florida State
 5434 Fire College.—

5435 (1) The division, in performing its duties related to the
 5436 Florida State Fire College, specified in this part ~~ss. 633.43—~~
 5437 ~~633.49~~, shall:

5438 (a) Enter into agreements with public or private school
 5439 districts, community colleges, junior colleges, or state
 5440 universities to carry out its duties and responsibilities.

5441 (b) Review and approve budget requests for the fire
 5442 college educational program.

5443 (c) Prepare the legislative budget request for the Florida
 5444 State Fire College education program. The superintendent is
 5445 responsible for all expenditures pursuant to appropriations.

5446 (d) Implement procedures to obtain appropriate entitlement
 5447 funds from federal and state grants to supplement the annual
 5448 legislative appropriation. Such funds must be used expressly for
 5449 the fire college educational programs.

5450 (e) Develop a staffing and funding formula for the Florida
 5451 State Fire College. The formula shall include differential
 5452 funding levels for various types of programs, shall be based on
 5453 the number of full-time equivalent students and information
 5454 obtained from scheduled attendance counts taken the first day of
 5455 each program, and shall provide the basis for the legislative
 5456 budget request. As used in this section, a full-time equivalent
 5457 student is equal to a minimum of 900 hours in a technical
 5458 certificate program and 400 hours in a degree-seeking program.
 5459 The funding formula shall be as prescribed pursuant to s.

5460 1011.62, shall include procedures to document daily attendance,
5461 and shall require that attendance records be retained for audit
5462 purposes.

5463 (f) Approve and register in an electronic database
5464 designated by the division an education or training provider
5465 before the education or training provider is authorized to offer
5466 any course to fulfill any education or training requirement
5467 under this chapter. The division must establish criteria, by
5468 rule, for the approval of such education or training providers.
5469 Only approved and registered education or training providers are
5470 eligible to provide instruction or training that will be
5471 recognized by the division in order to fulfill any education or
5472 training requirement under this chapter.

5473 (g) Recognize only courses offered by approved and
5474 registered training or education providers as fulfilling the
5475 education or training requirements under this chapter.

5476 (2) Funds generated by the formula per full-time
5477 equivalent student may not exceed the level of state funding per
5478 full-time equivalent student generated through the Florida
5479 Education Finance Program or the State Community College Program
5480 Fund for students enrolled in comparable education programs
5481 provided by public school districts and community colleges.
5482 Funds appropriated for education and operational costs shall be
5483 deposited in the Insurance Regulatory Trust Fund to be used
5484 solely for purposes specified in s. 633.436 ~~633.461~~ and may not
5485 be transferred to any other budget entity for purposes other
5486 than education.

5487 Section 76. Part V of chapter 633, Florida Statutes,

5488 consisting of sections 633.502, 633.504, 633.506, 633.508,
 5489 633.512, 633.5141, 633.516, 633.518, 633.522, 633.526, 633.528,
 5490 633.532, 633.5341, and 633.536, is created and entitled "Florida
 5491 Firefighters Occupational Safety and Health Act."

5492 Section 77. Section 633.801, Florida Statutes, is
 5493 transferred, renumbered as section 633.502, Florida Statutes,
 5494 and amended to read:

5495 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,
 5496 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
 5497 Occupational Safety and Health Act."

5498 Section 78. Section 633.802, Florida Statutes, is
 5499 transferred, renumbered as section 633.504, Florida Statutes,
 5500 and amended to read:

5501 633.504 ~~633.802~~ Definitions.—Unless the context clearly
 5502 requires otherwise, the following definitions shall apply to
 5503 this part ~~ss. 633.801-633.821~~:

5504 (1) "Firefighter employee" means any firefighter,
 5505 volunteer firefighter, or individual providing support services,
 5506 who is ~~person~~ engaged in any employment, public or private, ~~as a~~
 5507 ~~firefighter~~ under any appointment or contract of hire or
 5508 apprenticeship, express or implied, oral or written, whether
 5509 lawfully or unlawfully employed, responding to or assisting with
 5510 fire or medical emergencies, whether or not ~~the firefighter is~~
 5511 on duty, except those appointed under s. 590.02(1)(d).

5512 (2) "Firefighter employer" means the state and all
 5513 political subdivisions of this state, all public and quasi-
 5514 public corporations in this state, and every person carrying on
 5515 any employment for this state, political subdivisions of this

5516 state, and public and quasi-public corporations in this state
5517 which employs firefighter employees ~~firefighters~~, except those
5518 appointed under s. 590.02(1)(d).

5519 (3) "Firefighter employment" or "employment" means any
5520 service performed by a firefighter employee for the firefighter
5521 employer.

5522 (4) "Firefighter place of employment" or "place of
5523 employment" means the physical location at which the firefighter
5524 employee is employed or deployed.

5525 Section 79. Section 633.803, Florida Statutes, is
5526 transferred, renumbered as section 633.506, and amended to read:

5527 633.506 ~~633.803~~ Legislative intent.—It is the intent of
5528 the Legislature to enhance firefighter occupational safety and
5529 health in the state through the implementation and maintenance
5530 of policies, procedures, practices, rules, and standards that
5531 reduce the incidence of firefighter employee accidents,
5532 firefighter employee occupational diseases, and firefighter
5533 employee fatalities compensable under chapter 440 or otherwise.
5534 The Legislature further intends that the division develop a
5535 means by which the division can identify individual firefighter
5536 employers with a high frequency or severity of work-related
5537 injuries, conduct safety inspections of those firefighter
5538 employers, and assist those firefighter employers in the
5539 development and implementation of firefighter employee safety
5540 and health programs. In addition, it is the intent of the
5541 Legislature that the division administer and enforce the
5542 provisions of this part ~~ss. 633.801-633.821~~; provide assistance
5543 to firefighter employers, firefighter employees, and insurers;

5544 and enforce the policies, rules, and standards set forth in this
5545 part ~~ss. 633.801-633.821~~.

5546 Section 80. Section 633.821, Florida Statutes, is
5547 transferred and renumbered as subsections (1), (2), (3), (4),
5548 (5), and (6) of section 633.508, Florida Statutes, and
5549 subsections (2), (3), (5), and (6) of that section are amended,
5550 and section 633.808, Florida Statutes, is transferred and
5551 renumbered as subsection (7) of that section and amended, to
5552 read:

5553 633.508 ~~633.821~~ Workplace safety; rulemaking authority.-

5554 (1) The division shall assist in making the firefighter
5555 employee place of employment a safer place to work and
5556 decreasing the frequency and severity of on-the-job injuries in
5557 such workplace.

5558 (2) The division shall have the authority to adopt rules
5559 for the purpose of ensuring safe working conditions for all
5560 firefighter employees by authorizing the enforcement of
5561 effective standards, by assisting and encouraging firefighter
5562 employers to maintain safe working conditions, and by providing
5563 for education and training in the field of safety. Specifically,
5564 the division may by rule adopt the most current edition of all
5565 or any part of subparts C through T and subpart Z of 29 C.F.R.
5566 s. 1910, as revised April 8, 1998; the National Fire Protection
5567 Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert
5568 Safety System) (1992 edition); the National Fire Protection
5569 Association, Inc., Publication 1403, Standard on Live Fire
5570 Training Evolutions (latest edition), as limited by subsection
5571 (6); and ANSI A 10.4-1990.

5572 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
5573 individuals located outside the immediately dangerous to life
5574 and health atmosphere may be assigned to an additional role,
5575 such as incident commander, pumper operator, engineer, or
5576 driver, so long as such individual is able to immediately
5577 perform assistance or rescue activities without jeopardizing the
5578 safety or health of any firefighter employee working at an
5579 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

5580 ~~(a) Each county, municipality, and special district shall~~
5581 ~~implement such provision by April 1, 2002, except as provided in~~
5582 ~~paragraphs (b) and (c).~~

5583 ~~(b) If any county, municipality, or special district is~~
5584 ~~unable to implement such provision by April 1, 2002, without~~
5585 ~~adding additional personnel to its firefighting staff or~~
5586 ~~expending significant additional funds, such county,~~
5587 ~~municipality, or special district shall have an additional 6~~
5588 ~~months within which to implement such provision. Such county,~~
5589 ~~municipality, or special district shall notify the division that~~
5590 ~~the 6-month extension to implement such provision is in effect~~
5591 ~~in such county, municipality, or special district within 30 days~~
5592 ~~after its decision to extend the time for the additional 6~~
5593 ~~months. The decision to extend the time for implementation shall~~
5594 ~~be made prior to April 1, 2002.~~

5595 ~~(c) If, after the extension granted in paragraph (b), the~~
5596 ~~county, municipality, or special district, after having worked~~
5597 ~~with and cooperated fully with the division and the Firefighters~~
5598 ~~Employment, Standards, and Training Council, is still unable to~~
5599 ~~implement such provisions without adding additional personnel to~~

5600 ~~its firefighting staff or expending significant additional~~
 5601 ~~funds, such municipality, county, or special district shall be~~
 5602 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g) (4).~~
 5603 ~~However, each year thereafter the division shall review each~~
 5604 ~~such county, municipality, or special district to determine if~~
 5605 ~~such county, municipality, or special district has the ability~~
 5606 ~~to implement such provision without adding additional personnel~~
 5607 ~~to its firefighting staff or expending significant additional~~
 5608 ~~funds. If the division determines that any county, municipality,~~
 5609 ~~or special district has the ability to implement such provision~~
 5610 ~~without adding additional personnel to its firefighting staff or~~
 5611 ~~expending significant additional funds, the division shall~~
 5612 ~~require such county, municipality, or special district to~~
 5613 ~~implement such provision. Such requirement by the division under~~
 5614 ~~this paragraph constitutes final agency action subject to~~
 5615 ~~chapter 120.~~

5616 (4) The provisions of chapter 440 that pertain to
 5617 workplace safety apply to the division.

5618 (5) The division may adopt any rule necessary to
 5619 implement, interpret, and make specific the provisions of this
 5620 section, provided the division may not adopt by rule any other
 5621 standard or standards of the Occupational Safety and Health
 5622 Administration or the National Fire Protection Association
 5623 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter
 5624 employment safety without specific legislative authority.

5625 (6) (a) The division shall adopt rules for live fire
 5626 training that all firefighter employees ~~firefighters~~ subject to
 5627 this chapter must complete. The division shall also adopt rules

5628 | for a training and certification process for live fire training
 5629 | instructors.

5630 | (b) Such rules for training shall include:

5631 | 1. Sections of the most current edition of the National
 5632 | Fire Protection Association, Inc., Publication 1402, Guide to
 5633 | Building Fire Service Training Centers, relating to establishing
 5634 | policies and procedures for effective use of such permanent
 5635 | facilities or structures.

5636 | 2. Sections of the most current edition of the National
 5637 | Fire Protection Association, Inc., Publication 1403, Standard on
 5638 | Live Fire Training Evolutions, excluding, however:

5639 | a. Any chapter entitled "Referenced Publications."

5640 | b. References to the National Fire Protection Association,
 5641 | Inc., Publication 1975, Station Uniform.

5642 | c. Provisions of the National Fire Protection Association,
 5643 | Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~
 5644 | ~~references to such publication in the National Fire Protection~~
 5645 | ~~Association, Inc., Publication 1975.~~

5646 | d. Any reference to an authority having jurisdiction in
 5647 | the National Fire Protection Association, Inc., Publication
 5648 | 1403, defined as the organization, office, or individual
 5649 | responsible for approving equipment, materials, installations,
 5650 | and procedures.

5651 | 3. A 40-hour training program for live fire training
 5652 | instructors, including:

5653 | a. Live fire instructional techniques.

5654 | b. Training safety in acquired or permanent facilities or
 5655 | props.

5656 c. Personnel safety.

5657 d. Exterior props, including, but not limited to, liquid
5658 petroleum gas, other liquid fuels, and similar props.

5659 ~~(c) The rules, excluding those pertaining to live fire~~
5660 ~~training instructor certification, shall take effect no later~~
5661 ~~than January 1, 2006.~~

5662 (c)~~(d)~~ Each live fire training instructor is required to
5663 be a state certified fire safety instructor. All live fire
5664 training ~~commenced on and after January 1, 2007,~~ must be
5665 conducted by a certified live fire training instructor.

5666 (d)~~(e)~~ This subsection does not apply to wildland or
5667 prescribed live fire training exercises sanctioned by the
5668 Florida Forest Service of the Department of Agriculture and
5669 Consumer Services or the National Wildfire Coordinating Group.

5670 ~~633.808 Division authority.~~

5671 (7) The division shall:

5672 (a)~~(1)~~ Investigate and prescribe by rule what safety
5673 devices, safeguards, or other means of protection must be
5674 adopted for the prevention of accidents and injuries in every
5675 firefighter employee place of employment or at any fire scene;
5676 determine what suitable devices, safeguards, or other means of
5677 protection for the prevention of occupational diseases must be
5678 adopted or followed in any or all such firefighter places of
5679 employment or at any emergency fire scene; and adopt reasonable
5680 rules for the prevention of accidents, the safety, protection,
5681 and security of firefighter employees engaged in interior
5682 firefighting, and the prevention of occupational diseases.

5683 (b)~~(2)~~ Ascertain, fix, and order such reasonable standards

5684 and rules for the construction, repair, and maintenance of
5685 firefighter employee places of employment as shall render them
5686 safe. Such rules and standards shall be adopted in accordance
5687 with chapter 120.

5688 ~~(3) Assist firefighter employers in the development and~~
5689 ~~implementation of firefighter employee safety training programs~~
5690 ~~by contracting with professional safety organizations.~~

5691 (c)(4) Adopt rules prescribing recordkeeping
5692 responsibilities for firefighter employers, which may include
5693 maintaining a log and summary of occupational injuries,
5694 diseases, and illnesses, for producing on request a notice of
5695 injury and firefighter employee accident investigation records,
5696 and prescribing a retention schedule for such records.

5697 Section 81. Section 633.817, Florida Statutes, is
5698 transferred, renumbered as section 633.512, Florida Statutes,
5699 and amended to read:

5700 633.512 ~~633.817~~ Compliance.—Failure of a firefighter
5701 employer or an insurer to comply with this part ~~ss. 633.801–~~
5702 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801–~~
5703 ~~633.821~~, constitutes grounds for the division to seek remedies,
5704 including injunctive relief, by making appropriate filings with
5705 the circuit court.

5706 Section 82. Section 633.805, Florida Statutes, is
5707 transferred and renumbered as section 633.5141, Florida
5708 Statutes.

5709 Section 83. Section 633.806, Florida Statutes, is
5710 transferred, renumbered as subsections (1) and (2) of section
5711 633.516, Florida Statutes, and amended, and section 633.815,

5712 Florida Statutes, is transferred, renumbered as subsection (3)
 5713 of that section, and amended, to read:

5714 633.516 ~~633.806~~ Studies, investigations, inspections, or
 5715 inquiries by the division; refusal to admit; penalty.—

5716 (1) The division shall make studies ~~and~~ investigations,
 5717 inspections, or inquiries, with respect to compliance with this
 5718 part or any rules authorized under this part ~~safety provisions~~
 5719 and the causes of firefighter employee injuries, illnesses,
 5720 safety based complaints, or Line of Duty Deaths (LODD) as
 5721 defined in rule, in firefighter employee places of employment
 5722 and shall make such recommendations to the Legislature and
 5723 firefighter employers and insurers as the division considers
 5724 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~
 5725 ~~of preventing firefighter injuries.~~ In making such studies, and
 5726 investigations, inspections, or inquiries, the division may
 5727 cooperate with any agency of the United States charged with the
 5728 duty of enforcing any law securing safety against injury in any
 5729 place of firefighter employment covered by this part ~~ss.~~
 5730 ~~633.801-633.821~~ or any agency or department of the state engaged
 5731 in enforcing any law to ensure safety for firefighter employees.

5732 (2) The division by rule may adopt procedures for
 5733 conducting investigations, inspections, or inquiries, of
 5734 firefighter employers under this part ~~ss. 633.801-633.821.~~

5735 ~~633.815 Refusal to admit; penalty.—~~

5736 (3) The division and authorized representatives of the
 5737 division may enter and inspect any firefighter employee's place
 5738 of employment at any reasonable time for the purpose of
 5739 investigating compliance with this part ~~ss. 633.801-633.821~~ and

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5740 conducting inspections for the proper enforcement of this part
5741 ~~ss. 633.801-633.821~~. A firefighter employer who refuses to admit
5742 any member of the division or authorized representative of the
5743 division to any place of employment or to allow investigation
5744 and inspection pursuant to this section commits a misdemeanor of
5745 the second degree, punishable as provided in s. 775.082 or s.
5746 775.083.

5747 Section 84. Section 633.807, Florida Statutes, is
5748 transferred, renumbered as section 633.518, Florida Statutes,
5749 and amended to read:

5750 633.518 ~~633.807~~ Safety; firefighter employer
5751 responsibilities.—Every firefighter employer shall furnish and
5752 use safety devices and safeguards, adopt and use methods and
5753 processes reasonably adequate to render such an employment and
5754 place of employment safe, and do every other thing reasonably
5755 necessary to protect the lives, health, and safety of such
5756 firefighter employees. As used in this section, the terms "safe"
5757 and "safety," as applied to any employment or place of
5758 ~~firefighter~~ employment, mean such freedom from danger as is
5759 reasonably necessary for the protection of the lives, health,
5760 and safety of firefighter employees, including conditions and
5761 methods of sanitation and hygiene. Safety devices and safeguards
5762 required to be furnished by the firefighter employer by this
5763 section or by the division under authority of this section shall
5764 not include personal apparel and protective devices that replace
5765 personal apparel normally worn by firefighter employees during
5766 regular working hours.

5767 Section 85. Section 633.809, Florida Statutes, is

5768 transferred, renumbered as subsection (1) of section 633.522,
 5769 Florida Statutes, and amended, section 633.810, Florida
 5770 Statutes, is transferred and renumbered as subsections (2), (3),
 5771 (4), and (5) of that section, and section 633.813, Florida
 5772 Statutes, is transferred, renumbered as subsection (6) of that
 5773 section, and amended, to read:

5774 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~
 5775 ~~employees have a high frequency of work-related injuries;~~
 5776 corrective plans; workplace safety committees and coordinators.-

5777 (1) The division shall develop a means to ~~by which the~~
 5778 ~~division may~~ identify individual firefighter employers with
 5779 ~~whose firefighter employees have a high frequency or severity of~~
 5780 firefighter employee work-related injuries. ~~The division shall~~
 5781 ~~carry out safety inspections of the facilities and operations of~~
 5782 ~~those firefighter employers in order to assist them in reducing~~
 5783 ~~the frequency and severity of work-related injuries. The~~
 5784 ~~division shall develop safety and health programs for those~~
 5785 ~~firefighter employers. Insurers shall distribute such safety and~~
 5786 ~~health programs to the firefighter employers so identified by~~
 5787 ~~the division. Those firefighter employers identified by the~~
 5788 ~~division as having a high frequency or severity of work-related~~
 5789 ~~injuries shall implement a safety and health program developed~~
 5790 ~~by the division.~~ The division shall conduct ~~carry out~~ safety
 5791 inspections of those firefighter employers so identified to
 5792 ensure compliance with this part or the division's rules and
 5793 make recommendations based upon current ~~the~~ safety and health
 5794 practices ~~program~~ and to assist such firefighter employers in
 5795 reducing the number of work-related injuries. The division may

5796 not assess penalties as a result of such inspections, ~~except as~~
 5797 ~~provided by s. 633.813.~~ Copies of any report made as the result
 5798 of such an inspection shall be provided to the firefighter
 5799 employer and its insurer. Firefighter employers shall ~~may~~ submit
 5800 a plan for the correction of any noncompliance issues ~~their own~~
 5801 ~~safety and health programs~~ to the division for approval in
 5802 accordance with division rule ~~lieu of using the safety and~~
 5803 ~~health program developed by the division.~~ The division shall
 5804 promptly review the plan ~~program~~ submitted and approve or
 5805 disapprove the plan ~~program~~ within 60 days or such plan ~~program~~
 5806 shall be deemed approved. Upon approval by the division, the
 5807 plan ~~program~~ shall be implemented by the firefighter employer.
 5808 If the plan ~~program~~ is not submitted, does not provide
 5809 corrective actions for all deficiencies, is not complete, or is
 5810 not implemented, the fire service provider shall be subject to
 5811 the provisions of s. 633.526 ~~approved or if a program is not~~
 5812 ~~submitted, the firefighter employer shall implement the program~~
 5813 ~~developed by the division. The division shall adopt rules~~
 5814 ~~setting forth the criteria for safety and health programs, as~~
 5815 ~~such rules relate to this section.~~

5816 ~~633.810 Workplace safety committees and safety~~
 5817 ~~coordinators.—~~

5818 (2)(1) In order to promote health and safety in
 5819 firefighter employee places of employment in this state:

5820 (a) Each firefighter employer of 20 or more firefighter
 5821 employees shall establish and administer a workplace safety
 5822 committee in accordance with rules adopted under this section.

5823 (b) Each firefighter employer of fewer than 20 firefighter

5824 employees identified by the division as having high frequency or
5825 high severity of work-related injuries shall establish and
5826 administer a workplace safety committee or designate a workplace
5827 safety coordinator who shall establish and administer workplace
5828 safety activities in accordance with rules adopted under this
5829 section.

5830 (3)~~(2)~~ The division shall adopt rules:

5831 (a) Prescribing the membership of the workplace safety
5832 committees so as to ensure an equal number of firefighter
5833 employee representatives who are volunteers or are elected by
5834 their peers and firefighter employer representatives, and
5835 specifying the frequency of meetings.

5836 (b) Requiring firefighter employers to make adequate
5837 records of each meeting and to file and to maintain the records
5838 subject to inspection by the division.

5839 (c) Prescribing the duties and functions of the workplace
5840 safety committee and workplace safety coordinator, which
5841 include, but are not limited to:

5842 1. Establishing procedures for workplace safety
5843 inspections by the committee.

5844 2. Establishing procedures for investigating all workplace
5845 accidents, safety-related incidents, illnesses, and deaths.

5846 3. Evaluating accident prevention and illness prevention
5847 programs.

5848 4. Prescribing guidelines for the training of safety
5849 committee members.

5850 (4)~~(3)~~ The composition, selection, and function of
5851 workplace safety committees shall be a mandatory topic of

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5852 negotiations with any certified collective bargaining agent for
5853 firefighter employers that operate under a collective bargaining
5854 agreement. Firefighter employers that operate under a collective
5855 bargaining agreement that contains provisions regulating the
5856 formation and operation of workplace safety committees that meet
5857 or exceed the minimum requirements contained in this section, or
5858 firefighter employers who otherwise have existing workplace
5859 safety committees that meet or exceed the minimum requirements
5860 established by this section, are in compliance with this
5861 section.

5862 (5)~~(4)~~ Firefighter employees shall be compensated their
5863 regular hourly wage while engaged in workplace safety committee
5864 or workplace safety coordinator training, meetings, or other
5865 duties prescribed under this section.

5866 ~~633.813 Failure to implement a safety and health program;~~
5867 ~~cancellations.~~

5868 (6) If a firefighter employer ~~that is found by the~~
5869 ~~division to have a high frequency or severity of work-related~~
5870 ~~injuries~~ fails to implement a corrective plan ~~safety and health~~
5871 ~~program~~, the insurer or self-insurer's fund that is providing
5872 coverage for the firefighter employer may cancel the contract
5873 for insurance with the firefighter employer. In the alternative,
5874 the insurer or fund may terminate any discount or deviation
5875 granted to the firefighter employer for the remainder of the
5876 term of the policy. If the contract is canceled or the discount
5877 or deviation is terminated, the insurer shall make such reports
5878 as are required by law.

5879 Section 86. Section 633.811, Florida Statutes, is

5880 transferred, renumbered as section 633.526, Florida Statutes,
5881 and amended to read:

5882 633.526 ~~633.811~~ Firefighter employer penalties.—If any
5883 firefighter employer violates or fails or refuses to comply with
5884 this part ss. 633.801–633.821, or with any rule adopted by the
5885 division under such sections in accordance with chapter 120 for
5886 the prevention of injuries, accidents, or occupational diseases
5887 or with any lawful order of the division in connection with this
5888 part ss. 633.801–633.821, or fails or refuses to furnish or
5889 adopt any safety device, safeguard, or other means of protection
5890 prescribed by division rule under this part ss. 633.801–633.821
5891 for the prevention of accidents or occupational diseases, the
5892 division may:

5893 (1) Issue an administrative cease and desist order,
5894 enforceable in the circuit court in the jurisdiction where the
5895 violation is occurring or has occurred;

5896 (2) Assess an administrative fine against a firefighter
5897 employer of not less than \$100 or more than \$1,000 for each
5898 violation and each day a violation is committed; and

5899 (3) Assess against the firefighter employer a civil
5900 penalty of not less than \$100 nor more than \$5,000 for each day
5901 the violation, omission, failure, or refusal continues after the
5902 firefighter employer has been given written notice of such
5903 violation, omission, failure, or refusal. The total penalty for
5904 each violation shall not exceed \$50,000. The division shall
5905 adopt rules requiring penalties commensurate with the frequency
5906 or severity of safety violations. Hearings requested under this
5907 provision shall be conducted in Tallahassee, Florida. ~~A hearing~~

5908 ~~shall be held in the county in which the violation, omission,~~
 5909 ~~failure, or refusal is alleged to have occurred, unless~~
 5910 ~~otherwise agreed to by the firefighter employer and authorized~~
 5911 ~~by the division.~~ All penalties assessed and collected under this
 5912 section shall be deposited in the Insurance Regulatory Trust
 5913 Fund.

5914 Section 87. Section 633.812, Florida Statutes, is
 5915 transferred and renumbered as section 633.528, Florida Statutes,
 5916 and subsections (2) and (3) of that section are amended, to
 5917 read:

5918 633.528 ~~633.812~~ Division cooperation with Federal
 5919 Government; exemption from requirements for private firefighter
 5920 employers.—

5921 (1) The division shall cooperate with the Federal
 5922 Government so that duplicate inspections will be avoided while
 5923 at the same time ensuring safe firefighter employee places of
 5924 employment for the citizens of this state.

5925 (2) ~~Except as provided in this section,~~ A private
 5926 firefighter employer is not subject to the requirements set
 5927 forth in part IV and this part of the division if the private
 5928 firefighter employer meets the requirements of this part and:

5929 (a) The private firefighter employer is subject to the
 5930 federal regulations in 29 C.F.R. ss. 1910 and 1926.

5931 (b) The private firefighter employer has adopted and
 5932 implemented a written safety program that conforms to the
 5933 requirements of 29 C.F.R. ss. 1910 and 1926.

5934 ~~(c) A private firefighter employer with 20 or more full-~~
 5935 ~~time firefighter employees shall include provisions for a safety~~

5936 ~~committee in the safety program. The safety committee shall~~
 5937 ~~include firefighter employee representation and shall meet at~~
 5938 ~~least once each calendar quarter. The private firefighter~~
 5939 ~~employer shall make adequate records of each meeting and~~
 5940 ~~maintain the records subject to inspections under subsection~~
 5941 ~~(3). The safety committee shall, if appropriate, make~~
 5942 ~~recommendations regarding improvements to the safety program and~~
 5943 ~~corrections of hazards affecting workplace safety.~~

5944 (c) ~~(d)~~ The private firefighter employer provides the
 5945 division with a written statement that certifies compliance with
 5946 this subsection.

5947 (3) The division may enter at any reasonable time any
 5948 place of private firefighter employment for the purpose of
 5949 verifying the accuracy of the written certification. If the
 5950 division determines that the private firefighter employer has
 5951 not complied with the requirements of subsection (2), the
 5952 private firefighter employer shall be subject to the rules of
 5953 the division until the private firefighter employer complies
 5954 with subsection (2), which must be verified by a reinspection by
 5955 the division and ~~recertifies that fact to the division.~~

5956 (4) This section shall not restrict the division's
 5957 performance of any duties pursuant to a written contract between
 5958 the division and the federal Occupational Safety and Health
 5959 Administration.

5960 Section 88. Section 633.816, Florida Statutes, is
 5961 transferred, renumbered as section 633.532, Florida Statutes,
 5962 and amended to read:

5963 633.532 ~~633.816~~ Firefighter employee rights and

5964 responsibilities.—

5965 (1) Each firefighter employee of a firefighter employer
5966 covered under this part ~~ss. 633.801-633.821~~ shall comply with
5967 rules adopted by the division and with reasonable workplace
5968 safety and health standards, rules, policies, procedures, and
5969 work practices established by the firefighter employer and the
5970 workplace safety committee. A firefighter employee who knowingly
5971 fails to comply with this subsection may be disciplined or
5972 discharged by the firefighter employer.

5973 (2) A firefighter employer may not discharge, threaten to
5974 discharge, cause to be discharged, intimidate, coerce, otherwise
5975 discipline, or in any manner discriminate against a firefighter
5976 employee for any of the following reasons:

5977 (a) The firefighter employee has testified or is about to
5978 testify, on her or his own behalf or on behalf of others, in any
5979 proceeding instituted under this part ~~ss. 633.801-633.821~~;

5980 (b) The firefighter employee has exercised any other right
5981 afforded under this part ~~ss. 633.801-633.821~~; or

5982 (c) The firefighter employee is engaged in activities
5983 relating to the workplace safety committee.

5984 (3) No pay, position, seniority, or other benefit may be
5985 lost for exercising any right under, or for seeking compliance
5986 with any requirement of, this part ~~ss. 633.801-633.821~~.

5987 Section 89. Section 633.818, Florida Statutes, is
5988 transferred, renumbered as subsection (1) of section 633.5341,
5989 Florida Statutes, and amended, and section 633.819, Florida
5990 Statutes, is transferred and renumbered as subsection (2) of
5991 that section, to read:

5992 633.5341 ~~633.818~~ False, fictitious, or fraudulent acts,
 5993 statements, and representations prohibited; penalty; statute of
 5994 limitations; to insurers.-

5995 (1) A firefighter employer who knowingly and willfully
 5996 falsifies or conceals a material fact, who makes a false,
 5997 fictitious, or fraudulent statement or representation, or who
 5998 makes or uses any false document knowing the document to contain
 5999 any false, fictitious, or fraudulent entry or statement to an
 6000 insurer of workers' compensation insurance under this part ~~ss.~~
 6001 ~~633.801-633.821~~ commits a misdemeanor of the second degree,
 6002 punishable as provided in s. 775.082 or s. 775.083.

6003 ~~633.819 Matters within jurisdiction of the division;~~
 6004 ~~false, fictitious, or fraudulent acts, statements, and~~
 6005 ~~representations prohibited; penalty; statute of limitations.-~~

6006 (2) A person may not, in any matter within the
 6007 jurisdiction of the division, knowingly and willfully falsify or
 6008 conceal a material fact; make any false, fictitious, or
 6009 fraudulent statement or representation; or make or use any false
 6010 document, knowing the same to contain any false, fictitious, or
 6011 fraudulent statement or entry. A person who violates this
 6012 section commits a misdemeanor of the second degree, punishable
 6013 as provided in s. 775.082 or s. 775.083. The statute of
 6014 limitations for prosecution of an act committed in violation of
 6015 this section is 5 years after the date the act was committed or,
 6016 if not discovered within 30 days after the act was committed, 5
 6017 years after the date the act was discovered.

6018 Section 90. Section 633.814, Florida Statutes, is
 6019 transferred, renumbered as section 633.536, Florida Statutes,

6020 and amended, to read:

6021 633.536 ~~633.814~~ Expenses of administration.—The amounts
 6022 that are needed to administer this part ~~ss. 633.801–633.821~~
 6023 shall be disbursed from the Insurance Regulatory Trust Fund.

6024 Section 91. Section 554.103, Florida Statutes, is amended
 6025 to read:

6026 554.103 Boiler code.—The department shall adopt by rule a
 6027 State Boiler Code for the safe ~~construction~~, installation,
 6028 inspection, maintenance, and repair of boilers in this state.
 6029 The rules adopted shall be based upon and shall at all times
 6030 follow generally accepted nationwide engineering standards,
 6031 formulas, and practices pertaining to boiler construction and
 6032 safety.

6033 (1) New boilers installed or imported into this state
 6034 shall be constructed to the most current mandatory boiler code,
 6035 ~~The department shall adopt an existing code for new construction~~
 6036 ~~and installation~~ known as the Boiler and Pressure Vessel Code of
 6037 the American Society of Mechanical Engineers, including all
 6038 amendments, code cases, and interpretations approved thereto by
 6039 the Council on Codes and Standards of A.S.M.E. ~~The department~~
 6040 ~~may adopt amendments and interpretations to the A.S.M.E. Boiler~~
 6041 ~~and Pressure Vessel Code approved by the A.S.M.E. Council on~~
 6042 ~~Codes and Standards subsequent to the adoption of the State~~
 6043 ~~Boiler Code, and when so adopted, such amendments and~~
 6044 ~~interpretations shall become a part of the State Boiler Code.~~

6045 (2) The installer ~~owner~~ of any boiler placed in use in
 6046 this state after July 1, 2013 ~~October 1, 1987~~, shall submit the
 6047 A.S.M.E. manufacturer's data report on such boiler to the chief

6048 | inspector prior to the boiler being placed into operation ~~not~~
 6049 | ~~more than 90 days following the inservice date of the boiler.~~

6050 | (3) The maximum allowable working pressure of a boiler
 6051 | carrying the A.S.M.E. code symbol shall be determined by the
 6052 | applicable sections of the code under which it was constructed
 6053 | and stamped. Subject to the concurrence of the chief inspector,
 6054 | such boiler may be rerated in accordance with the standards of
 6055 | the State Boiler Code.

6056 | (4) The maximum allowable working pressure of a boiler
 6057 | which does not carry the A.S.M.E. code symbol shall be computed
 6058 | in accordance with the standards of the State Boiler Code.

6059 | (5) Nothing in ss. 554.1011-554.115 shall be construed to
 6060 | in any way prevent the use, sale, or reinstallation of a boiler
 6061 | if such boiler has been made to conform to the applicable
 6062 | provisions of the State Boiler Code governing existing
 6063 | installations and if, upon inspection, the boiler has been found
 6064 | to be in a safe condition.

6065 | Section 92. Section 627.4107, Florida Statutes, is amended
 6066 | to read:

6067 | 627.4107 Government employees exposed to toxic drug
 6068 | chemicals; cancellation of life or health policy or certificate
 6069 | prohibited.—No life or health insurer may cancel or nonrenew a
 6070 | life or health insurance policy or certificate of insurance
 6071 | providing coverage to a state or local law enforcement officer
 6072 | as defined in s. 943.10, firefighter as defined in s. 633.102
 6073 | ~~633.30~~, volunteer firefighter as defined in 633.102, emergency
 6074 | medical technician as defined in s. 401.23, or paramedic as
 6075 | defined in s. 401.23, a volunteer firefighter engaged by state

6076 or local government, a law enforcement officer employed by the
6077 Federal Government, or any other local, state, or Federal
6078 Government employee solely based on the fact that the individual
6079 has been exposed to toxic chemicals or suffered injury or
6080 disease as a result of the individual's lawful duties arising
6081 out of the commission of a violation of chapter 893 by another
6082 person. This section does not apply to any person who commits an
6083 offense under chapter 893. This section does not prohibit an
6084 insurer from canceling or nonrenewing an insurance policy or
6085 certificate, as permitted under the applicable state insurance
6086 code, based on an act or practice of the policyholder or
6087 certificateholder that constitutes fraud or intentional
6088 misrepresentation of material fact by the policyholder or
6089 certificateholder.

6090 Section 93. Section 791.012, Florida Statutes, is amended
6091 to read:

6092 791.012 Minimum fireworks safety standards.—The outdoor
6093 display of fireworks in this state shall be governed by the
6094 National Fire Protection Association (NFPA) 1123, Code for
6095 Fireworks Display, as adopted in the Florida Fire Prevention
6096 Code 1995 Edition, approved by the American National Standards
6097 Institute. Any state, county, or municipal law, rule, or
6098 ordinance may provide for more stringent regulations for the
6099 outdoor display of fireworks, but in no event may any such law,
6100 rule, or ordinance provide for less stringent regulations for
6101 the outdoor display of fireworks. The division shall promulgate
6102 rules to carry out the provisions of this section. The Code for
6103 Fireworks Display shall not govern the display of any fireworks

6104 on private, residential property and shall not govern the
6105 display of those items included under s. 791.01(4)(b) and (c)
6106 and authorized for sale thereunder.

6107 Section 94. Subsection (1) and paragraph (a) of subsection
6108 (3) of section 791.015, Florida Statutes, are amended to read:

6109 791.015 Registration of manufacturers, distributors,
6110 wholesalers, and retailers of sparklers.—

6111 (1) REGISTRATION REQUIREMENTS.—Any manufacturer,
6112 distributor, wholesaler, retailer, or seasonal retailer of
6113 sparklers who wishes to do business in this state or to
6114 otherwise sell, ship, or assign for sale its products in this
6115 state must register annually with the division on forms
6116 prescribed by the division. Any retailer or seasonal retailer
6117 who sells sparklers at more than one retail location may submit
6118 one registration form for all such locations but must provide
6119 the address of each location with the registration form;
6120 however, any retailer or seasonal retailer may submit multiple
6121 registration forms.

6122 (3) FEES.—

6123 (a) Each manufacturer, distributor, or wholesaler must pay
6124 an annual registration fee to be set by the division not to
6125 exceed \$1,000. Each seasonal retailer must pay an annual
6126 registration fee to be set by the division not to exceed \$200
6127 per each retail location registered. Each retailer shall pay an
6128 annual registration fee to be set by the division not to exceed
6129 \$15 for each retail location registered. Each certificateholder
6130 wishing to have a duplicate certificate issued for one which is
6131 lost or to reflect a change of address shall request such

6132 duplicate in writing and shall pay a fee of \$5.

6133 Section 95. Sections 633.024, 633.0245, 633.30, 633.445,
 6134 633.524, 633.804, and 633.820, Florida Statutes, are repealed.

6135 Section 96. Subsection (1) of section 112.1815, Florida
 6136 Statutes, is amended to read:

6137 112.1815 Firefighters, paramedics, emergency medical
 6138 technicians, and law enforcement officers; special provisions
 6139 for employment-related accidents and injuries.—

6140 (1) The term "first responder" as used in this section
 6141 means a law enforcement officer as defined in s. 943.10, a
 6142 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
 6143 medical technician or paramedic as defined in s. 401.23 employed
 6144 by state or local government. A volunteer law enforcement
 6145 officer, firefighter, or emergency medical technician or
 6146 paramedic engaged by the state or a local government is also
 6147 considered a first responder of the state or local government
 6148 for purposes of this section.

6149 Section 97. Paragraph (b) of subsection (1) of section
 6150 112.191, Florida Statutes, is amended to read:

6151 112.191 Firefighters; death benefits.—

6152 (1) Whenever used in this act:

6153 (b) The term "firefighter" means any full-time duly
 6154 employed uniformed firefighter employed by an employer, whose
 6155 primary duty is the prevention and extinguishing of fires, the
 6156 protection of life and property therefrom, the enforcement of
 6157 municipal, county, and state fire prevention codes, as well as
 6158 the enforcement of any law pertaining to the prevention and
 6159 control of fires, who is certified pursuant to s. 633.408

6160 ~~633.35~~, and who is a member of a duly constituted fire
 6161 department of such employer or who is a volunteer firefighter.

6162 Section 98. Subsection (1) of section 112.81, Florida
 6163 Statutes, is amended to read:

6164 112.81 Definitions.—As used in this part:

6165 (1) "Firefighter" means any person who is certified in
 6166 compliance with s. 633.408 ~~633.35~~ and who is employed solely
 6167 within the fire department or public safety department of an
 6168 employing agency as a full-time firefighter whose primary
 6169 responsibility is the prevention and extinguishment of fires;
 6170 the protection of life and property; and the enforcement of
 6171 municipal, county, and state fire prevention codes and laws
 6172 pertaining to the prevention and control of fires.

6173 Section 99. Paragraph (d) of subsection (4) of section
 6174 119.071, Florida Statutes, is amended to read:

6175 119.071 General exemptions from inspection or copying of
 6176 public records.—

6177 (4) AGENCY PERSONNEL INFORMATION.—

6178 (d)1. For purposes of this paragraph, the term "telephone
 6179 numbers" includes home telephone numbers, personal cellular
 6180 telephone numbers, personal pager telephone numbers, and
 6181 telephone numbers associated with personal communications
 6182 devices.

6183 2.a. The home addresses, telephone numbers, social
 6184 security numbers, dates of birth, and photographs of active or
 6185 former sworn or civilian law enforcement personnel, including
 6186 correctional and correctional probation officers, personnel of
 6187 the Department of Children and Family Services whose duties

6188 include the investigation of abuse, neglect, exploitation,
 6189 fraud, theft, or other criminal activities, personnel of the
 6190 Department of Health whose duties are to support the
 6191 investigation of child abuse or neglect, and personnel of the
 6192 Department of Revenue or local governments whose
 6193 responsibilities include revenue collection and enforcement or
 6194 child support enforcement; the home addresses, telephone
 6195 numbers, social security numbers, photographs, dates of birth,
 6196 and places of employment of the spouses and children of such
 6197 personnel; and the names and locations of schools and day care
 6198 facilities attended by the children of such personnel are exempt
 6199 from s. 119.07(1).

6200 b. The home addresses, telephone numbers, dates of birth,
 6201 and photographs of firefighters certified in compliance with s.
 6202 633.408 ~~633.35~~; the home addresses, telephone numbers,
 6203 photographs, dates of birth, and places of employment of the
 6204 spouses and children of such firefighters; and the names and
 6205 locations of schools and day care facilities attended by the
 6206 children of such firefighters are exempt from s. 119.07(1).

6207 c. The home addresses, dates of birth, and telephone
 6208 numbers of current or former justices of the Supreme Court,
 6209 district court of appeal judges, circuit court judges, and
 6210 county court judges; the home addresses, telephone numbers,
 6211 dates of birth, and places of employment of the spouses and
 6212 children of current or former justices and judges; and the names
 6213 and locations of schools and day care facilities attended by the
 6214 children of current or former justices and judges are exempt
 6215 from s. 119.07(1).

6216 d. The home addresses, telephone numbers, social security
6217 numbers, dates of birth, and photographs of current or former
6218 state attorneys, assistant state attorneys, statewide
6219 prosecutors, or assistant statewide prosecutors; the home
6220 addresses, telephone numbers, social security numbers,
6221 photographs, dates of birth, and places of employment of the
6222 spouses and children of current or former state attorneys,
6223 assistant state attorneys, statewide prosecutors, or assistant
6224 statewide prosecutors; and the names and locations of schools
6225 and day care facilities attended by the children of current or
6226 former state attorneys, assistant state attorneys, statewide
6227 prosecutors, or assistant statewide prosecutors are exempt from
6228 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

6229 e. The home addresses, dates of birth, and telephone
6230 numbers of general magistrates, special magistrates, judges of
6231 compensation claims, administrative law judges of the Division
6232 of Administrative Hearings, and child support enforcement
6233 hearing officers; the home addresses, telephone numbers, dates
6234 of birth, and places of employment of the spouses and children
6235 of general magistrates, special magistrates, judges of
6236 compensation claims, administrative law judges of the Division
6237 of Administrative Hearings, and child support enforcement
6238 hearing officers; and the names and locations of schools and day
6239 care facilities attended by the children of general magistrates,
6240 special magistrates, judges of compensation claims,
6241 administrative law judges of the Division of Administrative
6242 Hearings, and child support enforcement hearing officers are
6243 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

6244 Constitution if the general magistrate, special magistrate,
6245 judge of compensation claims, administrative law judge of the
6246 Division of Administrative Hearings, or child support hearing
6247 officer provides a written statement that the general
6248 magistrate, special magistrate, judge of compensation claims,
6249 administrative law judge of the Division of Administrative
6250 Hearings, or child support hearing officer has made reasonable
6251 efforts to protect such information from being accessible
6252 through other means available to the public.

6253 f. The home addresses, telephone numbers, dates of birth,
6254 and photographs of current or former human resource, labor
6255 relations, or employee relations directors, assistant directors,
6256 managers, or assistant managers of any local government agency
6257 or water management district whose duties include hiring and
6258 firing employees, labor contract negotiation, administration, or
6259 other personnel-related duties; the names, home addresses,
6260 telephone numbers, dates of birth, and places of employment of
6261 the spouses and children of such personnel; and the names and
6262 locations of schools and day care facilities attended by the
6263 children of such personnel are exempt from s. 119.07(1) and s.
6264 24(a), Art. I of the State Constitution.

6265 g. The home addresses, telephone numbers, dates of birth,
6266 and photographs of current or former code enforcement officers;
6267 the names, home addresses, telephone numbers, dates of birth,
6268 and places of employment of the spouses and children of such
6269 personnel; and the names and locations of schools and day care
6270 facilities attended by the children of such personnel are exempt
6271 from s. 119.07(1) and s. 24(a), Art. I of the State

6272 Constitution.

6273 h. The home addresses, telephone numbers, places of
 6274 employment, dates of birth, and photographs of current or former
 6275 guardians ad litem, as defined in s. 39.820; the names, home
 6276 addresses, telephone numbers, dates of birth, and places of
 6277 employment of the spouses and children of such persons; and the
 6278 names and locations of schools and day care facilities attended
 6279 by the children of such persons are exempt from s. 119.07(1) and
 6280 s. 24(a), Art. I of the State Constitution, if the guardian ad
 6281 litem provides a written statement that the guardian ad litem
 6282 has made reasonable efforts to protect such information from
 6283 being accessible through other means available to the public.

6284 i. The home addresses, telephone numbers, dates of birth,
 6285 and photographs of current or former juvenile probation
 6286 officers, juvenile probation supervisors, detention
 6287 superintendents, assistant detention superintendents, juvenile
 6288 justice detention officers I and II, juvenile justice detention
 6289 officer supervisors, juvenile justice residential officers,
 6290 juvenile justice residential officer supervisors I and II,
 6291 juvenile justice counselors, juvenile justice counselor
 6292 supervisors, human services counselor administrators, senior
 6293 human services counselor administrators, rehabilitation
 6294 therapists, and social services counselors of the Department of
 6295 Juvenile Justice; the names, home addresses, telephone numbers,
 6296 dates of birth, and places of employment of spouses and children
 6297 of such personnel; and the names and locations of schools and
 6298 day care facilities attended by the children of such personnel
 6299 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

6300 Constitution.

6301 j. The home addresses, telephone numbers, dates of birth,
 6302 and photographs of current or former public defenders, assistant
 6303 public defenders, criminal conflict and civil regional counsel,
 6304 and assistant criminal conflict and civil regional counsel; the
 6305 home addresses, telephone numbers, dates of birth, and places of
 6306 employment of the spouses and children of such defenders or
 6307 counsel; and the names and locations of schools and day care
 6308 facilities attended by the children of such defenders or counsel
 6309 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 6310 Constitution.

6311 k. The home addresses, telephone numbers, and photographs
 6312 of current or former investigators or inspectors of the
 6313 Department of Business and Professional Regulation; the names,
 6314 home addresses, telephone numbers, and places of employment of
 6315 the spouses and children of such current or former investigators
 6316 and inspectors; and the names and locations of schools and day
 6317 care facilities attended by the children of such current or
 6318 former investigators and inspectors are exempt from s. 119.07(1)
 6319 and s. 24(a), Art. I of the State Constitution if the
 6320 investigator or inspector has made reasonable efforts to protect
 6321 such information from being accessible through other means
 6322 available to the public. This sub-subparagraph is subject to the
 6323 Open Government Sunset Review Act in accordance with s. 119.15
 6324 and shall stand repealed on October 2, 2017, unless reviewed and
 6325 saved from repeal through reenactment by the Legislature.

6326 l. The home addresses and telephone numbers of county tax
 6327 collectors; the names, home addresses, telephone numbers, and

6328 places of employment of the spouses and children of such tax
6329 collectors; and the names and locations of schools and day care
6330 facilities attended by the children of such tax collectors are
6331 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
6332 Constitution if the county tax collector has made reasonable
6333 efforts to protect such information from being accessible
6334 through other means available to the public. This sub-
6335 subparagraph is subject to the Open Government Sunset Review Act
6336 in accordance with s. 119.15 and shall stand repealed on October
6337 2, 2017, unless reviewed and saved from repeal through
6338 reenactment by the Legislature.

6339 3. An agency that is the custodian of the information
6340 specified in subparagraph 2. and that is not the employer of the
6341 officer, employee, justice, judge, or other person specified in
6342 subparagraph 2. shall maintain the exempt status of that
6343 information only if the officer, employee, justice, judge, other
6344 person, or employing agency of the designated employee submits a
6345 written request for maintenance of the exemption to the
6346 custodial agency.

6347 4. The exemptions in this paragraph apply to information
6348 held by an agency before, on, or after the effective date of the
6349 exemption.

6350 5. This paragraph is subject to the Open Government Sunset
6351 Review Act in accordance with s. 119.15, and shall stand
6352 repealed on October 2, 2017, unless reviewed and saved from
6353 repeal through reenactment by the Legislature.

6354 Section 100. Subsection (4) of section 120.541, Florida
6355 Statutes, as amended by chapter 2011-222, Laws of Florida, is

6356 amended to read:

6357 120.541 Statement of estimated regulatory costs.—

6358 (4) Subsection (3) does not apply to the adoption of:

6359 (a) Federal standards pursuant to s. 120.54(6).

6360 (b) Triennial updates of and amendments to the Florida
6361 Building Code which are expressly authorized by s. 553.73.

6362 (c) Triennial updates of and amendments to the Florida
6363 Fire Prevention Code which are expressly authorized by s.

6364 633.202 ~~633.0215~~.

6365 Section 101. Subsection (17) of section 120.80, Florida
6366 Statutes, is amended to read:

6367 120.80 Exceptions and special requirements; agencies.—

6368 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
6369 to the adoption of amendments and the triennial update to the
6370 Florida Fire Prevention Code expressly authorized by s. 633.202
6371 ~~633.0215~~.

6372 Section 102. Paragraph (b) of subsection (3) and paragraph
6373 (a) of subsection (6) of section 121.0515, Florida Statutes, are
6374 amended to read:

6375 121.0515 Special Risk Class.—

6376 (3) CRITERIA.—A member, to be designated as a special risk
6377 member, must meet the following criteria:

6378 (b) Effective October 1, 1978, the member must be employed
6379 as a firefighter and be certified, or required to be certified,
6380 in compliance with s. 633.408 ~~633.35~~ and be employed solely
6381 within the fire department of a local government employer or an
6382 agency of state government with firefighting responsibilities.

6383 In addition, the member's duties and responsibilities must

6384 include on-the-scene fighting of fires; as of October 1, 2001,
6385 fire prevention or firefighter training; as of October 1, 2001,
6386 direct supervision of firefighting units, fire prevention, or
6387 firefighter training; or as of July 1, 2001, aerial firefighting
6388 surveillance performed by fixed-wing aircraft pilots employed by
6389 the Florida Forest Service of the Department of Agriculture and
6390 Consumer Services; or the member must be the supervisor or
6391 command officer of a member or members who have such
6392 responsibilities. Administrative support personnel, including,
6393 but not limited to, those whose primary duties and
6394 responsibilities are in accounting, purchasing, legal, and
6395 personnel, are not included. All periods of creditable service
6396 in fire prevention or firefighter training, or as the supervisor
6397 or command officer of a member or members who have such
6398 responsibilities, and for which the employer paid the special
6399 risk contribution rate, are included;

6400 (6) CREDIT FOR PAST SERVICE.—A special risk member may
6401 purchase retirement credit in the Special Risk Class based upon
6402 past service, and may upgrade retirement credit for such past
6403 service, to the extent of 2 percent of the member's average
6404 monthly compensation as specified in s. 121.091(1)(a) for such
6405 service as follows:

6406 (a) The member may purchase special risk credit for past
6407 service with a municipality or special district which has
6408 elected to join the Florida Retirement System, or with a
6409 participating agency to which a member's governmental unit was
6410 transferred, merged, or consolidated as provided in s.
6411 121.081(1)(f), if the member was employed with the municipality

6412 or special district at the time it commenced participating in
 6413 the Florida Retirement System or with the governmental unit at
 6414 the time of its transfer, merger, or consolidation with the
 6415 participating agency. The service must satisfy the criteria set
 6416 forth in subsection (3) for Special Risk Class membership as a
 6417 law enforcement officer, firefighter, or correctional officer;
 6418 however, a certificate or waiver of certificate of compliance
 6419 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such
 6420 service.

6421 Section 103. Paragraph (d) of subsection (1) of section
 6422 125.01, Florida Statutes, is amended to read:

6423 125.01 Powers and duties.—

6424 (1) The legislative and governing body of a county shall
 6425 have the power to carry on county government. To the extent not
 6426 inconsistent with general or special law, this power includes,
 6427 but is not restricted to, the power to:

6428 (d) Provide fire protection, including the enforcement of
 6429 the Florida Fire Prevention Code, as provided in ss. 633.206
 6430 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local
 6431 technical amendments to the Florida Fire Prevention Code as
 6432 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

6433 Section 104. Subsection (2) of section 125.01045, Florida
 6434 Statutes, is amended to read:

6435 125.01045 Prohibition of fees for first responder
 6436 services.—

6437 (2) As used in this section, the term "first responder"
 6438 means a law enforcement officer as defined in s. 943.10, a
 6439 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency

6440 medical technician or paramedic as defined in s. 401.23 who is
6441 employed by the state or a local government. A volunteer law
6442 enforcement officer, firefighter, or emergency medical
6443 technician or paramedic engaged by the state or a local
6444 government is also considered a first responder of the state or
6445 local government for purposes of this section.

6446 Section 105. Subsection (1) of section 125.56, Florida
6447 Statutes, is amended to read:

6448 125.56 Enforcement and amendment of the Florida Building
6449 Code and the Florida Fire Prevention Code; inspection fees;
6450 inspectors; etc.—

6451 (1) The board of county commissioners of each of the
6452 several counties of the state is authorized to enforce the
6453 Florida Building Code and the Florida Fire Prevention Code, as
6454 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,
6455 and, at its discretion, to adopt local technical amendments to
6456 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)
6457 and local technical amendments to the Florida Fire Prevention
6458 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe
6459 construction, erection, alteration, repair, securing, and
6460 demolition of any building within its territory outside the
6461 corporate limits of any municipality. Upon a determination to
6462 consider amending the Florida Building Code or the Florida Fire
6463 Prevention Code by a majority of the members of the board of
6464 county commissioners of such county, the board shall call a
6465 public hearing and comply with the public notice requirements of
6466 s. 125.66(2). The board shall hear all interested parties at the
6467 public hearing and may then amend the building code or the fire

6468 code consistent with the terms and purposes of this act. Upon
6469 adoption, an amendment to the code shall be in full force and
6470 effect throughout the unincorporated area of such county until
6471 otherwise notified by the Florida Building Commission pursuant
6472 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202
6473 ~~633.0215~~. Nothing herein contained shall be construed to prevent
6474 the board of county commissioners from repealing such amendment
6475 to the building code or the fire code at any regular meeting of
6476 such board.

6477 Section 106. Subsection (2) of section 166.0446, Florida
6478 Statutes, is amended to read:

6479 166.0446 Prohibition of fees for first responder
6480 services.—

6481 (2) As used in this section, the term "first responder"
6482 means a law enforcement officer as defined in s. 943.10, a
6483 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
6484 medical technician or paramedic as defined in s. 401.23 who is
6485 employed by the state or a local government. A volunteer law
6486 enforcement officer, firefighter, or emergency medical
6487 technician or paramedic engaged by the state or a local
6488 government is also considered a first responder of the state or
6489 local government for purposes of this section.

6490 Section 107. Paragraph (a) of subsection (8) of section
6491 175.032, Florida Statutes, is amended to read:

6492 175.032 Definitions.—For any municipality, special fire
6493 control district, chapter plan, local law municipality, local
6494 law special fire control district, or local law plan under this
6495 chapter, the following words and phrases have the following

6496 meanings:

6497 (8) (a) "Firefighter" means any person employed solely by a
 6498 constituted fire department of any municipality or special fire
 6499 control district who is certified as a firefighter as a
 6500 condition of employment in accordance with s. 633.408 ~~633.35~~ and
 6501 whose duty it is to extinguish fires, to protect life, or to
 6502 protect property. The term includes all certified, supervisory,
 6503 and command personnel whose duties include, in whole or in part,
 6504 the supervision, training, guidance, and management
 6505 responsibilities of full-time firefighters, part-time
 6506 firefighters, or auxiliary firefighters but does not include
 6507 part-time firefighters or auxiliary firefighters. However, for
 6508 purposes of this chapter only, the term also includes public
 6509 safety officers who are responsible for performing both police
 6510 and fire services, who are certified as police officers or
 6511 firefighters, and who are certified by their employers to the
 6512 Chief Financial Officer as participating in this chapter before
 6513 October 1, 1979. Effective October 1, 1979, public safety
 6514 officers who have not been certified as participating in this
 6515 chapter are considered police officers for retirement purposes
 6516 and are eligible to participate in chapter 185. Any plan may
 6517 provide that the fire chief has an option to participate, or
 6518 not, in that plan.

6519 Section 108. Subsection (3) of section 175.121, Florida
 6520 Statutes, is amended to read:

6521 175.121 Department of Revenue and Division of Retirement
 6522 to keep accounts of deposits; disbursements.—For any
 6523 municipality or special fire control district having a chapter

6524 or local law plan established pursuant to this chapter:

6525 (3) (a) All moneys not distributed to municipalities and
 6526 special fire control districts under this section as a result of
 6527 the limitation on disbursement contained in s. 175.122, or as a
 6528 result of any municipality or special fire control district not
 6529 having qualified in any given year, or portion thereof, shall be
 6530 transferred to the Firefighters' Supplemental Compensation Trust
 6531 Fund administered by the Department of Revenue, as provided in
 6532 s. 633.422 ~~633.382~~.

6533 (b)1. Moneys transferred under paragraph (a) but not
 6534 needed to support the supplemental compensation program in a
 6535 given year shall be redistributed pro rata to those
 6536 participating municipalities and special fire control districts
 6537 that transfer any portion of their funds to support the
 6538 supplemental compensation program in that year. Such additional
 6539 moneys shall be used to cover or offset costs of the retirement
 6540 plan.

6541 2. To assist the Department of Revenue, the division shall
 6542 identify those municipalities and special fire control districts
 6543 that are eligible for redistribution as provided in s.
 6544 633.422 (3) (c) 2. ~~633.382 (4) (c) 2.~~, by listing the municipalities
 6545 and special fire control districts from which funds were
 6546 transferred under paragraph (a) and specifying the amount
 6547 transferred by each.

6548 Section 109. Paragraph (c) of subsection (6) of section
 6549 196.081, Florida Statutes, is amended to read:

6550 196.081 Exemption for certain permanently and totally
 6551 disabled veterans and for surviving spouses of veterans;

6552 exemption for surviving spouses of first responders who die in
 6553 the line of duty.—

6554 (6) Any real estate that is owned and used as a homestead
 6555 by the surviving spouse of a first responder who died in the
 6556 line of duty while employed by the state or any political
 6557 subdivision of the state, including authorities and special
 6558 districts, and for whom a letter from the state or appropriate
 6559 political subdivision of the state, or other authority or
 6560 special district, has been issued which legally recognizes and
 6561 certifies that the first responder died in the line of duty
 6562 while employed as a first responder is exempt from taxation if
 6563 the first responder and his or her surviving spouse were
 6564 permanent residents of this state on January 1 of the year in
 6565 which the first responder died.

6566 (c) As used in this subsection only, and not applicable to
 6567 the payment of benefits under s. 112.19 or s. 112.191, the term:

6568 1. "First responder" means a law enforcement officer or
 6569 correctional officer as defined in s. 943.10, a firefighter as
 6570 defined in s. 633.102 ~~633.30~~, or an emergency medical technician
 6571 or paramedic as defined in s. 401.23 who is a full-time paid
 6572 employee, part-time paid employee, or unpaid volunteer.

6573 2. "In the line of duty" means:

6574 a. While engaging in law enforcement;

6575 b. While performing an activity relating to fire
 6576 suppression and prevention;

6577 c. While responding to a hazardous material emergency;

6578 d. While performing rescue activity;

6579 e. While providing emergency medical services;

- 6580 f. While performing disaster relief activity;
- 6581 g. While otherwise engaging in emergency response
- 6582 activity; or
- 6583 h. While engaging in a training exercise related to any of
- 6584 the events or activities enumerated in this subparagraph if the
- 6585 training has been authorized by the employing entity.

6586

6587 A heart attack or stroke that causes death or causes an injury

6588 resulting in death must occur within 24 hours after an event or

6589 activity enumerated in this subparagraph and must be directly

6590 and proximately caused by the event or activity in order to be

6591 considered as having occurred in the line of duty.

6592 Section 110. Paragraph (e) of subsection (1) of section

6593 218.23, Florida Statutes, is amended to read:

6594 218.23 Revenue sharing with units of local government.—

6595 (1) To be eligible to participate in revenue sharing

6596 beyond the minimum entitlement in any fiscal year, a unit of

6597 local government is required to have:

6598 (e) Certified that persons in its employ as firefighters,

6599 as defined in s. 633.102(9) ~~633.30(1)~~, meet the qualification

6600 for employment as established by the Division of State Fire

6601 Marshal pursuant to the provisions of ss. 633.412 ~~633.34~~ and

6602 633.408 ~~633.35~~ and that the provisions of s. 633.422 ~~633.382~~

6603 have been met.

6604

6605 Additionally, to receive its share of revenue sharing funds, a

6606 unit of local government shall certify to the Department of

6607 Revenue that the requirements of s. 200.065, if applicable, were

6608 met. The certification shall be made annually within 30 days of
 6609 adoption of an ordinance or resolution establishing a final
 6610 property tax levy or, if no property tax is levied, not later
 6611 than November 1. The portion of revenue sharing funds which,
 6612 pursuant to this part, would otherwise be distributed to a unit
 6613 of local government which has not certified compliance or has
 6614 otherwise failed to meet the requirements of s. 200.065 shall be
 6615 deposited in the General Revenue Fund for the 12 months
 6616 following a determination of noncompliance by the department.

6617 Section 111. Paragraph (a) of subsection (3) of section
 6618 252.515, Florida Statutes, is amended to read:

6619 252.515 Postdisaster Relief Assistance Act; immunity from
 6620 civil liability.—

6621 (3) As used in this section, the term:

6622 (a) "Emergency first responder" means:

- 6623 1. A physician licensed under chapter 458.
- 6624 2. An osteopathic physician licensed under chapter 459.
- 6625 3. A chiropractic physician licensed under chapter 460.
- 6626 4. A podiatric physician licensed under chapter 461.
- 6627 5. A dentist licensed under chapter 466.
- 6628 6. An advanced registered nurse practitioner certified
 6629 under s. 464.012.
- 6630 7. A physician assistant licensed under s. 458.347 or s.
 6631 459.022.
- 6632 8. A worker employed by a public or private hospital in
 6633 the state.
- 6634 9. A paramedic as defined in s. 401.23(17).
- 6635 10. An emergency medical technician as defined in s.

6636 401.23(11).

6637 11. A firefighter as defined in s. 633.102 ~~633.30~~.

6638 12. A law enforcement officer as defined in s. 943.10.

6639 13. A member of the Florida National Guard.

6640 14. Any other personnel designated as emergency personnel
6641 by the Governor pursuant to a declared emergency.

6642 Section 112. Section 255.45, Florida Statutes, is amended
6643 to read:

6644 255.45 Correction of firesafety violations in certain
6645 state-owned property.—The Department of Management Services is
6646 responsible for ensuring that firesafety violations that are
6647 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~
6648 are corrected as soon as practicable for all state-owned
6649 property which is leased from the Department of Management
6650 Services.

6651 Section 113. Subsection (4) of section 258.0145, Florida
6652 Statutes, is amended to read:

6653 258.0145 Military state park fee discounts.—The Division
6654 of Recreation and Parks shall provide the following discounts on
6655 park fees to persons who present written documentation
6656 satisfactory to the division which evidences their eligibility
6657 for the discounts:

6658 (4) The surviving spouse and parents of a law enforcement
6659 officer, as defined in s. 943.10(1), or a firefighter, as
6660 defined in s. 633.102(9) ~~633.30(1)~~, who has died in the line of
6661 duty shall receive lifetime family annual entrance passes at no
6662 charge.

6663 Section 114. Subsection (1) of section 281.02, Florida

6664 Statutes, is amended to read:

6665 281.02 Powers and duties of the Department of Management
6666 Services with respect to firesafety and security.—The Department
6667 of Management Services has the following powers and duties with
6668 respect to firesafety and security:

6669 (1) To assist the State Fire Marshal in maintaining the
6670 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

6671 Section 115. Subsection (1) of section 384.287, Florida
6672 Statutes, is amended to read:

6673 384.287 Screening for sexually transmissible disease.—

6674 (1) An officer as defined in s. 943.10(14); support
6675 personnel as defined in s. 943.10(11) who are employed by the
6676 Department of Law Enforcement, including, but not limited to,
6677 any crime scene analyst, forensic technologist, or crime lab
6678 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or
6679 ambulance driver, paramedic, or emergency medical technician as
6680 defined in s. 401.23, acting within the scope of employment, who
6681 comes into contact with a person in such a way that significant
6682 exposure, as defined in s. 381.004, has occurred may request
6683 that the person be screened for a sexually transmissible disease
6684 that can be transmitted through a significant exposure.

6685 Section 116. Paragraph (a) of subsection (1) of section
6686 395.0163, Florida Statutes, is amended to read:

6687 395.0163 Construction inspections; plan submission and
6688 approval; fees.—

6689 (1) (a) The design, construction, erection, alteration,
6690 modification, repair, and demolition of all public and private
6691 health care facilities are governed by the Florida Building Code

6692 and the Florida Fire Prevention Code under ss. 553.73 and
6693 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79
6694 and 553.80, the agency shall review facility plans and survey
6695 the construction of any facility licensed under this chapter.
6696 The agency shall make, or cause to be made, such construction
6697 inspections and investigations as it deems necessary. The agency
6698 may prescribe by rule that any licensee or applicant desiring to
6699 make specified types of alterations or additions to its
6700 facilities or to construct new facilities shall, before
6701 commencing such alteration, addition, or new construction,
6702 submit plans and specifications therefor to the agency for
6703 preliminary inspection and approval or recommendation with
6704 respect to compliance with applicable provisions of the Florida
6705 Building Code or agency rules and standards. The agency shall
6706 approve or disapprove the plans and specifications within 60
6707 days after receipt of the fee for review of plans as required in
6708 subsection (2). The agency may be granted one 15-day extension
6709 for the review period if the director of the agency approves the
6710 extension. If the agency fails to act within the specified time,
6711 it shall be deemed to have approved the plans and
6712 specifications. When the agency disapproves plans and
6713 specifications, it shall set forth in writing the reasons for
6714 its disapproval. Conferences and consultations may be provided
6715 as necessary.

6716 Section 117. Section 400.232, Florida Statutes, is amended
6717 to read:

6718 400.232 Review and approval of plans; fees and costs.—The
6719 design, construction, erection, alteration, modification,

6720 repair, and demolition of all public and private health care
6721 facilities are governed by the Florida Building Code and the
6722 Florida Fire Prevention Code under ss. 553.73 and 633.206
6723 ~~633.022~~. In addition to the requirements of ss. 553.79 and
6724 553.80, the agency shall review the facility plans and survey
6725 the construction of facilities licensed under this chapter.

6726 (1) The agency shall approve or disapprove the plans and
6727 specifications within 60 days after receipt of the final plans
6728 and specifications. The agency may be granted one 15-day
6729 extension for the review period, if the director of the agency
6730 so approves. If the agency fails to act within the specified
6731 time, it shall be deemed to have approved the plans and
6732 specifications. When the agency disapproves plans and
6733 specifications, it shall set forth in writing the reasons for
6734 disapproval. Conferences and consultations may be provided as
6735 necessary.

6736 (2) The agency is authorized to charge an initial fee of
6737 \$2,000 for review of plans and construction on all projects, no
6738 part of which is refundable. The agency may also collect a fee,
6739 not to exceed 1 percent of the estimated construction cost or
6740 the actual cost of review, whichever is less, for the portion of
6741 the review which encompasses initial review through the initial
6742 revised construction document review. The agency is further
6743 authorized to collect its actual costs on all subsequent
6744 portions of the review and construction inspections. Initial fee
6745 payment shall accompany the initial submission of plans and
6746 specifications. Any subsequent payment that is due is payable
6747 upon receipt of the invoice from the agency. Notwithstanding any

6748 other provisions of law to the contrary, all money received by
6749 the agency pursuant to the provisions of this section shall be
6750 deemed to be trust funds, to be held and applied solely for the
6751 operations required under this section.

6752 Section 118. Subsection (2) of section 400.915, Florida
6753 Statutes, is amended to read:

6754 400.915 Construction and renovation; requirements.—The
6755 requirements for the construction or renovation of a PPEC center
6756 shall comply with:

6757 (2) The provisions of s. 633.206 ~~633.022~~ and applicable
6758 rules pertaining to physical standards for nonresidential child
6759 care facilities; and

6760 Section 119. Paragraph (a) of subsection (1) of section
6761 429.41, Florida Statutes, is amended to read:

6762 429.41 Rules establishing standards.—

6763 (1) It is the intent of the Legislature that rules
6764 published and enforced pursuant to this section shall include
6765 criteria by which a reasonable and consistent quality of
6766 resident care and quality of life may be ensured and the results
6767 of such resident care may be demonstrated. Such rules shall also
6768 ensure a safe and sanitary environment that is residential and
6769 noninstitutional in design or nature. It is further intended
6770 that reasonable efforts be made to accommodate the needs and
6771 preferences of residents to enhance the quality of life in a
6772 facility. The agency, in consultation with the department, may
6773 adopt rules to administer the requirements of part II of chapter
6774 408. In order to provide safe and sanitary facilities and the
6775 highest quality of resident care accommodating the needs and

6776 | preferences of residents, the department, in consultation with
6777 | the agency, the Department of Children and Family Services, and
6778 | the Department of Health, shall adopt rules, policies, and
6779 | procedures to administer this part, which must include
6780 | reasonable and fair minimum standards in relation to:

6781 | (a) The requirements for and maintenance of facilities,
6782 | not in conflict with the provisions of chapter 553, relating to
6783 | plumbing, heating, cooling, lighting, ventilation, living space,
6784 | and other housing conditions, which will ensure the health,
6785 | safety, and comfort of residents and protection from fire
6786 | hazard, including adequate provisions for fire alarm and other
6787 | fire protection suitable to the size of the structure. Uniform
6788 | firesafety standards shall be established and enforced by the
6789 | State Fire Marshal in cooperation with the agency, the
6790 | department, and the Department of Health.

6791 | 1. Evacuation capability determination.—

6792 | a. The provisions of the National Fire Protection
6793 | Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
6794 | for determining the ability of the residents, with or without
6795 | staff assistance, to relocate from or within a licensed facility
6796 | to a point of safety as provided in the fire codes adopted
6797 | herein. An evacuation capability evaluation for initial
6798 | licensure shall be conducted within 6 months after the date of
6799 | licensure. For existing licensed facilities that are not
6800 | equipped with an automatic fire sprinkler system, the
6801 | administrator shall evaluate the evacuation capability of
6802 | residents at least annually. The evacuation capability
6803 | evaluation for each facility not equipped with an automatic fire

6804 | sprinkler system shall be validated, without liability, by the
6805 | State Fire Marshal, by the local fire marshal, or by the local
6806 | authority having jurisdiction over firesafety, before the
6807 | license renewal date. If the State Fire Marshal, local fire
6808 | marshal, or local authority having jurisdiction over firesafety
6809 | has reason to believe that the evacuation capability of a
6810 | facility as reported by the administrator may have changed, it
6811 | may, with assistance from the facility administrator, reevaluate
6812 | the evacuation capability through timed exiting drills.
6813 | Translation of timed fire exiting drills to evacuation
6814 | capability may be determined:

6815 | (I) Three minutes or less: prompt.

6816 | (II) More than 3 minutes, but not more than 13 minutes:
6817 | slow.

6818 | (III) More than 13 minutes: impractical.

6819 | b. The Office of the State Fire Marshal shall provide or
6820 | cause the provision of training and education on the proper
6821 | application of Chapter 5, NFPA 101A, 1995 edition, to its
6822 | employees, to staff of the Agency for Health Care Administration
6823 | who are responsible for regulating facilities under this part,
6824 | and to local governmental inspectors. The Office of the State
6825 | Fire Marshal shall provide or cause the provision of this
6826 | training within its existing budget, but may charge a fee for
6827 | this training to offset its costs. The initial training must be
6828 | delivered within 6 months after July 1, 1995, and as needed
6829 | thereafter.

6830 | c. The Office of the State Fire Marshal, in cooperation
6831 | with provider associations, shall provide or cause the provision

6832 of a training program designed to inform facility operators on
6833 how to properly review bid documents relating to the
6834 installation of automatic fire sprinklers. The Office of the
6835 State Fire Marshal shall provide or cause the provision of this
6836 training within its existing budget, but may charge a fee for
6837 this training to offset its costs. The initial training must be
6838 delivered within 6 months after July 1, 1995, and as needed
6839 thereafter.

6840 d. The administrator of a licensed facility shall sign an
6841 affidavit verifying the number of residents occupying the
6842 facility at the time of the evacuation capability evaluation.

6843 2. Firesafety requirements.—

6844 a. Except for the special applications provided herein,
6845 effective January 1, 1996, the provisions of the National Fire
6846 Protection Association, Life Safety Code, NFPA 101, 1994
6847 edition, Chapter 22 for new facilities and Chapter 23 for
6848 existing facilities shall be the uniform fire code applied by
6849 the State Fire Marshal for assisted living facilities, pursuant
6850 to s. 633.206 ~~633.022~~.

6851 b. Any new facility, regardless of size, that applies for
6852 a license on or after January 1, 1996, must be equipped with an
6853 automatic fire sprinkler system. The exceptions as provided in
6854 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
6855 to any new facility housing eight or fewer residents. On July 1,
6856 1995, local governmental entities responsible for the issuance
6857 of permits for construction shall inform, without liability, any
6858 facility whose permit for construction is obtained prior to
6859 January 1, 1996, of this automatic fire sprinkler requirement.

6860 As used in this part, the term "a new facility" does not mean an
6861 existing facility that has undergone change of ownership.

6862 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or
6863 of the National Fire Protection Association, NFPA 101A, Chapter
6864 5, 1995 edition, to the contrary, any existing facility housing
6865 eight or fewer residents is not required to install an automatic
6866 fire sprinkler system, nor to comply with any other requirement
6867 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
6868 firesafety requirements of NFPA 101, 1988 edition, that applies
6869 to this size facility, unless the facility has been classified
6870 as impractical to evacuate. Any existing facility housing eight
6871 or fewer residents that is classified as impractical to evacuate
6872 must install an automatic fire sprinkler system within the
6873 timeframes granted in this section.

6874 d. Any existing facility that is required to install an
6875 automatic fire sprinkler system under this paragraph need not
6876 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
6877 edition, which exceed the provisions of NFPA 101, 1988 edition.
6878 The mandate contained in this paragraph which requires certain
6879 facilities to install an automatic fire sprinkler system
6880 supersedes any other requirement.

6881 e. This paragraph does not supersede the exceptions
6882 granted in NFPA 101, 1988 edition or 1994 edition.

6883 f. This paragraph does not exempt facilities from other
6884 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local
6885 building code requirements in effect before July 1, 1995.

6886 g. A local government may charge fees only in an amount
6887 not to exceed the actual expenses incurred by local government

6888 relating to the installation and maintenance of an automatic
6889 fire sprinkler system in an existing and properly licensed
6890 assisted living facility structure as of January 1, 1996.

6891 h. If a licensed facility undergoes major reconstruction
6892 or addition to an existing building on or after January 1, 1996,
6893 the entire building must be equipped with an automatic fire
6894 sprinkler system. Major reconstruction of a building means
6895 repair or restoration that costs in excess of 50 percent of the
6896 value of the building as reported on the tax rolls, excluding
6897 land, before reconstruction. Multiple reconstruction projects
6898 within a 5-year period the total costs of which exceed 50
6899 percent of the initial value of the building at the time the
6900 first reconstruction project was permitted are to be considered
6901 as major reconstruction. Application for a permit for an
6902 automatic fire sprinkler system is required upon application for
6903 a permit for a reconstruction project that creates costs that go
6904 over the 50-percent threshold.

6905 i. Any facility licensed before January 1, 1996, that is
6906 required to install an automatic fire sprinkler system shall
6907 ensure that the installation is completed within the following
6908 timeframes based upon evacuation capability of the facility as
6909 determined under subparagraph 1.:

6910 (I) Impractical evacuation capability, 24 months.

6911 (II) Slow evacuation capability, 48 months.

6912 (III) Prompt evacuation capability, 60 months.

6913

6914 The beginning date from which the deadline for the automatic
6915 fire sprinkler installation requirement must be calculated is

6916 upon receipt of written notice from the local fire official that
6917 an automatic fire sprinkler system must be installed. The local
6918 fire official shall send a copy of the document indicating the
6919 requirement of a fire sprinkler system to the Agency for Health
6920 Care Administration.

6921 j. It is recognized that the installation of an automatic
6922 fire sprinkler system may create financial hardship for some
6923 facilities. The appropriate local fire official shall, without
6924 liability, grant two 1-year extensions to the timeframes for
6925 installation established herein, if an automatic fire sprinkler
6926 installation cost estimate and proof of denial from two
6927 financial institutions for a construction loan to install the
6928 automatic fire sprinkler system are submitted. However, for any
6929 facility with a class I or class II, or a history of uncorrected
6930 class III, firesafety deficiencies, an extension must not be
6931 granted. The local fire official shall send a copy of the
6932 document granting the time extension to the Agency for Health
6933 Care Administration.

6934 k. A facility owner whose facility is required to be
6935 equipped with an automatic fire sprinkler system under Chapter
6936 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
6937 any potential buyer of the facility that an installation of an
6938 automatic fire sprinkler requirement exists. The sale of the
6939 facility does not alter the timeframe for the installation of
6940 the automatic fire sprinkler system.

6941 l. Existing facilities required to install an automatic
6942 fire sprinkler system as a result of construction-type
6943 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted

6944 herein, or evacuation capability requirements shall be notified
 6945 by the local fire official in writing of the automatic fire
 6946 sprinkler requirement, as well as the appropriate date for final
 6947 compliance as provided in this subparagraph. The local fire
 6948 official shall send a copy of the document to the Agency for
 6949 Health Care Administration.

6950 m. Except in cases of life-threatening fire hazards, if an
 6951 existing facility experiences a change in the evacuation
 6952 capability, or if the local authority having jurisdiction
 6953 identifies a construction-type restriction, such that an
 6954 automatic fire sprinkler system is required, it shall be
 6955 afforded time for installation as provided in this subparagraph.

6956
 6957 Facilities that are fully sprinkled and in compliance with other
 6958 firesafety standards are not required to conduct more than one
 6959 of the required fire drills between the hours of 11 p.m. and 7
 6960 a.m., per year. In lieu of the remaining drills, staff
 6961 responsible for residents during such hours may be required to
 6962 participate in a mock drill that includes a review of evacuation
 6963 procedures. Such standards must be included or referenced in the
 6964 rules adopted by the State Fire Marshal. Pursuant to s.
 6965 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final
 6966 administrative authority for firesafety standards established
 6967 and enforced pursuant to this section. All licensed facilities
 6968 must have an annual fire inspection conducted by the local fire
 6969 marshal or authority having jurisdiction.

6970 3. Resident elopement requirements.—Facilities are
 6971 required to conduct a minimum of two resident elopement

6972 prevention and response drills per year. All administrators and
 6973 direct care staff must participate in the drills which shall
 6974 include a review of procedures to address resident elopement.
 6975 Facilities must document the implementation of the drills and
 6976 ensure that the drills are conducted in a manner consistent with
 6977 the facility's resident elopement policies and procedures.

6978 Section 120. Subsection (1) of section 429.44, Florida
 6979 Statutes, is amended to read:

6980 429.44 Construction and renovation; requirements.—

6981 (1) The requirements for the construction and renovation
 6982 of a facility shall comply with the provisions of chapter 553
 6983 which pertain to building construction standards, including
 6984 plumbing, electrical code, glass, manufactured buildings,
 6985 accessibility for persons with disabilities, and the state
 6986 minimum building code and with the provisions of s. 633.206
 6987 ~~633.022~~, which pertain to uniform firesafety standards.

6988 Section 121. Subsection (2) of section 429.73, Florida
 6989 Statutes, is amended to read:

6990 429.73 Rules and standards relating to adult family-care
 6991 homes.—

6992 (2) The department shall by rule provide minimum standards
 6993 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,
 6994 the State Fire Marshal, in consultation with the department and
 6995 the agency, shall adopt uniform firesafety standards for adult
 6996 family-care homes.

6997 Section 122. Paragraph (b) of subsection (4) of section
 6998 447.203, Florida Statutes, is amended to read:

6999 447.203 Definitions.—As used in this part:

7000 (4) "Managerial employees" are those employees who:
 7001 (b) Serve as police chiefs, fire chiefs, or directors of
 7002 public safety of any police, fire, or public safety department.
 7003 Other police officers, as defined in s. 943.10(1), and
 7004 firefighters, as defined in s. 633.102(9) ~~633.30(1)~~, may be
 7005 determined by the commission to be managerial employees of such
 7006 departments. In making such determinations, the commission shall
 7007 consider, in addition to the criteria established in paragraph
 7008 (a), the paramilitary organizational structure of the department
 7009 involved.

7010
 7011 However, in determining whether an individual is a managerial
 7012 employee pursuant to either paragraph (a) or paragraph (b),
 7013 above, the commission may consider historic relationships of the
 7014 employee to the public employer and to coemployees.

7015 Section 123. Subsection (1) of section 468.602, Florida
 7016 Statutes, is amended to read:

7017 468.602 Exemptions.—This part does not apply to:

7018 (1) Persons who possess a valid certificate, issued
 7019 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety
 7020 inspections, when conducting firesafety inspections.

7021 Section 124. Paragraph (c) of subsection (2) of section
 7022 468.609, Florida Statutes, is amended to read:

7023 468.609 Administration of this part; standards for
 7024 certification; additional categories of certification.—

7025 (2) A person may take the examination for certification as
 7026 a building code inspector or plans examiner pursuant to this
 7027 part if the person:

7028 (c) Meets eligibility requirements according to one of the
7029 following criteria:

7030 1. Demonstrates 5 years' combined experience in the field
7031 of construction or a related field, building code inspection, or
7032 plans review corresponding to the certification category sought;

7033 2. Demonstrates a combination of postsecondary education
7034 in the field of construction or a related field and experience
7035 which totals 4 years, with at least 1 year of such total being
7036 experience in construction, building code inspection, or plans
7037 review;

7038 3. Demonstrates a combination of technical education in
7039 the field of construction or a related field and experience
7040 which totals 4 years, with at least 1 year of such total being
7041 experience in construction, building code inspection, or plans
7042 review;

7043 4. Currently holds a standard certificate as issued by the
7044 board, or a fire safety inspector license issued pursuant to
7045 chapter 633, has a minimum of 5 years' verifiable full-time
7046 experience in inspection or plan review, and satisfactorily
7047 completes a building code inspector or plans examiner training
7048 program of not less than 200 hours in the certification category
7049 sought. The board shall establish by rule criteria for the
7050 development and implementation of the training programs; or

7051 5. Demonstrates a combination of the completion of an
7052 approved training program in the field of building code
7053 inspection or plan review and a minimum of 2 years' experience
7054 in the field of building code inspection, plan review, fire code
7055 inspections and fire plans review of new buildings as a

7056 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or
 7057 construction. The approved training portion of this requirement
 7058 shall include proof of satisfactory completion of a training
 7059 program of not less than 300 hours which is approved by the
 7060 board in the chosen category of building code inspection or plan
 7061 review in the certification category sought with not less than
 7062 20 hours of instruction in state laws, rules, and ethics
 7063 relating to professional standards of practice, duties, and
 7064 responsibilities of a certificateholder. The board shall
 7065 coordinate with the Building Officials Association of Florida,
 7066 Inc., to establish by rule the development and implementation of
 7067 the training program.

7068 Section 125. Subsection (22) of section 489.103, Florida
 7069 Statutes, is amended to read:

7070 489.103 Exemptions.—This part does not apply to:

7071 (22) A person licensed pursuant to s. 633.304(1)(d)
 7072 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such
 7073 license.

7074 Section 126. Paragraph (n) of subsection (3) of section
 7075 489.105, Florida Statutes, is amended to read:

7076 489.105 Definitions.—As used in this part:

7077 (3) "Contractor" means the person who is qualified for,
 7078 and is only responsible for, the project contracted for and
 7079 means, except as exempted in this part, the person who, for
 7080 compensation, undertakes to, submits a bid to, or does himself
 7081 or herself or by others construct, repair, alter, remodel, add
 7082 to, demolish, subtract from, or improve any building or
 7083 structure, including related improvements to real estate, for

7084 others or for resale to others; and whose job scope is
7085 substantially similar to the job scope described in one of the
7086 paragraphs of this subsection. For the purposes of regulation
7087 under this part, the term "demolish" applies only to demolition
7088 of steel tanks more than 50 feet in height; towers more than 50
7089 feet in height; other structures more than 50 feet in height;
7090 and all buildings or residences. Contractors are subdivided into
7091 two divisions, Division I, consisting of those contractors
7092 defined in paragraphs (a)-(c), and Division II, consisting of
7093 those contractors defined in paragraphs (d)-(q):

7094 (n) "Underground utility and excavation contractor" means
7095 a contractor whose services are limited to the construction,
7096 installation, and repair, on public or private property, whether
7097 accomplished through open excavations or through other means,
7098 including, but not limited to, directional drilling, auger
7099 boring, jacking and boring, trenchless technologies, wet and dry
7100 taps, grouting, and slip lining, of main sanitary sewer
7101 collection systems, main water distribution systems, storm sewer
7102 collection systems, and the continuation of utility lines from
7103 the main systems to a point of termination up to and including
7104 the meter location for the individual occupancy, sewer
7105 collection systems at property line on residential or single-
7106 occupancy commercial properties, or on multioccupancy properties
7107 at manhole or wye lateral extended to an invert elevation as
7108 engineered to accommodate future building sewers, water
7109 distribution systems, or storm sewer collection systems at storm
7110 sewer structures. However, an underground utility and excavation
7111 contractor may install empty underground conduits in rights-of-

7112 way, easements, platted rights-of-way in new site development,
7113 and sleeves for parking lot crossings no smaller than 2 inches
7114 in diameter if each conduit system installed is designed by a
7115 licensed professional engineer or an authorized employee of a
7116 municipality, county, or public utility and the installation of
7117 such conduit does not include installation of any conductor
7118 wiring or connection to an energized electrical system. An
7119 underground utility and excavation contractor may not install
7120 piping that is an integral part of a fire protection system as
7121 defined in s. 633.102 ~~633.021~~ beginning at the point where the
7122 piping is used exclusively for such system.

7123 Section 127. Subsection (9) of section 496.404, Florida
7124 Statutes, is amended to read:

7125 496.404 Definitions.—As used in ss. 496.401-496.424:

7126 (9) "Emergency service employee" means any employee who is
7127 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance
7128 driver, emergency medical technician, or paramedic, as defined
7129 in s. 401.23.

7130 Section 128. Paragraph (a) of subsection (7) of section
7131 509.032, Florida Statutes, is amended to read:

7132 509.032 Duties.—

7133 (7) PREEMPTION AUTHORITY.—

7134 (a) The regulation of public lodging establishments and
7135 public food service establishments, including, but not limited
7136 to, sanitation standards, inspections, training and testing of
7137 personnel, and matters related to the nutritional content and
7138 marketing of foods offered in such establishments, is preempted
7139 to the state. This paragraph does not preempt the authority of a

7140 local government or local enforcement district to conduct
 7141 inspections of public lodging and public food service
 7142 establishments for compliance with the Florida Building Code and
 7143 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
 7144 633.206 ~~633.022~~.

7145 Section 129. Section 513.05, Florida Statutes, is amended
 7146 to read:

7147 513.05 Rules.—The department may adopt rules pertaining to
 7148 the location, construction, modification, equipment, and
 7149 operation of mobile home parks, lodging parks, recreational
 7150 vehicle parks, and recreational camps, except as provided in s.
 7151 633.206 ~~633.022~~, as necessary to administer this chapter. Such
 7152 rules may include definitions of terms; requirements for plan
 7153 reviews of proposed and existing parks and camps; plan reviews
 7154 of parks that consolidate space or change space size; water
 7155 supply; sewage collection and disposal; plumbing and backflow
 7156 prevention; garbage and refuse storage, collection, and
 7157 disposal; insect and rodent control; space requirements; heating
 7158 facilities; food service; lighting; sanitary facilities;
 7159 bedding; an occupancy equivalency to spaces for permits for
 7160 recreational camps; sanitary facilities in recreational vehicle
 7161 parks; and the owners' responsibilities at recreational vehicle
 7162 parks and recreational camps.

7163 Section 130. Paragraph (d) of subsection (1) and paragraph
 7164 (f) of subsection (11) of section 553.73, Florida Statutes, are
 7165 amended to read:

7166 553.73 Florida Building Code.—
 7167 (1)

7168 (d) Conflicting requirements between the Florida Building
 7169 Code and the Florida Fire Prevention Code and Life Safety Code
 7170 of the state established pursuant to ss. 633.206 ~~633.022~~ and
 7171 633.208 ~~633.025~~ shall be resolved by agreement between the
 7172 commission and the State Fire Marshal in favor of the
 7173 requirement that offers the greatest degree of lifesafety or
 7174 alternatives that would provide an equivalent degree of
 7175 lifesafety and an equivalent method of construction. If the
 7176 commission and State Fire Marshal are unable to agree on a
 7177 resolution, the question shall be referred to a mediator,
 7178 mutually agreeable to both parties, to resolve the conflict in
 7179 favor of the provision that offers the greatest lifesafety, or
 7180 alternatives that would provide an equivalent degree of
 7181 lifesafety and an equivalent method of construction.

7182 (11)

7183 (f) All decisions of the local building official and local
 7184 fire official and all decisions of the administrative board
 7185 shall be in writing and shall be binding upon all persons but
 7186 shall not limit the authority of the State Fire Marshal or the
 7187 Florida Building Commission pursuant to paragraph (1)(d) and ss.
 7188 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of general
 7189 application shall be indexed by building and fire code sections
 7190 and shall be available for inspection during normal business
 7191 hours.

7192 Section 131. Paragraph (e) of subsection (1) of section
 7193 553.77, Florida Statutes, is amended to read:

7194 553.77 Specific powers of the commission.—

7195 (1) The commission shall:

7196 (e) Participate with the Florida Fire Code Advisory
 7197 Council created under s. 633.204 ~~633.72~~, to provide assistance
 7198 and recommendations relating to firesafety code interpretations.
 7199 The administrative staff of the commission shall attend meetings
 7200 of the Florida Fire Code Advisory Council and coordinate efforts
 7201 to provide consistency between the Florida Building Code and the
 7202 Florida Fire Prevention Code and the Life Safety Code.

7203 Section 132. Subsections (2) and (12) of section 553.79,
 7204 Florida Statutes, are amended to read:

7205 553.79 Permits; applications; issuance; inspections.-

7206 (2) Except as provided in subsection (6), an enforcing
 7207 agency may not issue any permit for construction, erection,
 7208 alteration, modification, repair, or demolition of any building
 7209 or structure until the local building code administrator or
 7210 inspector has reviewed the plans and specifications required by
 7211 the Florida Building Code, or local amendment thereto, for such
 7212 proposal and found the plans to be in compliance with the
 7213 Florida Building Code. If the local building code administrator
 7214 or inspector finds that the plans are not in compliance with the
 7215 Florida Building Code, the local building code administrator or
 7216 inspector shall identify the specific plan features that do not
 7217 comply with the applicable codes, identify the specific code
 7218 chapters and sections upon which the finding is based, and
 7219 provide this information to the local enforcing agency. The
 7220 local enforcing agency shall provide this information to the
 7221 permit applicant. In addition, an enforcing agency may not issue
 7222 any permit for construction, erection, alteration, modification,
 7223 repair, or demolition of any building until the appropriate

7224 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~
7225 has reviewed the plans and specifications required by the
7226 Florida Building Code, or local amendment thereto, for such
7227 proposal and found that the plans comply with the Florida Fire
7228 Prevention Code and the Life Safety Code. Any building or
7229 structure which is not subject to a firesafety code shall not be
7230 required to have its plans reviewed by the firesafety inspector.
7231 Any building or structure that is exempt from the local building
7232 permit process may not be required to have its plans reviewed by
7233 the local building code administrator. Industrial construction
7234 on sites where design, construction, and firesafety are
7235 supervised by appropriate design and inspection professionals
7236 and which contain adequate in-house fire departments and rescue
7237 squads is exempt, subject to local government option, from
7238 review of plans and inspections, providing owners certify that
7239 applicable codes and standards have been met and supply
7240 appropriate approved drawings to local building and firesafety
7241 inspectors. The enforcing agency shall issue a permit to
7242 construct, erect, alter, modify, repair, or demolish any
7243 building or structure when the plans and specifications for such
7244 proposal comply with the provisions of the Florida Building Code
7245 and the Florida Fire Prevention Code and the Life Safety Code as
7246 determined by the local authority in accordance with this
7247 chapter and chapter 633.

7248 (12) One-family and two-family detached residential
7249 dwelling units are not subject to plan review by the local fire
7250 official as described in this section or inspection by the local
7251 fire official as described in s. 633.216 ~~633.081~~, unless

7252 expressly made subject to said plan review or inspection by
 7253 local ordinance.

7254 Section 133. Paragraph (d) of subsection (1) of section
 7255 590.02, Florida Statutes, is amended to read:

7256 590.02 Florida Forest Service; powers, authority, and
 7257 duties; liability; building structures; Florida Center for
 7258 Wildfire and Forest Resources Management Training.—

7259 (1) The Florida Forest Service has the following powers,
 7260 authority, and duties:

7261 (d) To appoint center managers, forest area supervisors,
 7262 forestry program administrators, a forest protection bureau
 7263 chief, a forest protection assistant bureau chief, a field
 7264 operations bureau chief, deputy chiefs of field operations,
 7265 district managers, forest operations administrators, senior
 7266 forest rangers, investigators, forest rangers, firefighter
 7267 rotorcraft pilots, and other employees who may, at the Florida
 7268 Forest Service's discretion, be certified as forestry
 7269 firefighters pursuant to s. 633.408(7) ~~633.35(4)~~. Other
 7270 provisions of law notwithstanding, center managers, district
 7271 managers, forest protection assistant bureau chief, and deputy
 7272 chiefs of field operations shall have Selected Exempt Service
 7273 status in the state personnel designation;

7274 Section 134. Subsection (10) of section 893.13, Florida
 7275 Statutes, is amended to read:

7276 893.13 Prohibited acts; penalties.—

7277 (10) If a person violates any provision of this chapter
 7278 and the violation results in a serious injury to a state or
 7279 local law enforcement officer as defined in s. 943.10,

7280 firefighter as defined in s. 633.102 ~~633.30~~, emergency medical
 7281 technician as defined in s. 401.23, paramedic as defined in s.
 7282 401.23, employee of a public utility or an electric utility as
 7283 defined in s. 366.02, animal control officer as defined in s.
 7284 828.27, volunteer firefighter engaged by state or local
 7285 government, law enforcement officer employed by the Federal
 7286 Government, or any other local, state, or Federal Government
 7287 employee injured during the course and scope of his or her
 7288 employment, the person commits a felony of the third degree,
 7289 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 7290 If the injury sustained results in death or great bodily harm,
 7291 the person commits a felony of the second degree, punishable as
 7292 provided in s. 775.082, s. 775.083, or s. 775.084.

7293 Section 135. Paragraph (g) of subsection (2) of section
 7294 934.03, Florida Statutes, is amended to read:

7295 934.03 Interception and disclosure of wire, oral, or
 7296 electronic communications prohibited.-

7297 (2)

7298 (g) It is lawful under ss. 934.03-934.09 for an employee
 7299 of:

7300 1. An ambulance service licensed pursuant to s. 401.25, a
 7301 fire station employing firefighters as defined by s. 633.102
 7302 ~~633.30~~, a public utility, a law enforcement agency as defined by
 7303 s. 934.02(10), or any other entity with published emergency
 7304 telephone numbers;

7305 2. An agency operating an emergency telephone number "911"
 7306 system established pursuant to s. 365.171; or

7307 3. The central abuse hotline operated pursuant to s.

7308 39.201
 7309
 7310 to intercept and record incoming wire communications; however,
 7311 such employee may intercept and record incoming wire
 7312 communications on designated "911" telephone numbers and
 7313 published nonemergency telephone numbers staffed by trained
 7314 dispatchers at public safety answering points only. It is also
 7315 lawful for such employee to intercept and record outgoing wire
 7316 communications to the numbers from which such incoming wire
 7317 communications were placed when necessary to obtain information
 7318 required to provide the emergency services being requested. For
 7319 the purpose of this paragraph, the term "public utility" has the
 7320 same meaning as provided in s. 366.02 and includes a person,
 7321 partnership, association, or corporation now or hereafter owning
 7322 or operating equipment or facilities in the state for conveying
 7323 or transmitting messages or communications by telephone or
 7324 telegraph to the public for compensation.

7325 Section 136. Paragraph (b) of subsection (4) of section
 7326 943.61, Florida Statutes, is amended to read:

7327 943.61 Powers and duties of the Capitol Police.—

7328 (4) The Capitol Police shall have the following
 7329 responsibilities, powers, and duties:

7330 (b) To provide and maintain the security of all property
 7331 located in the Capitol Complex in a manner consistent with the
 7332 security plans developed and approved under paragraph (a) and,
 7333 in consultation with the State Fire Marshal, to provide for
 7334 evacuations, information, and training required for firesafety
 7335 on such property in a manner consistent with s. 633.218 ~~633.085~~.

7336 Section 137. Paragraph (b) of subsection (18) of section
 7337 1002.33, Florida Statutes, is amended to read:

7338 1002.33 Charter schools.—

7339 (18) FACILITIES.—

7340 (b) A charter school shall utilize facilities that comply
 7341 with the Florida Fire Prevention Code, pursuant to s. 633.208
 7342 ~~633.025~~, as adopted by the authority in whose jurisdiction the
 7343 facility is located as provided in paragraph (a).

7344 Section 138. Subsection (9) of section 1002.34, Florida
 7345 Statutes, is amended to read:

7346 1002.34 Charter technical career centers.—

7347 (9) FACILITIES.—A center may be located in any suitable
 7348 location, including part of an existing public school or Florida
 7349 College System institution building, space provided on a public
 7350 worksite, or a public building. A center's facilities must
 7351 comply with the State Uniform Building Code for Public
 7352 Educational Facilities Construction adopted pursuant to s.
 7353 1013.37, or with applicable state minimum building codes
 7354 pursuant to chapter 553, and state minimum fire protection codes
 7355 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in
 7356 whose jurisdiction the facility is located. If K-12 public
 7357 school funds are used for construction, the facility must remain
 7358 on the local school district's Florida Inventory of School
 7359 Houses (FISH) school building inventory of the district school
 7360 board and must revert to the district school board if the
 7361 consortium dissolves and the program is discontinued. If Florida
 7362 College System institution public school funds are used for
 7363 construction, the facility must remain on the local Florida

7364 College System institution's facilities inventory and must
7365 revert to the local Florida College System institution board of
7366 trustees if the consortium dissolves and the program is
7367 discontinued. The additional student capacity created by the
7368 addition of the center to the local school district's FISH may
7369 not be calculated in the permanent student capacity for the
7370 purpose of determining need or eligibility for state capital
7371 outlay funds while the facility is used as a center. If the
7372 construction of the center is funded jointly by K-12 public
7373 school funds and Florida College System institution funds, the
7374 sponsoring entities must agree, before granting the charter, on
7375 the appropriate owner and terms of transfer of the facility if
7376 the charter is dissolved.

7377 Section 139. Subsection (1), paragraph (c) of subsection
7378 (2), paragraphs (a) and (c) of subsection (6), and subsection
7379 (8) of section 1013.12, Florida Statutes, are amended to read:

7380 1013.12 Casualty, safety, sanitation, and firesafety
7381 standards and inspection of property.—

7382 (1) FIRESAFETY.—The State Board of Education shall adopt
7383 and administer rules prescribing standards for the safety and
7384 health of occupants of educational and ancillary plants as a
7385 part of State Requirements for Educational Facilities or the
7386 Florida Building Code for educational facilities construction as
7387 provided in s. 1013.37, except that the State Fire Marshal in
7388 consultation with the Department of Education shall adopt
7389 uniform firesafety standards for educational and ancillary
7390 plants and educational facilities, as provided in s.

7391 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system

7392 to be used as an alternate firesafety inspection standard for
7393 existing educational and ancillary plants and educational
7394 facilities. The uniform firesafety standards and the alternate
7395 firesafety evaluation system shall be administered and enforced
7396 by fire officials certified by the State Fire Marshal under s.
7397 633.216 ~~633.081~~. These standards must be used by all public
7398 agencies when inspecting public educational and ancillary
7399 plants, and the firesafety standards must be used by county,
7400 municipal, or independent special fire control district
7401 inspectors when performing firesafety inspections of public
7402 educational and ancillary plants and educational facilities. In
7403 accordance with such standards, each board shall prescribe
7404 policies and procedures establishing a comprehensive program of
7405 safety and sanitation for the protection of occupants of public
7406 educational and ancillary plants. Such policies must contain
7407 procedures for periodic inspections as prescribed in this
7408 section or chapter 633 and for withdrawal of any educational and
7409 ancillary plant, or portion thereof, from use until unsafe or
7410 unsanitary conditions are corrected or removed.

7411 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
7412 BOARDS.—

7413 (c) Under the direction of the fire official appointed by
7414 the board under s. 1013.371(2), firesafety inspections of each
7415 educational and ancillary plant located on property owned or
7416 leased by the board, or other educational facilities operated by
7417 the board, must be made no sooner than 1 year after issuance of
7418 a certificate of occupancy and annually thereafter. Such
7419 inspections shall be made by persons certified by the Division

7420 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct
7421 firesafety inspections in public educational and ancillary
7422 plants. The board shall submit a copy of the firesafety
7423 inspection report to the county, municipality, or independent
7424 special fire control district providing fire protection services
7425 to the school facility within 10 business days after the date of
7426 the inspection. Alternate schedules for delivery of reports may
7427 be agreed upon between the school district and the county,
7428 municipality, or independent special fire control district
7429 providing fire protection services to the site in cases in which
7430 delivery is impossible due to hurricanes or other natural
7431 disasters. Regardless, if immediate life-threatening
7432 deficiencies are noted in the report, the report shall be
7433 delivered immediately. In addition, the board and any other
7434 authority conducting the fire safety inspection shall certify to
7435 the State Fire Marshal that the annual inspection has been
7436 completed. The certification shall be made electronically or by
7437 such other means as directed by the State Fire Marshal.

7438 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
7439 FACILITIES.—

7440 (a) Firesafety inspections of public college facilities,
7441 including charter schools located on board-owned or board-leased
7442 facilities or otherwise operated by public college boards, shall
7443 be made in accordance with the Florida Fire Prevention Code, as
7444 adopted by the State Fire Marshal. Notwithstanding s. 633.202
7445 ~~633.0215~~, provisions of the code relating to inspections of such
7446 facilities are not subject to any local amendments as provided
7447 by s. 1013.371. Each public college facility shall be inspected

7448 annually by persons certified under s. 633.216 ~~633.081~~.

7449 (c) Firesafety inspections of state universities shall
 7450 comply with the Florida Fire Prevention Code, as adopted by the
 7451 State Fire Marshal under s. 633.202 ~~633.0215~~.

7452 (8) ADDITIONAL STANDARDS.—In addition to any other rules
 7453 adopted under this section or s. 633.206 ~~633.022~~, the State Fire
 7454 Marshal in consultation with the Department of Education shall
 7455 adopt and administer rules prescribing the following standards
 7456 for the safety and health of occupants of educational and
 7457 ancillary plants:

7458 (a) The designation of serious life-safety hazards,
 7459 including, but not limited to, nonfunctional fire alarm systems,
 7460 nonfunctional fire sprinkler systems, doors with padlocks or
 7461 other locks or devices that preclude egress at any time,
 7462 inadequate exits, hazardous electrical system conditions,
 7463 potential structural failure, and storage conditions that create
 7464 a fire hazard.

7465 (b) The proper placement of functional smoke and heat
 7466 detectors and accessible, unexpired fire extinguishers.

7467 (c) The maintenance of fire doors without doorstops or
 7468 wedges improperly holding them open.

7469 Section 140. Paragraphs (a), (b), and (d) of subsection
 7470 (2) and paragraph (a) of subsection (4) of section 1013.38,
 7471 Florida Statutes, are amended to read:

7472 1013.38 Boards to ensure that facilities comply with
 7473 building codes and life safety codes.—

7474 (2) In addition to the submission of site plans, boards
 7475 may provide compliance as follows:

7476 (a) Boards or consortia may individually or cooperatively
 7477 provide review services under the insurance risk management
 7478 oversight through the use of board employees or consortia
 7479 employees registered pursuant to chapter 471, chapter 481, or
 7480 part XII of chapter 468 and firesafety inspectors certified
 7481 under s. 633.216 ~~633.081~~.

7482 (b) Boards may elect to review construction documents
 7483 using their own employees registered pursuant to chapter 471,
 7484 chapter 481, or part XII of chapter 468 and firesafety
 7485 inspectors certified under s. 633.216 ~~633.081~~.

7486 (d) Boards or consortia may contract for plan review
 7487 services directly with engineers and architects registered
 7488 pursuant to chapter 471 or chapter 481 and firesafety inspectors
 7489 certified under s. 633.216 ~~633.081~~.

7490 (4) (a) Before the commencement of any new construction,
 7491 renovation, or remodeling, the board shall:

7492 1. Approve or cause to be approved the construction
 7493 documents and evaluate such documents for compliance with the
 7494 Florida Building Code and the Florida Fire Prevention Code.

7495 2. Ensure compliance with all applicable firesafety codes
 7496 and standards by contracting with a firesafety inspector
 7497 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

7498 Section 141. This act shall take effect July 1, 2013.