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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/04/2016 12:59 PM

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Senator Legg moved the following:

Senate Amendment (with title amendment)

Between lines 669 and 670

insert:

Section 21. Section 633.216, Florida Statutes, is amended
to read:

633.216 Inspection of buildings and equipment; orders;
firesafety inspection training requirements; certification;
disciplinary action; prohibited acts toward firesafety
inspectors, firefighters, and fire officials; penalties.—The
State Fire Marshal and her or his agents or persons authorized



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12 to enforce laws and rules of the State Fire Marshal shall, at
13 any reasonable hour, when the State Fire Marshal has reasonable
14 cause to believe that a violation of this chapter or s. 509.215,
15 or a rule adopted thereunder, or a minimum firesafety code
16 adopted by the State Fire Marshal or a local authority, may
17 exist, inspect any and all buildings and structures which are
18 subject to the requirements of this chapter or s. 509.215 and
19 rules adopted thereunder. The authority to inspect shall extend
20 to all equipment, vehicles, and chemicals which are located on
21 or within the premises of any such building or structure.

22 (1) Each county, municipality, and special district that
23 has firesafety enforcement responsibilities shall employ or
24 contract with a firesafety inspector. Except as provided in s.
25 633.312(2) and (3), the firesafety inspector must conduct all
26 firesafety inspections that are required by law. The governing
27 body of a county, municipality, or special district that has
28 firesafety enforcement responsibilities may provide a schedule
29 of fees to pay only the costs of inspections conducted pursuant
30 to this subsection and related administrative expenses. Two or
31 more counties, municipalities, or special districts that have
32 firesafety enforcement responsibilities may jointly employ or
33 contract with a firesafety inspector.

34 (2) Except as provided in s. 633.312(2), every firesafety
35 inspection conducted pursuant to state or local firesafety
36 requirements shall be by a person certified as having met the
37 inspection training requirements set by the State Fire Marshal.
38 Such person shall meet the requirements of s. 633.412(1)-(4) ~~s.~~
39 ~~633.412(1)(a)-(d)~~, and:

40 (a) Have satisfactorily completed the firesafety inspector



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41 certification examination as prescribed by division rule; and

42 (b)1. Have satisfactorily completed, as determined by
43 division rule, a firesafety inspector training program of at
44 least 200 hours established by the department and administered
45 by education or training providers approved by the department
46 for the purpose of providing basic certification training for
47 firesafety inspectors; or

48 2. Have received training in another state which is
49 determined by the division to be at least equivalent to that
50 required by the department for approved firesafety inspector
51 education and training programs in this state.

52 (3) A firefighter certified pursuant to s. 633.408 may
53 conduct firesafety inspections, under the supervision of a
54 certified firesafety inspector, while on duty as a member of a
55 fire department company conducting inservice firesafety
56 inspections without being certified as a firesafety inspector,
57 if such firefighter has satisfactorily completed an inservice
58 fire department company inspector training program of at least
59 24 hours' duration as provided by rule of the department.

60 (4) Every firesafety inspector certificate is valid for a
61 period of 4 years from the date of issuance. Renewal of
62 certification is subject to the affected person's completing
63 proper application for renewal and meeting all of the
64 requirements for renewal as established under this chapter or by
65 rule adopted under this chapter, which must include completion
66 of at least 54 hours during the preceding 4-year period of
67 continuing education as required by the rule of the department
68 or, in lieu thereof, successful passage of an examination as
69 established by the department.



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70 (5) A previously certified firesafety inspector whose
71 certification has lapsed for 8 years or more must repeat the
72 fire safety inspector training as specified by the division.

73 (6) The State Fire Marshal may deny, refuse to renew,
74 suspend, or revoke the certificate of a firesafety inspector if
75 the State Fire Marshal finds that any of the following grounds
76 exist:

77 (a) Any cause for which issuance of a certificate could
78 have been refused had it then existed and been known to the
79 division.

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

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

83 (d) Failure to meet any of the renewal requirements.

84 (e) Making or filing a report or record that the
85 certificateholder knows to be false, or knowingly inducing
86 another to file a false report or record, or knowingly failing
87 to file a report or record required by state or local law, or
88 knowingly impeding or obstructing such filing, or knowingly
89 inducing another person to impede or obstruct such filing.

90 (f) Failing to properly enforce applicable fire codes or
91 permit requirements within this state which the
92 certificateholder knows are applicable by committing willful
93 misconduct, gross negligence, gross misconduct, repeated
94 negligence, or negligence resulting in a significant danger to
95 life or property.

96 (g) Accepting labor, services, or materials at no charge or
97 at a noncompetitive rate from a person who performs work that is
98 under the enforcement authority of the certificateholder and who



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99 is not an immediate family member of the certificateholder. For
100 the purpose of this paragraph, the term "immediate family
101 member" means a spouse, child, parent, sibling, grandparent,
102 aunt, uncle, or first cousin of the person or the person's
103 spouse or a person who resides in the primary residence of the
104 certificateholder.

105 (7) The division and the Florida Building Code
106 Administrators and Inspectors Board, established pursuant to s.
107 468.605, shall enter into a reciprocity agreement to facilitate
108 joint recognition of continuing education recertification hours
109 for certificateholders licensed under s. 468.609 and firesafety
110 inspectors certified under subsection (2).

111 (8) The State Fire Marshal shall develop by rule an
112 advanced training and certification program for firesafety
113 inspectors having fire code management responsibilities. The
114 program must be consistent with the appropriate provisions of
115 NFPA 1037, or similar standards adopted by the division, and
116 establish minimum training, education, and experience levels for
117 firesafety inspectors having fire code management
118 responsibilities.

119 (9) The department shall provide by rule for the
120 certification of firesafety inspectors and fire code
121 administrators.

122 (10) (a) A person may not influence a firesafety inspector
123 by:

124 1. Threatening, coercing, tricking, persuading,
125 interfering, or otherwise influencing, or attempting to
126 threaten, coerce, trick, persuade, interfere, or otherwise
127 influence, the firesafety inspector into violating any provision



128 of the Florida Fire Prevention Code, any rule adopted by the
129 State Fire Marshal, or any provision of this chapter.

130 2. Offering any compensation to the firesafety inspector to
131 induce a violation of the Florida Fire Prevention Code, any rule
132 adopted by the State Fire Marshal, or any provision of this
133 chapter.

134 (b)1. A person who violates paragraph (a) commits a
135 misdemeanor of the first degree, punishable as provided in s.
136 775.082 or s. 775.083. A person who violates paragraph (a) after
137 a previous conviction for a violation of paragraph (a) commits a
138 felony of the third degree, punishable as provided in s. 775.082
139 or s. 775.083.

140 2. A person who willfully or unreasonably interferes with,
141 hinders, assaults, or attempts to interfere with or hinder a
142 firefighter, fire official, or firesafety inspector in the
143 performance of his or her duty commits a felony of the third
144 degree, punishable as provided in s. 775.082, s. 775.083, or s.
145 775.084.

147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete line 88

150 and insert:

151 newly constructed; amending s. 633.216, F.S.;

152 prohibiting certain actions by a person toward a

153 firesafety inspector; providing criminal penalties for

154 certain actions toward a firefighter, fire official,

155 and firesafety inspector; conforming a cross-

156 reference; amending s. 633.408, F.S.; revising