

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.  
499 627.4107, F.S.; providing that a life or health  
500 insurer may not cancel or fail or refuse to renew a  
501 life or health insurance policy or certificate of  
502 insurance that provides coverage to a volunteer  
503 firefighter based on specified circumstances;  
504 repealing s. 633.024, F.S., relating to legislative

505 findings and intent with respect to ensuring effective  
506 fire protection of vulnerable nursing home residents,  
507 the expedited retrofit of existing nursing homes  
508 through a limited state loan guarantee, and funding  
509 thereof; repealing s. 633.0245, F.S., relating to the  
510 State Fire Marshal Nursing Home Fire Protection Loan  
511 Guarantee Program; repealing s. 633.30, F.S., relating  
512 to definitions with respect to standards for  
513 firefighting; repealing s. 633.445, F.S., relating to  
514 the State Fire Marshal Scholarship Grant Program;  
515 repealing s. 633.524, F.S., relating to certificate  
516 and permit fees assessed under ch. 633, F.S., and the  
517 use and deposit thereof; repealing s. 633.804, F.S.,  
518 which requires the division to adopt rules governing  
519 firefighter employer and firefighter employee safety  
520 inspections and consultations; repealing s. 633.820,  
521 F.S., relating to the applicability of specified  
522 sections of ch. 633, F.S., to volunteer firefighters  
523 and volunteer fire departments; amending ss. 112.1815,  
524 112.191, 112.81, 119.071, 120.541, 120.80, 121.0515,  
525 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121,  
526 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02,  
527 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44,  
528 429.73, 447.203, 468.602, 468.609, 489.103, 489.105,  
529 496.404, 509.032, 513.05, 553.73, 553.77, 553.79,  
530 590.02, 893.13, 934.03, 943.61, 1002.33, 1002.34,  
531 1013.12, and 1013.38, F.S.; correcting cross-  
532 references, to conform; providing an effective date.

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

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

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

(2)

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

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

112.191 Firefighters; death benefits.—

(2)(a) The sum of \$50,000, as adjusted pursuant to paragraph (i), shall be paid as provided in this section when a firefighter, while engaged in the performance of his or her firefighter duties, is accidentally killed or receives accidental bodily injury which subsequently results in the loss of the firefighter's life, provided that such killing is not the result of suicide and that such bodily injury is not

561 intentionally self-inflicted. Notwithstanding any other  
562 provision of law, in no case shall the amount payable under this  
563 subsection be less than the actual amount stated therein.

564 (b) The sum of \$50,000, as adjusted pursuant to paragraph  
565 (i), shall be paid as provided in this section if a firefighter  
566 is accidentally killed as specified in paragraph (a) and the  
567 accidental death occurs as a result of the firefighter's  
568 response to what is reasonably believed to be an emergency  
569 involving the protection of life or property or the  
570 firefighter's participation in a training exercise. This sum is  
571 in addition to any sum provided in paragraph (a).

572 Notwithstanding any other provision of law, the amount payable  
573 under this subsection may not be less than the actual amount  
574 stated therein.

575 (c) If a firefighter, while engaged in the performance of  
576 his or her firefighter duties, is unlawfully and intentionally  
577 killed, is injured by an unlawful and intentional act of another  
578 person and dies as a result of such injury, dies as a result of  
579 a fire which has been determined to have been caused by an act  
580 of arson, or subsequently dies as a result of injuries sustained  
581 therefrom, the sum of \$150,000, as adjusted pursuant to  
582 paragraph (i), shall be paid as provided in this section.

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

586 (i) Any payments made pursuant to paragraph (a), paragraph  
587 (b), or paragraph (c) shall consist of the statutory amount  
588 adjusted to reflect price level changes in the Consumer Price

589 Index for all Urban Consumers published by the United States  
590 Department of Labor since July 1, 2002 ~~the effective date of the~~  
591 ~~act.~~ The Division of State Fire Marshal, using the most recent  
592 month for which Consumer Price Index data is available, shall on  
593 June 15 of each year calculate and publish on the division's  
594 internet website the amount resulting from the adjustments to ~~by~~  
595 ~~rule adjust the statutory amounts amount based on the Consumer~~  
596 ~~Price Index for All Urban Consumers published by the United~~  
597 ~~States Department of Labor.~~ The adjusted statutory amounts  
598 Adjustment shall be effective on ~~made~~ July 1 of each year ~~using~~  
599 ~~the most recent month for which data are available at the time~~  
600 ~~of the adjustment.~~

601 Section 3. Part I of chapter 633, Florida Statutes,  
602 consisting of sections 633.102, 633.104, 633.106, 633.108,  
603 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,  
604 633.128, 633.132, 633.134, 633.136, 633.138, and 633.142, is  
605 created and entitled "General Provisions."

606 Section 4. Section 633.021, Florida Statutes, is  
607 transferred, renumbered as section 633.102, Florida Statutes,  
608 and amended to read:

609 633.102 ~~633.021~~ Definitions.—As used in this chapter:

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

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

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

615 (2)-(4) "Contracting" means engaging in business as a  
616 contractor.

617           ~~(3)-(5)~~(a) "Contractor I" means a contractor whose business  
618 includes the execution of contracts requiring the ability to lay  
619 out, fabricate, install, inspect, alter, repair, and service all  
620 types of fire protection systems, excluding preengineered  
621 systems.

622           (b) "Contractor II" means a contractor whose business is  
623 limited to the execution of contracts requiring the ability to  
624 lay out, fabricate, install, inspect, alter, repair, and service  
625 water sprinkler systems, water spray systems, foam-water  
626 sprinkler systems, foam-water spray systems, standpipes,  
627 combination standpipes and sprinkler risers, all piping that is  
628 an integral part of the system beginning at the point of service  
629 as defined in this section, sprinkler tank heaters, air lines,  
630 thermal systems used in connection with sprinklers, and tanks  
631 and pumps connected thereto, excluding preengineered systems.

632           (c) "Contractor III" means a contractor whose business is  
633 limited to the execution of contracts requiring the ability to  
634 fabricate, install, inspect, alter, repair, and service carbon  
635 dioxide ~~CO2~~ systems, foam extinguishing systems, dry chemical  
636 systems, and Halon and other chemical systems, excluding  
637 preengineered systems.

638           (d) "Contractor IV" means a contractor whose business is  
639 limited to the execution of contracts requiring the ability to  
640 lay out, fabricate, install, inspect, alter, repair, and service  
641 automatic fire sprinkler systems for detached one-family  
642 dwellings, detached two-family dwellings, and mobile homes,  
643 excluding preengineered systems and excluding single-family  
644 homes in cluster units, such as apartments, condominiums, and

645 assisted living facilities or any building that is connected to  
646 other dwellings. A Contractor IV is limited to the scope of  
647 practice specified in NFPA 13D.

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

655

656 The definitions in this subsection must not be construed to  
657 include ~~fire protection~~ engineers or architects and do not limit  
658 or prohibit a licensed fire protection engineer or architect  
659 with fire protection design experience from designing any type  
660 of fire protection system. A distinction is made between system  
661 design concepts prepared by the design professional and system  
662 layout as defined in this section and typically prepared by the  
663 contractor. However, persons certified as a Contractor I,  
664 Contractor II, or Contractor IV under this chapter may design  
665 fire protection systems of 49 or fewer sprinklers, and may  
666 design the alteration of an existing fire sprinkler system if  
667 the alteration consists of the relocation, addition, or deletion  
668 of not more than 49 sprinklers, notwithstanding the size of the  
669 existing fire sprinkler system. A Contractor I, Contractor II,  
670 or Contractor IV may design a fire protection system the scope  
671 of which complies with NFPA 13D, Standard for the Installation  
672 of Sprinkler Systems in One- and Two-Family Dwellings and



673 Manufactured Homes, as adopted by the State Fire Marshal,  
674 notwithstanding the number of fire sprinklers. Contractor-  
675 developed plans may not be required by any local permitting  
676 authority to be sealed by a registered professional engineer.

677 (4) "Department" means the Department of Financial  
678 Services.

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

681 (6) "Explosives" means any chemical compound or mixture  
682 that has the property of yielding readily to combustion or  
683 oxidation upon the application of heat, flame, or shock and is  
684 capable of producing an explosion and is commonly used for that  
685 purpose, including but not limited to dynamite, nitroglycerin,  
686 trinitrotoluene, ammonium nitrate when combined with other  
687 ingredients to form an explosive mixture, blasting caps, and  
688 detonators; but the term does not include cartridges for  
689 firearms or fireworks as defined in chapter 791.

690 (7) (a) "Fire equipment dealer Class A" means a licensed  
691 fire equipment dealer whose business is limited to servicing,  
692 recharging, repairing, installing, or inspecting all types of  
693 fire extinguishers and conducting hydrostatic tests on all types  
694 of fire extinguishers.

695 (b) "Fire equipment dealer Class B" means a licensed fire  
696 equipment dealer whose business is limited to servicing,  
697 recharging, repairing, installing, or inspecting all types of  
698 fire extinguishers, including recharging carbon dioxide units  
699 and conducting hydrostatic tests on all types of fire  
700 extinguishers, except carbon dioxide units.

701 (c) "Fire equipment dealer Class C" means a licensed fire  
 702 equipment dealer whose business is limited to servicing,  
 703 recharging, repairing, installing, or inspecting all types of  
 704 fire extinguishers, except recharging carbon dioxide units, and  
 705 conducting hydrostatic tests on all types of fire extinguishers,  
 706 except carbon dioxide units.

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

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

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

713 (b) Is manually operated.

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

716 (d) Is rechargeable or nonrechargeable.

717 (e) Is installed, serviced, repaired, recharged,  
 718 inspected, and hydrotested according to applicable procedures of  
 719 the manufacturer, standards of the National Fire Protection  
 720 Association, and the Code of Federal Regulations.

721 (f) Is listed by a nationally recognized testing  
 722 laboratory.

723 (9) "Firefighter" means an individual who holds a current  
 724 and valid Firefighter Certificate of Compliance or Special  
 725 Certificate of Compliance issued by the division under s.  
 726 633.408.

727 (10) "Fire service support personnel" means an individual  
 728 who does not hold a current and valid certificate issued by the

729 division and who is authorized only to perform support services.

730 (11)-(9) A "Fire hydrant" means ~~is~~ a connection to a water  
 731 main, elevated water tank, or other source of water for the  
 732 purpose of supplying water to a fire hose or other fire  
 733 protection apparatus for fire suppression operations. The term  
 734 does not include a fire protection system.

735 (12)-(10) A "Fire protection system" means ~~is~~ a system  
 736 individually designed to protect the interior or exterior of a  
 737 specific building or buildings, structure, or other special  
 738 hazard from fire. Such systems include, but are not limited to,  
 739 water sprinkler systems, water spray systems, foam-water  
 740 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~  
 741 systems, foam extinguishing systems, dry chemical systems, and  
 742 Halon and other chemical systems used for fire protection use.  
 743 Such systems also include any overhead and underground fire  
 744 mains, fire hydrants and hydrant mains, standpipes and hoses  
 745 connected to sprinkler systems, sprinkler tank heaters, air  
 746 lines, thermal systems used in connection with fire sprinkler  
 747 systems, and tanks and pumps connected to fire sprinkler  
 748 systems.

749 (13)-(11) A "Firesafety inspector" means ~~is~~ an individual  
 750 who holds a current and valid Fire Safety Inspector Certificate  
 751 of Compliance issued ~~certified~~ by the division ~~State Fire~~  
 752 ~~Marshal~~ under s. 633.216 ~~633.081~~ and who is officially assigned  
 753 the duties of conducting firesafety inspections of buildings and  
 754 facilities on a recurring or regular basis on behalf of the  
 755 state or any county, municipality, or special district with fire  
 756 safety responsibilities.

757        (14) "Fire service provider" means a municipality or  
758 county, the state, or any political subdivision of the state,  
759 including authorities and special districts, employing  
760 firefighters or utilizing volunteer firefighters to provide fire  
761 extinguishment or fire prevention services for the protection of  
762 life and property. The term includes any organization under  
763 contract or other agreement with such entity to provide such  
764 services.

765        ~~(15)(12)~~ "Handling" means touching, holding, taking up,  
766 moving, controlling, or otherwise affecting with the hand or by  
767 any other agency.

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

770        ~~1. That contains combustible or explosive matter or~~  
771 ~~flammable conditions dangerous to the safety of life or~~  
772 ~~property.~~

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

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

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

776  
777 ~~Such buildings or structures include, but are not limited to,~~  
778 ~~all hospitals and residential health care facilities, nursing~~  
779 ~~homes and other adult care facilities, correctional or detention~~  
780 ~~facilities, public schools, public lodging establishments,~~  
781 ~~migrant labor camps, residential child care facilities, and~~  
782 ~~self-service gasoline stations.~~

783        ~~(b) For the purposes of this subsection, the term "high-~~  
784 ~~hazard occupancy" does not include any residential condominium~~

785 ~~where the declaration of condominium or the bylaws provide that~~  
786 ~~the rental of units shall not be permitted for less than 90~~  
787 ~~days.~~

788 (16)~~(14)~~ "Highway" means every way or place of whatever  
789 nature within the state open to the use of the public, as a  
790 matter of right, for purposes of vehicular traffic and includes  
791 public streets, alleys, roadways, or driveways upon grounds of  
792 colleges, universities, and institutions and other ways open to  
793 travel by the public, notwithstanding that the same have been  
794 temporarily closed for the purpose of construction,  
795 reconstruction, maintenance, or repair. The term does not  
796 include a roadway or driveway upon grounds owned by a private  
797 person.

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

801 (18)~~(15)~~ "Keeping" means possessing, holding, retaining,  
802 maintaining, or having habitually in stock for sale.

803 (19)~~(16)~~ "Layout" as used in this chapter means the layout  
804 of risers, cross mains, branch lines, sprinkler heads, sizing of  
805 pipe, hanger locations, and hydraulic calculations in accordance  
806 with the design concepts established through the provisions of  
807 the Responsibility Rules adopted by the Board of Professional  
808 Engineers.

809 (20)~~(17)~~ "Manufacture" means the compounding, combining,  
810 producing, or making of anything or the working of anything by  
811 hand, by machinery, or by any other agency into forms suitable  
812 for use.

813        ~~(21)-(18)~~ A "Minimum firesafety standard" means ~~is~~ a  
814 requirement or group of requirements adopted pursuant to s.  
815 633.208 ~~633.025~~ by a county, municipality, or special district  
816 with firesafety responsibilities, or by the State Fire Marshal  
817 pursuant to s. 394.879, for the protection of life and property  
818 from loss by fire which shall be met, as a minimum, by every  
819 occupancy, facility, building, structure, premises, device, or  
820 activity to which it applies.

821        (22) "Minimum Standards Course" means training of at least  
822 360 hours as prescribed by rule adopted by the division, which  
823 is required to obtain a Firefighter Certificate of Compliance  
824 under s. 633.408.

825        ~~(23)-(19)~~ "Motor vehicle" means any device propelled by  
826 power other than muscular power in, upon, or by which any  
827 individual ~~person~~ or property is or may be transported or drawn  
828 upon a highway, except a device moved or used exclusively upon  
829 stationary rails or tracks.

830        ~~(24)-(20)~~ "Point-of-service" means the point at which the  
831 underground piping for a fire protection system as defined in  
832 this section using water as the extinguishing agent becomes used  
833 exclusively for the fire protection system.

834        ~~(25)-(21)~~(a) A "Preengineered system" means ~~is~~ a fire  
835 suppression system which:

- 836            1. Uses any of a variety of extinguishing agents.
- 837            2. Is designed to protect specific hazards.
- 838            3. Must be installed according to pretested limitations  
839 and configurations specified by the manufacturer and applicable  
840 National Fire Protection Association (NFPA) standards. Only

841 those chapters within the National Fire Protection Association  
842 standards that pertain to servicing, recharging, repairing,  
843 installing, hydrotesting, or inspecting any type of  
844 preengineered fire extinguishing system may be used.

845 4. Must be installed using components specified by the  
846 manufacturer or components that are listed as equal parts by a  
847 nationally recognized testing laboratory such as Underwriters  
848 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

849 5. Must be listed by a nationally recognized testing  
850 laboratory.

851 (b) Preengineered systems consist of and include all of  
852 the components and parts providing fire suppression protection,  
853 but do not include the equipment being protected, and may  
854 incorporate special nozzles, flow rates, methods of application,  
855 pressurization levels, and quantities of agents designed by the  
856 manufacturer for specific hazards.

857 ~~(26)-(22)~~ "Private carrier" means any motor vehicle,  
858 aircraft, or vessel operating intrastate in which there is  
859 identity of ownership between freight and carrier.

860 ~~(27)-(23)~~ "Sale" means the act of selling; the act whereby  
861 the ownership of property is transferred from one person to  
862 another for a sum of money or, loosely, for any consideration.  
863 The term includes the delivery of merchandise with or without  
864 consideration.

865 ~~(28)-(24)~~ "Special state firesafety inspector" means an  
866 individual officially assigned to the duties of conducting  
867 firesafety inspections required by law on behalf of or by an  
868 agency of the state having authority for inspections other than

869 the division ~~of State Fire Marshal~~.

870 ~~(29)-(25)~~ A "Sprinkler system" means ~~is~~ a type of fire  
871 protection system, either manual or automatic, using water as an  
872 extinguishing agent and installed in accordance with applicable  
873 National Fire Protection Association standards.

874 ~~(30)-(26)~~ "Storing" means accumulating, laying away, or  
875 depositing for preservation or as a reserve fund in a store,  
876 warehouse, or other source from which supplies may be drawn or  
877 within which they may be deposited. The term is limited in  
878 meaning and application to storage having a direct relationship  
879 to transportation.

880 ~~(31)~~ "Support services" means those activities that a fire  
881 service provider has trained an individual to perform safely  
882 outside the hot zone of an emergency scene, including pulling  
883 hoses, opening and closing fire hydrants, driving and operating  
884 apparatus, carrying tools, carrying or moving equipment,  
885 directing traffic, manning a resource pool, or similar  
886 activities.

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

889 ~~(33)-(27)~~ "Transportation" means the conveying or carrying  
890 of property from one place to another by motor vehicle (except a  
891 motor vehicle subject to the provisions of s. 316.302),  
892 aircraft, or vessel, subject to such limitations as are set  
893 forth in s. 552.12, in which only the motor vehicles, aircraft,  
894 or vessels of the Armed Forces and other federal agencies are  
895 specifically exempted.

896 ~~(34)-(28)~~ A "Uniform firesafety standard" means ~~is~~ a



897 requirement or group of requirements for the protection of life  
 898 and property from loss by fire which shall be met by every  
 899 building and structure specified in s. 633.206 ~~633.022(1)~~, and  
 900 is neither weakened nor exceeded by law, rule, or ordinance of  
 901 any other state agency or political subdivision or county,  
 902 municipality, or special district with firesafety  
 903 responsibilities.

904 ~~(35)(29)~~ "Use" means application, employment; that  
 905 enjoyment of property which consists of its employment,  
 906 occupation, exercise, or practice.

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

910 Section 5. Section 633.01, Florida Statutes, is  
 911 transferred and renumbered as subsections (1) through (7) of  
 912 section 633.104, Florida Statutes, and subsections (1), (3),  
 913 (5), (6), and (7) of that section are amended, subsection (2) of  
 914 section 633.517, Florida Statutes, is transferred and renumbered  
 915 as subsection (8) of that section and amended, and a new  
 916 subsection (9) is added to that section, to read:

917 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~  
 918 ~~duties;~~ rules.—

919 (1) The Chief Financial Officer is designated as "State  
 920 Fire Marshal." The State Fire Marshal has authority to adopt  
 921 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 922 provisions of this chapter ~~conferring powers or duties upon the~~  
 923 ~~department~~. Rules shall be in substantial conformity with  
 924 generally accepted standards of firesafety; shall take into

925 consideration the direct supervision of children in  
926 nonresidential child care facilities; and shall balance and  
927 temper the need of the State Fire Marshal to protect all  
928 Floridians from fire hazards with the social and economic  
929 inconveniences that may be caused or created by the rules. The  
930 department shall adopt the Florida Fire Prevention Code ~~and the~~  
931 ~~Life Safety Code.~~

932 (2) Subject to the limitations of subsection (1), it is  
933 the intent of the Legislature that the State Fire Marshal shall  
934 have the responsibility to minimize the loss of life and  
935 property in this state due to fire. The State Fire Marshal shall  
936 enforce all laws and provisions of this chapter, and any rules  
937 adopted pursuant thereto, relating to:

938 (a) The prevention of fire and explosion through the  
939 regulation of conditions which could cause fire or explosion,  
940 the spread of fire, and panic resulting therefrom;

941 (b) Installation and maintenance of fire alarm systems and  
942 fire protection systems, including fire suppression systems,  
943 fire-extinguishing equipment, and fire sprinkler systems;

944 (c)1. Servicing, repairing, recharging, testing, marking,  
945 inspecting, installing, maintaining, and tagging of fire  
946 extinguishers, preengineered systems, and individually designed  
947 fire protection systems;

948 2. The training and licensing of persons engaged in the  
949 business of servicing, repairing, recharging, testing, marking,  
950 inspecting, installing, maintaining, and tagging fire  
951 extinguishers, preengineered systems, and individually designed  
952 fire protection systems;

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

954 (e) Suppression of arson and the investigation of the  
955 cause, origin, and circumstances of fire.

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

959 (4) It is the intent of the Legislature that the rules  
960 promulgated by the State Fire Marshal pursuant to this section  
961 be enforced in such a manner as to prohibit the displacement of  
962 currently placed mobile homes unless there is a threat of  
963 imminent danger to the health, safety, or welfare of the general  
964 public.

965 (5) It is the intent of the Legislature that there are to  
966 be no conflicting requirements between the Florida Fire  
967 Prevention Code ~~and the Life Safety Code authorized by this~~  
968 ~~chapter~~ and the provisions of the Florida Building Code or  
969 conflicts in their enforcement and interpretation. Potential  
970 conflicts shall be resolved through coordination and cooperation  
971 of the State Fire Marshal and the Florida Building Commission as  
972 provided by this chapter and part IV of chapter 553.

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

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

981 educational and ancillary facilities pursuant to ss. 633.206  
 982 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any  
 983 county, municipality, or special district that does not employ  
 984 or appoint a firesafety inspector certified under s. 633.216  
 985 ~~633.081~~, the State Fire Marshal shall assume the duties of the  
 986 local county, municipality, or independent special fire control  
 987 district as defined in s. 191.003 with respect to firesafety  
 988 inspections of educational property required under s.  
 989 1013.12(3)(b), and the State Fire Marshal may take necessary  
 990 corrective action as authorized under s. 1013.12(7).

991 ~~633.517 Authority of State Fire Marshal to adopt rules,~~  
 992 ~~administer oaths, and take testimony.~~

993 ~~(1) The State Fire Marshal is authorized, with the advice~~  
 994 ~~of the board, to adopt rules pursuant to ss. 120.536(1) and~~  
 995 ~~120.54 to implement the provisions of this act.~~

996 ~~(8)-(2)~~ The State Fire Marshal or her or his duly appointed  
 997 hearing officer may administer oaths and take testimony about  
 998 all matters within the jurisdiction of this chapter act. Chapter  
 999 120 governs hearings conducted by or on behalf of the State Fire  
 1000 Marshal.

1001 (9) The State Fire Marshal may enter into a contract with  
 1002 any qualified public entity or private company in accordance  
 1003 with chapter 287 to provide examinations for any applicant for  
 1004 any examination administered under the jurisdiction of the State  
 1005 Fire Marshal. The State Fire Marshal may direct payments from  
 1006 each applicant for each examination directly to such contracted  
 1007 entity or company.

1008 Section 6. Section 633.163, Florida Statutes, is

1009 transferred, renumbered as subsections (1), (2), and (3) of  
 1010 section 633.106, Florida Statutes, and amended, and section  
 1011 633.167, Florida Statutes, is transferred, renumbered as  
 1012 subsection (4) of that section, and amended, to read:

1013 633.106 ~~633.163~~ State Fire Marshal; disciplinary  
 1014 authority; administrative fine and probation in lieu of  
 1015 suspension, revocation, or refusal to issue a license, permit,  
 1016 or certificate.—

1017 (1) The State Fire Marshal is authorized to deny, suspend,  
 1018 or revoke the license, certificate, or permit of any individual  
 1019 who does not meet the qualifications established by, or who  
 1020 violates any provision under, this chapter or any rule  
 1021 authorized by this chapter.

1022 (2) ~~(1)~~ If the State Fire Marshal finds that one or more  
 1023 grounds exist for the suspension, revocation, or refusal to  
 1024 issue, renew, or continue any license, certificate, or permit  
 1025 issued under this chapter, the State Fire Marshal may, in his or  
 1026 her ~~its~~ discretion, in lieu of the suspension, revocation, or  
 1027 refusal to issue, renew, or continue, and, except on a second  
 1028 offense or when the suspension, revocation, or refusal to issue,  
 1029 renew, or continue is mandatory, impose upon the licensee,  
 1030 certificateholder, or permittee one or more of the following:

1031 (a) An administrative fine not to exceed \$1,000 for each  
 1032 violation, and not to exceed a total of \$10,000 in any one  
 1033 proceeding.

1034 (b) Probation for a period not to exceed 2 years, as  
 1035 specified by the State Fire Marshal in her or his order.

1036 (3) ~~(2)~~ The State Fire Marshal may allow the licensee,

1037 certificateholder, or permittee a reasonable period, not to  
1038 exceed 30 days, within which to pay to the State Fire Marshal  
1039 the amount of the fine. If the licensee, certificateholder, or  
1040 permittee fails to pay the administrative fine in its entirety  
1041 to the State Fire Marshal within such period, the license,  
1042 permit, or certificate shall stand suspended until payment of  
1043 the administrative fine.

1044 ~~633.167 Probation.~~

1045 ~~(1) If the State Fire Marshal finds that one or more~~  
1046 ~~grounds exist for the suspension, revocation, or refusal to~~  
1047 ~~issue, renew, or continue any license, certification, or permit~~  
1048 ~~issued under this chapter, the State Fire Marshal may, in her or~~  
1049 ~~his discretion, except when an administrative fine is not~~  
1050 ~~permissible under this chapter or when the suspension,~~  
1051 ~~revocation, or refusal is mandatory, in lieu of suspension,~~  
1052 ~~revocation, or refusal to issue, renew, or continue or, in~~  
1053 ~~connection with any administrative fine imposed, place the~~  
1054 ~~offending licensee, certificateholder, or permittee on probation~~  
1055 ~~for a period not to exceed 2 years, as specified by the State~~  
1056 ~~Fire Marshal in her or his order.~~

1057 (4)~~(2)~~ As a condition to probation or in connection  
1058 therewith, the State Fire Marshal may specify in her or his  
1059 order reasonable terms and conditions to be fulfilled by the  
1060 probationer during the probation period. If during the probation  
1061 period the State Fire Marshal has good cause to believe that the  
1062 probationer has violated any of the terms and conditions, she or  
1063 he shall suspend, revoke, or refuse to issue, renew, or continue  
1064 the license, certificate, or permit of the probationer, as upon

1065 the original ground or grounds referred to in subsection (2)~~(1)~~.

1066 Section 7. Section 633.15, Florida Statutes, is  
 1067 transferred and renumbered as section 633.108, Florida Statutes.

1068 Section 8. Section 633.101, Florida Statutes, is  
 1069 transferred and renumbered as subsections (1), (2), (3), and (4)  
 1070 of section 633.112, Florida Statutes, and subsections (2), (3),  
 1071 and (4) are amended, section 633.18, Florida Statutes, is  
 1072 transferred and renumbered as subsection (5) of that section,  
 1073 section 633.03, Florida Statutes, is transferred and renumbered  
 1074 as subsection (6) of that section and amended, and section  
 1075 633.111, Florida Statutes, is transferred and renumbered as  
 1076 subsections (7) and (8) of that section and amended, to read:

1077 633.112 ~~633.101~~ State Fire Marshal; hearings;  
 1078 investigations; recordkeeping ~~investigatory powers of State Fire~~  
 1079 ~~Marshal; costs of service and witness fees.-~~

1080 (1) The State Fire Marshal may in his or her discretion  
 1081 take or cause to be taken the testimony on oath of all persons  
 1082 whom he or she believes to be cognizant of any facts in relation  
 1083 to matters under investigation.

1084 (2) If the State Fire Marshal shall be of the opinion that  
 1085 there is sufficient evidence to charge any person with an  
 1086 offense, he or she shall cause the arrest of such person and  
 1087 shall furnish to the prosecuting officer of any court having  
 1088 jurisdiction of said offense all information obtained by him or  
 1089 her, including a copy of all pertinent and material testimony  
 1090 taken, together with the names and addresses of all witnesses.  
 1091 In the conduct of such investigations, the State Fire Marshal  
 1092 ~~fire marshal~~ may request such assistance as may reasonably be

1093 | given by such prosecuting officers and other local officials.

1094 |         (3) The State Fire Marshal ~~fire marshal~~ may summon and  
 1095 | compel the attendance of witnesses before him or her to testify  
 1096 | in relation to any matter ~~manner~~ which is, by the provisions of  
 1097 | this chapter, a subject of inquiry and investigation, and he or  
 1098 | she may require the production of any book, paper, or document  
 1099 | deemed pertinent thereto by him or her, and may seize furniture  
 1100 | and other personal property to be held for evidence.

1101 |         (4) All persons so summoned and so testifying shall be  
 1102 | entitled to the same witness fees and mileage as provided for  
 1103 | witnesses testifying in the circuit courts of this state, and  
 1104 | officers serving subpoenas or orders of the State Fire Marshal  
 1105 | ~~fire marshal~~ shall be paid in like manner for like services in  
 1106 | such courts, from the funds herein provided.

1107 |         ~~633.18 State Fire Marshal; hearings and investigations;  
 1108 | subpoena of witnesses; orders of circuit court.~~

1109 |         (5) Any agent designated by the State Fire Marshal for  
 1110 | such purposes, may hold hearings, sign and issue subpoenas,  
 1111 | administer oaths, examine witnesses, receive evidence, and  
 1112 | require by subpoena the attendance and testimony of witnesses  
 1113 | and the production of such accounts, records, memoranda or other  
 1114 | evidence, as may be material for the determination of any  
 1115 | complaint or conducting any inquiry or investigation under this  
 1116 | law. In case of disobedience to a subpoena, the State Fire  
 1117 | Marshal or his or her agent may invoke the aid of any court of  
 1118 | competent jurisdiction in requiring the attendance and testimony  
 1119 | of witnesses and the production of accounts, records, memoranda  
 1120 | or other evidence and any such court may in case of contumacy or



1121 refusal to obey a subpoena issued to any person, issue an order  
 1122 requiring the person to appear before the State Fire Marshal's  
 1123 agent or produce accounts, records, memoranda or other evidence,  
 1124 as so ordered, or to give evidence touching any matter pertinent  
 1125 to any complaint or the subject of any inquiry or investigation,  
 1126 and any failure to obey such order of the court shall be  
 1127 punished by the court as a contempt thereof.

1128 ~~633.03 Investigation of fire; reports.—~~

1129 (6) The State Fire Marshal shall investigate the cause,  
 1130 origin, and circumstances of every fire or explosion occurring  
 1131 in this state wherein property has been damaged or destroyed  
 1132 where there is probable cause to believe that the fire or  
 1133 explosion was the result of carelessness or design. Report of  
 1134 all such investigations shall be made on approved forms to be  
 1135 furnished by the State Fire Marshal ~~fire marshal~~.

1136 ~~633.111 State Fire Marshal to keep records of fires;~~  
 1137 ~~reports of agents.—~~

1138 (7) The State Fire Marshal shall keep ~~in her or his office~~  
 1139 a record of all fires and explosions occurring in this state  
 1140 upon which she or he had caused an investigation to be made and  
 1141 all facts concerning the same. These records, obtained or  
 1142 prepared by the State Fire Marshal pursuant to her or his  
 1143 investigation, include documents, papers, letters, maps,  
 1144 diagrams, tapes, photographs, films, sound recordings, and  
 1145 evidence. These records are confidential and exempt from the  
 1146 provisions of s. 119.07(1) until the investigation is completed  
 1147 or ceases to be active. For purposes of this section, an  
 1148 investigation is considered "active" while such investigation is

1149 being conducted by the department with a reasonable, good faith  
1150 belief that it may lead to the filing of administrative, civil,  
1151 or criminal proceedings. An investigation does not cease to be  
1152 active if the department is proceeding with reasonable dispatch,  
1153 and there is a good faith belief that action may be initiated by  
1154 the department or other administrative or law enforcement  
1155 agency. Further, these documents, papers, letters, maps,  
1156 diagrams, tapes, photographs, films, sound recordings, and  
1157 evidence relative to the subject of an investigation shall not  
1158 be subject to subpoena until the investigation is completed or  
1159 ceases to be active, unless the State Fire Marshal consents.  
1160 These records shall be made daily from the reports furnished the  
1161 State Fire Marshal by her or his agents or others.

1162 (8) Whenever the State Fire Marshal releases an  
1163 investigative report, any person requesting a copy of the report  
1164 shall pay in advance, and the State Fire Marshal shall collect  
1165 in advance, notwithstanding the provisions of s. 624.501(19)(a)  
1166 and (b), a fee of \$10 for the copy of the report, which fee  
1167 shall be deposited into the Insurance Regulatory Trust Fund. The  
1168 State Fire Marshal may release the report without charge to any  
1169 state attorney or to any law enforcement agency or fire  
1170 department assisting in the investigation.

1171 Section 9. Section 633.02, Florida Statutes, is  
1172 transferred, renumbered as subsection (1) of section 633.114,  
1173 Florida Statutes, and amended, and section 633.13, Florida  
1174 Statutes, is transferred and renumbered as subsection (2) of  
1175 that section, to read:

1176 633.114 ~~633.02~~ State Fire Marshal Agents; authority;

1177 | ~~powers and~~ duties; compensation.—

1178 |       (1) The State Fire Marshal shall appoint such agents as  
 1179 | may be necessary to carry out effectively the provisions of this  
 1180 | chapter, who shall be reimbursed for travel expenses as provided  
 1181 | in s. 112.061, in addition to their salary, when traveling or  
 1182 | making investigations in the performance of their duties. Such  
 1183 | agents shall be at all times under the direction and control of  
 1184 | the State Fire Marshal ~~fire marshal~~, who shall fix their  
 1185 | compensation, and all orders shall be issued in the State Fire  
 1186 | Marshal's ~~fire marshal's~~ name and by her or his authority.

1187 |       ~~633.13 State Fire Marshal; authority of agents.—~~

1188 |       (2) The authority given the State Fire Marshal under this  
 1189 | law may be exercised by his or her agents, either individually  
 1190 | or in conjunction with any other state or local official charged  
 1191 | with similar responsibilities.

1192 |       Section 10. Section 633.14, Florida Statutes, is  
 1193 | transferred and renumbered as section 633.116, Florida Statutes.

1194 |       Section 11. Section 633.121, Florida Statutes, is  
 1195 | transferred, renumbered as section 633.118, Florida Statutes,  
 1196 | and amended to read:

1197 |       633.118 ~~633.121~~ Persons authorized to enforce laws and  
 1198 | rules of State Fire Marshal.—The chiefs of county, municipal,  
 1199 | and special-district fire service providers ~~departments~~; other  
 1200 | fire service provider ~~department~~ personnel designated by their  
 1201 | respective chiefs; and personnel designated by local governments  
 1202 | having no organized fire service providers ~~departments~~ are  
 1203 | authorized to enforce this chapter law and all rules prescribed  
 1204 | by the State Fire Marshal within their respective jurisdictions.

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1205 Such personnel acting under the authority of this section shall  
 1206 be deemed to be agents of their respective jurisdictions, not  
 1207 agents of the State Fire Marshal.

1208 Section 12. Section 633.151, Florida Statutes, is  
 1209 transferred, renumbered as section 633.122, Florida Statutes,  
 1210 and amended to read:

1211 633.122 ~~633.151~~ Impersonating State Fire Marshal,  
 1212 firefighter ~~firefighters~~, volunteer firefighter, or firesafety  
 1213 inspector; criminal penalties.—A person who falsely assumes or  
 1214 pretends to be the State Fire Marshal, an agent of the division  
 1215 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a  
 1216 volunteer firefighter, or a firesafety inspector by identifying  
 1217 himself or herself as the State Fire Marshal, an agent of the  
 1218 division, a firefighter, a volunteer firefighter, or a  
 1219 firesafety inspector, by wearing a uniform or presenting or  
 1220 displaying a badge as credentials that would cause a reasonable  
 1221 person to believe that he or she is a State Fire Marshal, an  
 1222 agent of the division, a firefighter, a volunteer firefighter,  
 1223 or firesafety inspector commits ~~and who acts as such to require~~  
 1224 ~~a person to aid or assist him or her in any matter relating to~~  
 1225 ~~the duties of the State Fire Marshal, an agent of the division,~~  
 1226 ~~a firefighter, or a firesafety inspector is guilty of a felony~~  
 1227 of the third degree, punishable as provided in ss. 775.082 and  
 1228 775.083 or, if the impersonation occurs during the commission of  
 1229 a separate felony by that person, commits ~~is guilty of~~ a felony  
 1230 of the first degree, punishable as provided in ss. 775.082 and  
 1231 775.083.

1232 Section 13. Section 633.171, Florida Statutes, is

1233 transferred, renumbered as section 633.124, Florida Statutes,  
 1234 and amended to read:

1235 633.124 ~~633.171~~ Penalty for violation of law, rule, or  
 1236 order to cease and desist or for failure to comply with  
 1237 corrective order.—

1238 (1) Any person who violates any provision of this chapter  
 1239 ~~law~~, any order or rule of the State Fire Marshal, or any order  
 1240 to cease and desist or to correct conditions issued under this  
 1241 chapter commits a misdemeanor of the second degree, punishable  
 1242 as provided in s. 775.082 or s. 775.083.

1243 (2) It is a misdemeanor of the first degree, punishable as  
 1244 provided in s. 775.082 or s. 775.083, to intentionally or  
 1245 willfully:

1246 (a) Render a fire protection system, fire extinguisher, or  
 1247 preengineered system required by statute or by rule inoperative  
 1248 except during such time as the fire protection system, fire  
 1249 extinguisher, or preengineered system is being serviced,  
 1250 hydrotested, tested, repaired, or recharged, except pursuant to  
 1251 court order.

1252 (b) Obliterate the serial number on a fire extinguisher  
 1253 for purposes of falsifying service records.

1254 (c) Improperly service, recharge, repair, hydrotest, test,  
 1255 or inspect a fire extinguisher or preengineered system.

1256 (d) Use the license, certificate, or permit ~~number~~ of  
 1257 another person.

1258 (e) Hold a license, certificate, or permit and allow  
 1259 another person to use the license, certificate, or ~~said permit~~  
 1260 ~~number~~.

1261 (f) Use, or allow ~~permit~~ the use of, any license,  
 1262 certificate, or permit by any individual or organization other  
 1263 than the one to whom the license, certificate, or permit is  
 1264 issued.

1265 (3) (a) As used in this subsection, the term:

1266 1. "Pyrotechnic display" means a special effect created  
 1267 through the use of a pyrotechnic material or pyrotechnic device.

1268 2. "Pyrotechnic device" means any device containing  
 1269 pyrotechnic materials and capable of producing a special effect.

1270 3. "Pyrotechnic material" means a chemical mixture used to  
 1271 produce visible or audible effects by combustion, deflagration,  
 1272 or detonation when such chemical mixture consists predominantly  
 1273 of solids capable of producing a controlled, self-sustaining,  
 1274 and self-contained exothermic chemical reaction that results in  
 1275 heat, gas, sound, light, or a combination of such effects,  
 1276 without requiring external oxygen.

1277 (b) A person who initiates a pyrotechnic display within  
 1278 any structure commits a felony of the third degree, punishable  
 1279 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1280 1. The structure has a fire protection system installed in  
 1281 compliance with s. 633.334 ~~633.065~~.

1282 2. The owner of the structure has authorized in writing  
 1283 the pyrotechnic display.

1284 3. If the local jurisdiction requires a permit for the use  
 1285 of a pyrotechnic display in an occupied structure, such permit  
 1286 has been obtained and all conditions of the permit complied with  
 1287 or, if the local jurisdiction does not require a permit for the  
 1288 use of a pyrotechnic display in an occupied structure, the

1289 person initiating the display has complied with National Fire  
 1290 Protection Association, Inc., Standard 1126, 2001 Edition,  
 1291 Standard for the Use of Pyrotechnics before a Proximate  
 1292 Audience.

1293 (c) This subsection shall not be construed to preclude  
 1294 prosecution for a more general offense resulting from the same  
 1295 criminal transaction or episode. This subsection does not apply  
 1296 to the manufacture, distribution, sale at wholesale or retail,  
 1297 or seasonal sale of products regulated under chapter 791 if the  
 1298 products are not used in an occupied structure.

1299 Section 14. Section 633.175, Florida Statutes, is  
 1300 transferred and renumbered as section 633.126, Florida Statutes,  
 1301 and subsections (1), (2), (3), (6), and (9) of that section are  
 1302 amended, to read:

1303 633.126 ~~633.175~~ Investigation of fraudulent insurance  
 1304 claims and crimes; immunity of insurance companies supplying  
 1305 information.-

1306 (1) (a) As used in this section, the term "consultant"  
 1307 means any individual or entity, or employee of the individual or  
 1308 entity, retained by an insurer to assist in the investigation of  
 1309 a fire, explosion, or suspected fraudulent insurance act.

1310 (b) The State Fire Marshal or an agent appointed pursuant  
 1311 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in  
 1312 s. 111.065, any law enforcement officer of a federal agency, or  
 1313 any fire service provider ~~department~~ official who is engaged in  
 1314 the investigation of a fire or explosion loss may request any  
 1315 insurance company or its agent, adjuster, employee, or attorney,  
 1316 investigating a claim under an insurance policy or contract with

1317 respect to a fire or explosion to release any information  
1318 whatsoever in the possession of the insurance company or its  
1319 agent, adjuster, employee, or attorney relative to a loss from  
1320 that fire or explosion. The insurance company shall release the  
1321 available information to and cooperate with any official  
1322 authorized to request such information pursuant to this section.  
1323 The information shall include, but shall not be limited to:

1324 1.(a) Any insurance policy relevant to a loss under  
1325 investigation and any application for such a policy.

1326 2.(b) Any policy premium payment records.

1327 3.(e) The records, reports, and all material pertaining to  
1328 any previous claims made by the insured with the reporting  
1329 company.

1330 4.(d) Material relating to the investigation of the loss,  
1331 including statements of any person, proof of loss, and other  
1332 relevant evidence.

1333 5.(e) Memoranda, notes, and correspondence relating to the  
1334 investigation of the loss in the possession of the insurance  
1335 company or its agents, adjusters, employees, or attorneys.

1336 (2) If an insurance company has reason to suspect that a  
1337 fire or explosion loss to its insured's real or personal  
1338 property was caused by intentional incendiary means, the company  
1339 shall notify the State Fire Marshal and shall furnish her or him  
1340 with all material acquired by the company during the course of  
1341 its investigation. The State Fire Marshal may adopt rules to  
1342 implement this subsection.

1343 (3) In the absence of fraud, bad faith, or malice, no  
1344 representative of or consultant to an insurance company or of



1345 the National Insurance Crime Bureau employed to adjust or  
1346 investigate losses caused by fire or explosion shall be liable  
1347 for damages in a civil action for furnishing information  
1348 concerning fires or explosion suspected to be other than  
1349 accidental to investigators employed by other insurance  
1350 companies or the National Insurance Crime Bureau.

1351 (4) No insurance company or person who furnishes  
1352 information on its behalf shall be liable for damages in a civil  
1353 action or subject to criminal prosecution for any oral or  
1354 written statement made or any other action taken that is  
1355 necessary and required by the provisions of this section.

1356 (5) At such time as the release of the investigative  
1357 records is required by law, the official or agency in possession  
1358 of such records shall provide written notice to the insurance  
1359 company providing the information and to all parties, at least  
1360 10 days prior to releasing such records. Official, departmental,  
1361 or agency personnel may discuss such matters with other  
1362 official, departmental, or agency personnel, and any insurance  
1363 company complying with this section, and may share such  
1364 information, if such discussion is necessary to enable the  
1365 orderly and efficient conduct of the investigation. These  
1366 discussions are confidential and exempt from the provisions of  
1367 s. 286.011.

1368 (6) The actions of an insurance company or of its agents,  
1369 employees, adjusters, consultants, or attorneys, in complying  
1370 with the statutory obligation of this section shall in no way be  
1371 construed by a court as a waiver or abandonment of any privilege  
1372 or confidentiality of attorney work product, attorney-client

1373 communication, or such other privilege or immunity as is  
 1374 provided by law.

1375 (7) Any official described in subsection (1) may be  
 1376 required to testify as to any information in her or his  
 1377 possession regarding an insurance loss in any civil action in  
 1378 which any person seeks recovery under a policy against an  
 1379 insurance company for an insurance loss, subject to the  
 1380 provisions of subsection (6).

1381 (8) No person may intentionally refuse to release any  
 1382 information requested pursuant to this section.

1383 (9) Any person who willfully violates the provisions of  
 1384 this section commits ~~is guilty of~~ a misdemeanor of the first  
 1385 degree, punishable as provided in s. 775.082 or s. 775.083.

1386 Section 15. Section 633.45, Florida Statutes, is  
 1387 transferred, renumbered as section 633.128, Florida Statutes,  
 1388 and amended to read:

1389 633.128 ~~633.45~~ Division of State Fire Marshal; powers,  
 1390 duties.—

1391 (1) The division shall:

1392 (a) Establish, by rule, uniform minimum standards for the  
 1393 ~~employment and training of firefighters and volunteer~~  
 1394 firefighters.

1395 (b) Establish, by rule, minimum curriculum requirements  
 1396 and criteria used to approve education or training providers,  
 1397 including for schools operated by or for any fire service  
 1398 provider, ~~employing agency~~ for the specific purpose of training  
 1399 individuals seeking to become a firefighter recruits or  
 1400 volunteer firefighter ~~firefighters.~~

1401           (c) Specify, by rule, standards for the approval, denial  
1402 of approval, probation, suspension, and revocation of approval  
1403 of education or training providers and facilities for training  
1404 firefighters and volunteer firefighters. ~~Approve institutions,~~  
1405 ~~instructors, and facilities for school operation by or for any~~  
1406 ~~employing agency for the specific purpose of training~~  
1407 ~~firefighters and firefighter recruits.~~

1408           (d) Specify, by rule, standards for the certification,  
1409 denial of certification, probation, and revocation of  
1410 certification for instructors, ~~approval, denial of approval,~~  
1411 ~~probation, and revocation of approval of institutions,~~  
1412 ~~instructors, and facilities for training firefighters and~~  
1413 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~  
1414 instructor to ~~must~~ complete 40 hours of continuing education  
1415 every 4 ~~3~~ years in order to maintain his or her certification  
1416 ~~the approval of the department.~~

1417           (e) Issue certificates of competency to persons who, by  
1418 reason of experience and completion of basic inservice training,  
1419 advanced education, or specialized training, are especially  
1420 qualified for particular aspects or classes of firefighting  
1421 ~~firefighter~~ duties.

1422           (f) Establish, by rule, minimum training qualifications  
1423 for persons serving as firesafety coordinators for their  
1424 respective departments of state government and certify all  
1425 persons who satisfy such qualifications.

1426           (g) Establish a uniform lesson plan to be followed by  
1427 firesafety instructors in the training of state employees in  
1428 firesafety and emergency evacuation procedures.

1429 (h) Have complete jurisdiction over, and complete  
 1430 management and control of, the Florida State Fire College and be  
 1431 invested with full power and authority to make all rules and  
 1432 regulations necessary for the governance of said institution.

1433 (i) Appoint a superintendent of the Florida State Fire  
 1434 College and such other instructors, experimental helpers, and  
 1435 laborers as may be necessary and remove the same as in the  
 1436 division's ~~its~~ judgment and discretion may be best, fix their  
 1437 compensation, and provide for their payment.

1438 (j) Have full management, possession, and control of the  
 1439 lands, buildings, structures, and property belonging to the  
 1440 Florida State Fire College.

1441 (k) Provide for the courses of study and curriculum of the  
 1442 Florida State Fire College.

1443 (l) Make rules and regulations for the admission of  
 1444 trainees to the Florida State Fire College.

1445 (m) Visit and inspect the Florida State Fire College ~~and~~  
 1446 ~~every department thereof~~ and provide for the proper keeping of  
 1447 accounts and records thereof.

1448 (n) Make and prepare all necessary budgets of expenditures  
 1449 for the enlargement, proper furnishing, maintenance, support,  
 1450 and conduct of the Florida State Fire College.

1451 (o) Select and purchase all property, furniture, fixtures,  
 1452 and paraphernalia necessary for the Florida State Fire College.

1453 (p) Build, construct, change, enlarge, repair, and  
 1454 maintain any and all buildings or structures of the Florida  
 1455 State Fire College that may at any time be necessary for said  
 1456 institution and purchase and acquire all lands and property

1457 necessary for same, of every nature and description whatsoever.

1458 (q) Care for and maintain the Florida State Fire College  
 1459 and do and perform every other matter or thing requisite to the  
 1460 proper management, maintenance, support, and control of said  
 1461 institution, necessary or requisite to carry out fully the  
 1462 purpose of this chapter ~~act~~ and for raising it to, and  
 1463 maintaining it at, the proper efficiency and standard as  
 1464 required in and by the provisions of part IV ~~ss. 633.43-633.49~~.

1465 (r) Issue a license, certificate, or permit of a specific  
 1466 class to an individual who successfully completes the training,  
 1467 education, and examination required under this chapter or by  
 1468 rule for such class of license, certificate, or permit.

1469 (2) The division, subject to the limitations and  
 1470 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1471 (a) Adopt rules and regulations for the administration of  
 1472 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1473 (b) Adopt a seal and alter the same at its pleasure.

1474 (c) Sue and be sued.

1475 (d) Acquire any real or personal property by purchase,  
 1476 gift, or donation, and have water rights.

1477 (e) Exercise the right of eminent domain to acquire any  
 1478 property and lands necessary to the establishment, operation,  
 1479 and expansion of the Florida State Fire College.

1480 (f) Make contracts and execute necessary or convenient  
 1481 instruments.

1482 (g) Undertake by contract or contracts, or by its own  
 1483 agent and employees, and otherwise than by contract, any project  
 1484 or projects, and operate and maintain such projects.

1485 (h) Accept grants of money, materials, or property of any  
 1486 kind from a federal agency, private agency, county, city, town,  
 1487 corporation, partnership, or individual upon such terms and  
 1488 conditions as the grantor may impose.

1489 (i) Perform all acts and do all things necessary or  
 1490 convenient to carry out the powers granted herein and the  
 1491 purposes of this chapter ~~ss. 633.30-633.49~~.

1492 (3) The title to all property referred to in part IV ~~ss.~~  
 1493 ~~633.43-633.49~~, however acquired, shall be vested in the  
 1494 department and shall only be transferred and conveyed by it.

1495 Section 16. Section 633.132, Florida Statutes, is created  
 1496 to read:

1497 633.132 Fees.—

1498 (1) The division shall collect in advance the following  
 1499 fees which it deems necessary to be charged:

1500 (a) Pursuant to part III of this chapter:

1501 1. Contractor certificate initial application: \$300 for  
 1502 each class of certificate.

1503 2. Contractor biennial renewal fee: \$150 for each class of  
 1504 certificate.

1505 3. Contractor permit initial application fee: \$100 for  
 1506 each class of permit.

1507 4. Contractor permit biennial renewal fee: \$50 for each  
 1508 class of permit.

1509 5. Contractor examination or reexamination fee: \$100 for  
 1510 each class of certificate.

1511 6. Fire equipment dealer license:

1512 a. Class A: \$250.

- 1513        b. Class B: \$150.
- 1514        c. Class C: \$150.
- 1515        d. Class D: \$200.
- 1516        7. Fire equipment dealer or contractor application and  
1517 renewal fee for an inactive license: \$75.
- 1518        8. Fire equipment dealer license or permit exam or  
1519 reexamination: \$50.
- 1520        9. Reinspection fee for a dealer equipment inspection  
1521 conducted by the State Fire Marshal under s. 633.304(1): \$50 for  
1522 each reinspection.
- 1523        10. Permit for a portable fire extinguisher  
1524 installer/repairer/inspector: \$90.
- 1525        11. Permit for a preengineered fire extinguishing system  
1526 installer/repairer/inspector: \$120.
- 1527        12. Conversion of a fire equipment dealer's license to a  
1528 different category: \$10 for each permit and license.
- 1529        (b) Pursuant to part IV of this chapter:
- 1530        1. Certificate of compliance: \$30.
- 1531        2. Certificate of competency: \$30.
- 1532        3. Renewal fee for a certificate of compliance,  
1533 competency, or instruction: \$15.
- 1534        (c) Duplicate or change of address for any license,  
1535 permit, or certificate: \$10.
- 1536        (2) All moneys collected by the State Fire Marshal  
1537 pursuant to this chapter shall be deposited into the Insurance  
1538 Regulatory Trust Fund.
- 1539        Section 17. Section 633.39, Florida Statutes, is  
1540 transferred and renumbered as section 633.134, Florida Statutes.

1541 Section 18. Section 633.115, Florida Statutes, is  
 1542 transferred, renumbered as section 633.136, Florida Statutes,  
 1543 and amended to read:

1544 633.136 ~~633.115~~ Fire and Emergency Incident Information  
 1545 Reporting Program; duties; fire reports.—

1546 (1) (a) The Fire and Emergency Incident Information  
 1547 Reporting Program is created within the division ~~of State Fire~~  
 1548 ~~Marshal~~. The program shall:

1549 1. Establish and maintain an electronic communication  
 1550 system capable of transmitting fire and emergency incident  
 1551 information to and between fire protection agencies.

1552 2. Initiate a Fire and Emergency Incident Information  
 1553 Reporting System that shall be responsible for:

1554 a. Receiving fire and emergency incident information from  
 1555 fire protection agencies.

1556 b. Preparing and disseminating annual reports to the  
 1557 Governor, the President of the Senate, the Speaker of the House  
 1558 of Representatives, fire protection agencies, and, upon request,  
 1559 the public. Each report shall include, but not be limited to,  
 1560 the information listed in the National Fire Incident Reporting  
 1561 System.

1562 c. Upon request, providing other states and federal  
 1563 agencies with fire and emergency incident data of this state.

1564 3. Adopt rules to effectively and efficiently implement,  
 1565 administer, manage, maintain, and use the Fire and Emergency  
 1566 Incident Information Reporting Program. The rules shall be  
 1567 considered minimum requirements and shall not preclude a fire  
 1568 protection agency from implementing its own requirements which



1569 shall not conflict with the rules of the division ~~of State Fire~~  
 1570 ~~Marshal~~.

1571 4. By rule, establish procedures and a format for each  
 1572 fire protection agency to voluntarily monitor its records and  
 1573 submit reports to the program.

1574 5. Establish an electronic information database which is  
 1575 accessible and searchable by fire protection agencies.

1576 (b) The division ~~of State Fire Marshal~~ shall consult with  
 1577 the Florida Forest Service of the Department of Agriculture and  
 1578 Consumer Services and the State Surgeon General of the  
 1579 Department of Health to coordinate data, ensure accuracy of the  
 1580 data, and limit duplication of efforts in data collection,  
 1581 analysis, and reporting.

1582 (2) The Fire and Emergency Incident Information System  
 1583 Technical Advisory Panel is created within the division ~~of State~~  
 1584 ~~Fire Marshal~~. The panel shall advise, review, and recommend to  
 1585 the State Fire Marshal with respect to the requirements of this  
 1586 section. The membership of the panel shall consist of the  
 1587 following 15 members:

1588 (a) The current 13 members of the Firefighters Employment,  
 1589 Standards, and Training Council as established in s. 633.402  
 1590 ~~633.31~~.

1591 (b) One member from the Florida Forest Service of the  
 1592 Department of Agriculture and Consumer Services, appointed by  
 1593 the director of the Florida Forest Service.

1594 (c) One member from the Department of Health, appointed by  
 1595 the State Surgeon General.

1596 (3) For the purpose of this section, the term "fire

1597 protection agency" shall be defined by rule by the division of  
 1598 ~~State Fire Marshal.~~

1599 Section 19. Section 633.138, Florida Statutes, is created  
 1600 to read:

1601 633.138 Notice of change of address of record; notice of  
 1602 felony actions.-

1603 (1) Any individual issued a license, permit, or  
 1604 certificate under this chapter shall notify the division in  
 1605 writing of any changes to his or her current mailing address, e-  
 1606 mail address, and place of practice as specified in rule adopted  
 1607 by the division.

1608 (2) Notwithstanding any other provision of law, delivery  
 1609 by regular mail or e-mail to a licensee, permittee, or  
 1610 certificateholder, using the last known mailing address or e-  
 1611 mail address on record with the division, constitutes adequate  
 1612 and sufficient notice to the licensee, permittee, or  
 1613 certificateholder of any official communication by the division.

1614 (3) Any individual issued a license, permit, or  
 1615 certificate under this chapter shall notify the division in  
 1616 writing within 30 days after pleading guilty or nolo contendere  
 1617 to, or being convicted or found guilty of, any felony or a crime  
 1618 punishable by imprisonment of 1 year or more under the law of  
 1619 the United States or of any state thereof, or under the law of  
 1620 any other country, without regard to whether a judgment of  
 1621 conviction has been entered by the court having jurisdiction of  
 1622 the case.

1623 Section 20. Section 633.042, Florida Statutes, is  
 1624 transferred and renumbered as subsections (1) through (11) of

1625 section 633.142, Florida Statutes, and amended, and section  
 1626 633.0421, Florida Statutes, is transferred and renumbered as  
 1627 paragraph (b) of subsection (11) of that section and amended, to  
 1628 read:

1629 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity  
 1630 Standard and Firefighter Protection Act; preemption.-

1631 (1) SHORT TITLE.—This section may be cited as the "Reduced  
 1632 Cigarette Ignition Propensity Standard and Firefighter  
 1633 Protection Act."

1634 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
 1635 and declares that:

1636 (a) Cigarettes are the leading cause of fire deaths in  
 1637 this state and in the nation.

1638 (b) Each year in the United States, between 700 and 900  
 1639 persons are killed and around 3,000 persons are injured in fires  
 1640 ignited by cigarettes, while in this state 153 residential fires  
 1641 and 5 fatalities were attributable to fires caused by cigarettes  
 1642 in 2006.

1643 (c) A high percentage of the victims of cigarette fires  
 1644 are nonsmokers, including senior citizens and young children.

1645 (d) Fires caused by cigarettes result in billions of  
 1646 dollars in property losses and damages in the United States and  
 1647 millions of dollars in property losses and damages in this  
 1648 state.

1649 (e) Cigarette fires unnecessarily jeopardize the safety of  
 1650 firefighters and result in avoidable emergency response costs  
 1651 for municipalities.

1652 (f) In 2004, the State of New York implemented a cigarette

1653 firesafety regulation requiring cigarettes sold in that state to  
1654 meet a firesafety performance standard; in 2005, Vermont and  
1655 California enacted cigarette firesafety laws directly  
1656 incorporating New York's regulation into statute; and in 2006,  
1657 Illinois, New Hampshire, and Massachusetts joined these states  
1658 in enacting similar laws.

1659 (g) In 2005, Canada implemented the New York State  
1660 firesafety standard, becoming the first country to have a  
1661 nationwide cigarette firesafety standard.

1662 (h) New York State's cigarette firesafety standard is  
1663 based upon decades of research by the National Institute of  
1664 Standards and Technology, Congressional research groups, and  
1665 private industry. This cigarette firesafety standard minimizes  
1666 costs to the state; minimally burdens cigarette manufacturers,  
1667 distributors, and retail sellers; and, therefore, should become  
1668 law in this state.

1669 (i) It is therefore fitting and proper for this state to  
1670 adopt the cigarette firesafety standard that is in effect in the  
1671 State of New York to reduce the likelihood that cigarettes will  
1672 cause fires and result in deaths, injuries, and property  
1673 damages.

1674 (3) DEFINITIONS.—For the purposes of this section:

1675 (a) "Agent" means any person authorized by the Division of  
1676 Alcoholic Beverages and Tobacco of the Department of Business  
1677 and Professional Regulation to purchase and affix stamps on  
1678 packages of cigarettes.

1679 (b) "Cigarette" means:

1680 1. Any roll for smoking, whether made wholly or in part of

1681 tobacco or any other substance, irrespective of size or shape,  
1682 and whether such tobacco or substance is flavored, adulterated,  
1683 or mixed with any other ingredient, the wrapper or cover of  
1684 which is made of paper or any other substance or material other  
1685 than tobacco; or

1686 2. Any roll for smoking that is wrapped in any substance  
1687 containing tobacco and that, because of the type of tobacco used  
1688 in the filler or its packaging and labeling, is likely to be  
1689 offered to, or purchased by, consumers as a cigarette as  
1690 described in subparagraph 1.

1691 (c) "Division" means the Division of Alcoholic Beverages  
1692 and Tobacco of the Department of Business and Professional  
1693 Regulation.

1694 (d) "Manufacturer" means:

1695 1. Any entity that manufactures or produces, or causes to  
1696 be manufactured or produced, regardless of location, cigarettes  
1697 that such manufacturer intends to be sold in this state,  
1698 including cigarettes intended to be sold in the United States  
1699 through an importer;

1700 2. Any entity, regardless of location, that first  
1701 purchases cigarettes manufactured anywhere and not intended by  
1702 the original manufacturer or maker to be sold in the United  
1703 States and that intends to resell such cigarettes in the United  
1704 States; or

1705 3. Any entity that becomes a successor of an entity  
1706 described in subparagraph 1. or subparagraph 2.

1707 (e) "Quality control and quality assurance program" means  
1708 laboratory procedures implemented to ensure that operator bias,

1709 systematic and nonsystematic methodological errors, and  
 1710 equipment-related problems do not affect the results of  
 1711 laboratory testing. Such a program shall ensure that the testing  
 1712 repeatability remains within the required repeatability values  
 1713 stated in subparagraph (4)(a)6. for all test trials used to  
 1714 certify cigarettes in accordance with this section.

1715 (f) "Repeatability" means the range of values within which  
 1716 the results of repeated cigarette test trials from a single  
 1717 laboratory will fall 95 percent of the time.

1718 (g) "Retail dealer" means:

1719 1. Any person, other than a manufacturer or wholesale  
 1720 dealer, engaged in selling cigarettes; or

1721 2. Any person who owns, operates, or maintains one or more  
 1722 cigarette or tobacco-product vending machines in, at, or upon  
 1723 premises owned or occupied by any other person.

1724 (h) "Sale" means any transfer of title or possession or  
 1725 both, exchange or barter, conditional or otherwise, in any  
 1726 manner or by any means whatever or any agreement therefor. In  
 1727 addition to cash and credit sales, the giving of cigarettes as  
 1728 samples, prizes, or gifts and the exchanging of cigarettes for  
 1729 any consideration other than money are considered sales.

1730 (i) "Sell" means to execute a sale or to offer or agree to  
 1731 execute a sale.

1732 (j) "Wholesale dealer" means any person, other than a  
 1733 manufacturer, who sells cigarettes to retail dealers or other  
 1734 persons for purposes of resale.

1735 (4) TEST METHOD AND PERFORMANCE STANDARD.—

1736 (a) Except as provided in paragraph (f), no cigarettes may

1737 be sold or offered for sale in this state, or sold or offered  
1738 for sale to persons located in this state, unless the cigarettes  
1739 have been tested in accordance with the test method and meet the  
1740 performance standard specified in this subsection, a written  
1741 certification has been filed by the manufacturer with the  
1742 division in accordance with subsection (5), and the cigarettes  
1743 have been marked in accordance with subsection (6).

1744 1. Testing of cigarettes shall be conducted in accordance  
1745 with the American Society for Testing and Materials standard  
1746 E2187-04, "Standard Test Method for Measuring the Ignition  
1747 Strength of Cigarettes."

1748 2. Testing shall be conducted on 10 layers of filter  
1749 paper.

1750 3. No more than 25 percent of the cigarettes tested in a  
1751 test trial in accordance with this subsection shall exhibit  
1752 full-length burns. Forty replicate tests shall comprise a  
1753 complete test trial for each cigarette tested.

1754 4. The performance standard required by this subsection  
1755 shall only be applied to a complete test trial.

1756 5. Written certifications shall be based upon testing  
1757 conducted by a laboratory that has been accredited pursuant to  
1758 standard ISO/IEC 17025 of the International Organization for  
1759 Standardization or another comparable accreditation standard  
1760 required by the State Fire Marshal.

1761 6. Laboratories conducting testing in accordance with this  
1762 subsection shall implement a quality control and quality  
1763 assurance program that includes a procedure that will determine  
1764 the repeatability of the testing results. The repeatability

1765 value shall be no greater than 0.19.

1766         7. This subsection does not require additional testing if  
1767 cigarettes are tested consistently with this section for any  
1768 other purpose.

1769         8. The State Fire Marshal may, in his or her discretion or  
1770 upon the request of the division, perform or sponsor testing to  
1771 determine a cigarette's compliance with the required performance  
1772 standard. Any such discretionary compliance testing by the State  
1773 Fire Marshal shall be conducted in accordance with this  
1774 subsection.

1775         (b) Each cigarette listed in a certification submitted  
1776 pursuant to subsection (5) that uses lowered permeability bands  
1777 in the cigarette paper to achieve compliance with the  
1778 performance standard set forth in this subsection shall have at  
1779 least two nominally identical bands on the paper surrounding the  
1780 tobacco column. At least one complete band shall be located at  
1781 least 15 millimeters from the lighting end of the cigarette. For  
1782 cigarettes on which the bands are positioned by design, there  
1783 shall be at least two bands fully located at least 15  
1784 millimeters from the lighting end and 10 millimeters from the  
1785 filter end of the tobacco column, or 10 millimeters from the  
1786 labeled end of the tobacco column for nonfiltered cigarettes.

1787         (c) A manufacturer of a cigarette that the State Fire  
1788 Marshal determines cannot be tested in accordance with the test  
1789 method prescribed in subparagraph (a)1. shall propose a test  
1790 method and performance standard for the cigarette to the State  
1791 Fire Marshal. Upon approval of the proposed test method and a  
1792 determination by the State Fire Marshal that the performance



1793 standard proposed by the manufacturer is equivalent to the  
1794 performance standard prescribed in subparagraph (a)3., the  
1795 manufacturer may employ such test method and performance  
1796 standard to certify such cigarette pursuant to subsection (5).  
1797 If the State Fire Marshal determines that another state has  
1798 enacted reduced cigarette ignition propensity standards that  
1799 include a test method and performance standard that are the same  
1800 as those contained in this section, and if the State Fire  
1801 Marshal finds that the officials responsible for implementing  
1802 those requirements have approved the proposed alternative test  
1803 method and performance standard for a particular cigarette  
1804 proposed by a manufacturer as meeting the firesafety standards  
1805 of that state's law or regulation under a legal provision  
1806 comparable to this subsection, the State Fire Marshal shall  
1807 authorize that manufacturer to employ the alternative test  
1808 method and performance standard to certify that cigarette for  
1809 sale in this state unless the State Fire Marshal demonstrates a  
1810 reasonable basis why the alternative test should not be accepted  
1811 under this section. All other applicable requirements of this  
1812 subsection shall apply to the manufacturer.

1813 (d) Each manufacturer shall maintain copies of the reports  
1814 of all tests conducted on all cigarettes offered for sale for a  
1815 period of 3 years and shall make copies of the reports available  
1816 to the division, the State Fire Marshal, and the Attorney  
1817 General upon written request. Any manufacturer who fails to make  
1818 copies of the reports available within 60 days after receiving a  
1819 written request shall be subject to a civil penalty not to  
1820 exceed \$10,000 for each day after the 60th day that the

1821 manufacturer does not make such copies available.

1822 (e) The State Fire Marshal may adopt a subsequent American  
1823 Society for Testing and Materials Standard Test Method for  
1824 Measuring the Ignition Strength of Cigarettes upon a finding  
1825 that such subsequent method does not result in a change in the  
1826 percentage of full-length burns exhibited by any tested  
1827 cigarette when compared to the percentage of full-length burns  
1828 the same cigarette would exhibit when tested in accordance with  
1829 American Society for Testing and Materials Standard E2187-04 and  
1830 the performance standard in subparagraph (a)3.

1831 (f) The requirements of paragraph (a) shall not prohibit:

1832 1. Wholesale or retail dealers from selling their existing  
1833 inventory of cigarettes on or after the effective date of this  
1834 section if the wholesale or retail dealer can establish that  
1835 state tax stamps were affixed to the cigarettes prior to the  
1836 effective date and the wholesale or retail dealer can establish  
1837 that the inventory was purchased prior to the effective date in  
1838 comparable quantity to the inventory purchased during the same  
1839 period of the prior year; or

1840 2. The sale of cigarettes solely for the purpose of  
1841 consumer testing. For purposes of this subparagraph, the term  
1842 "consumer testing" means an assessment of cigarettes that is  
1843 conducted by or is under the control and direction of a  
1844 manufacturer for the purpose of evaluating consumer acceptance  
1845 of such cigarettes and that uses only the quantity of cigarettes  
1846 that is reasonably necessary for such assessment.

1847 (g) It is the intent of the Legislature by this section to  
1848 promote uniformity among the states in the regulation of reduced

1849 cigarette ignition propensity. As a result, the resolution of  
1850 issues regarding the interpretation and implementation of this  
1851 section should be made in a manner consistent with the New York  
1852 Fire Safety Standards for Cigarettes, New York Executive Law,  
1853 Section 156-C, as amended, and Part 429 of Title 19 New York  
1854 Codes, Rules, and Regulations, as amended, and the  
1855 interpretation and implementation thereof, as they exist on  
1856 March 1, 2008.

1857 (5) CERTIFICATION AND PRODUCT CHANGE.—

1858 (a) Each manufacturer shall submit to the division a  
1859 written certification attesting that:

1860 1. Each cigarette listed in the certification has been  
1861 tested in accordance with subsection (4).

1862 2. Each cigarette listed in the certification meets the  
1863 performance standard set forth in subsection (4).

1864 (b) Each cigarette listed in the certification shall be  
1865 described with the following information:

1866 1. Brand, or trade name, on the package.

1867 2. Style, such as light or ultra light.

1868 3. Length in millimeters.

1869 4. Circumference in millimeters.

1870 5. Flavor, such as menthol or chocolate, if applicable.

1871 6. Filter or nonfilter.

1872 7. Package description, such as soft pack or box.

1873 8. Marking pursuant to subsection (6).

1874 9. The name, address, and telephone number of the testing  
1875 laboratory, if different from the name, address, and telephone  
1876 number of the manufacturer that conducted the test.

1877 |           10. The date the testing occurred.

1878 |           (c) Each certification shall be made available to the  
1879 | Attorney General for purposes consistent with this section and  
1880 | to the State Fire Marshal for the purposes of ensuring  
1881 | compliance with this subsection.

1882 |           (d) Each cigarette certified under this subsection shall  
1883 | be recertified every 3 years.

1884 |           (e) If a manufacturer has certified a cigarette pursuant  
1885 | to this subsection and thereafter makes any change to such  
1886 | cigarette that is likely to alter its compliance with the  
1887 | reduced cigarette ignition propensity standards required by this  
1888 | section, that cigarette shall not be sold or offered for sale in  
1889 | this state until the manufacturer retests the cigarette in  
1890 | accordance with the testing standards set forth in subsection  
1891 | (4) and maintains records of that retesting as required by  
1892 | subsection (4). Any altered cigarette that does not meet the  
1893 | performance standard set forth in subsection (4) may not be sold  
1894 | in this state.

1895 |           (6) MARKING OF CIGARETTE PACKAGING.—

1896 |           (a) Cigarettes that are certified by a manufacturer in  
1897 | accordance with subsection (5) shall be marked to indicate  
1898 | compliance with the requirements of subsection (4). The marking  
1899 | shall be in 8-point type or larger and consist of:

1900 |           1. Modification of the universal product code to include a  
1901 | visible mark printed at or around the area of the universal  
1902 | product code. The mark may consist of alphanumeric or symbolic  
1903 | characters permanently stamped, engraved, embossed, or printed  
1904 | in conjunction with the universal product code;

1905           2. Any visible combination of alphanumeric or symbolic  
 1906 characters permanently stamped, engraved, or embossed upon the  
 1907 cigarette package or cellophane wrap; or

1908           3. Printed, stamped, engraved, or embossed text that  
 1909 indicates that the cigarettes meet the standards of this  
 1910 section.

1911           (b) A manufacturer shall use only one marking and shall  
 1912 apply this marking uniformly for all brands and all packages,  
 1913 including, but not limited to, packs, cartons, and cases,  
 1914 marketed by that manufacturer.

1915           (c) The division shall be notified as to the marking that  
 1916 is selected.

1917           (d) Prior to the certification of any cigarette, a  
 1918 manufacturer shall present its proposed marking to the division  
 1919 for approval. Upon receipt of the request, the division shall  
 1920 approve or disapprove the marking offered, except that the  
 1921 division shall approve:

1922           1. Any marking in use and approved for sale in the State  
 1923 of New York pursuant to the New York Fire Safety Standards for  
 1924 Cigarettes; or

1925           2. The letters "FSC," which signify "Fire Standards  
 1926 Compliant," appearing in 8-point type or larger and permanently  
 1927 printed, stamped, engraved, or embossed on the package at or  
 1928 near the universal product code.

1929  
 1930 Proposed markings shall be deemed approved if the division fails  
 1931 to act within 10 business days after receiving a request for  
 1932 approval.

1933 (e) No manufacturer shall modify its approved marking  
1934 unless the modification has been approved by the division in  
1935 accordance with this subsection.

1936 (f) Manufacturers certifying cigarettes in accordance with  
1937 subsection (5) shall provide a copy of the certifications to all  
1938 wholesale dealers and agents to which they sell cigarettes and  
1939 shall also provide sufficient copies of an illustration of the  
1940 package marking used by the manufacturer pursuant to this  
1941 subsection for each retail dealer to which the wholesale dealers  
1942 or agents sell cigarettes. Wholesale dealers and agents shall  
1943 provide a copy of these package markings received from  
1944 manufacturers to all retail dealers to which they sell  
1945 cigarettes. Wholesale dealers, agents, and retail dealers shall  
1946 permit the division, the State Fire Marshal, the Attorney  
1947 General, and their employees to inspect markings of cigarette  
1948 packaging marked in accordance with this subsection.

1949 (7) PENALTIES.—

1950 (a) A manufacturer, wholesale dealer, agent, or any other  
1951 person or entity that knowingly sells or offers to sell  
1952 cigarettes, other than through retail sale, in violation of  
1953 subsection (4) shall be subject to a civil penalty not to exceed  
1954 \$100 for each pack of such cigarettes sold or offered for sale.  
1955 In no case shall the penalty against any such person or entity  
1956 exceed \$100,000 during any 30-day period.

1957 (b) A retail dealer who knowingly sells or offers to sell  
1958 cigarettes in violation of subsection (4) shall be subject to a  
1959 civil penalty not to exceed \$100 for each pack of such  
1960 cigarettes sold or offered for sale. In no case shall the

1961 penalty against any retail dealer exceed \$25,000 during any 30-  
 1962 day period.

1963 (c) In addition to any penalty prescribed by law, any  
 1964 corporation, partnership, sole proprietor, limited partnership,  
 1965 or association engaged in the manufacture of cigarettes that  
 1966 knowingly makes a false certification pursuant to subsection (5)  
 1967 shall be subject to a civil penalty of at least \$75,000 and not  
 1968 to exceed \$250,000 for each such false certification.

1969 (d) Any person violating any other provision of this  
 1970 section shall be subject to a civil penalty not to exceed \$1,000  
 1971 for a first offense and not to exceed \$5,000 for each subsequent  
 1972 offense.

1973 (e) Any penalties collected under this subsection shall be  
 1974 deposited into the Insurance Regulatory Trust Fund of the  
 1975 Department of Financial Services to support costs associated  
 1976 with the responsibilities of the State Fire Marshal under this  
 1977 section.

1978 (f) In addition to any other remedy provided by law, the  
 1979 division, the State Fire Marshal, or the Attorney General may  
 1980 file an action in circuit court for a violation of this section,  
 1981 including petitioning for injunctive relief or to recover any  
 1982 costs or damages suffered by the state because of a violation of  
 1983 this section, including enforcement costs relating to the  
 1984 specific violation and attorney's fees. Each violation of this  
 1985 section or of rules adopted under this section constitutes a  
 1986 separate civil violation for which the division, the State Fire  
 1987 Marshal, or the Attorney General may obtain relief.

1988 (g) Whenever any law enforcement personnel or duly

1989 authorized representative of the division discovers any  
1990 cigarettes that have not been marked in the manner required by  
1991 subsection (6), such personnel or representative is authorized  
1992 and empowered to seize and take possession of such cigarettes.  
1993 Such cigarettes shall be turned over to the division and shall  
1994 be forfeited to the state. Cigarettes seized pursuant to this  
1995 paragraph shall be destroyed; however, prior to the destruction  
1996 of any such cigarette, the true holder of the trademark rights  
1997 in the cigarette brand shall be permitted to inspect the  
1998 cigarette.

1999 (8) IMPLEMENTATION.—

2000 (a) The division and the State Fire Marshal may adopt  
2001 rules to implement the provisions of this section.

2002 (b) The division, in the regular course of conducting  
2003 inspections of wholesale dealers, agents, and retail dealers as  
2004 authorized pursuant to chapter 210, may inspect such cigarettes  
2005 to determine if the cigarettes are marked as required by  
2006 subsection (6).

2007 (9) INSPECTION.—To enforce the provisions of this section,  
2008 the Attorney General, the State Fire Marshal, the division, and  
2009 their duly authorized representatives and other law enforcement  
2010 personnel are authorized to examine the books, papers, invoices,  
2011 and other records of any person in possession, control, or  
2012 occupancy of any premises where cigarettes are placed, stored,  
2013 sold, or offered for sale, as well as the stock of cigarettes on  
2014 the premises. Every person in the possession, control, or  
2015 occupancy of any premises where cigarettes are placed, sold, or  
2016 offered for sale is directed and required to give the Attorney



2017 General, the State Fire Marshal, the division, and their duly  
 2018 authorized representatives and other law enforcement personnel  
 2019 the means, facilities, and opportunity for the examinations  
 2020 authorized by this subsection.

2021 (10) SALE OUTSIDE OF FLORIDA.—Nothing in this section  
 2022 shall be construed to prohibit any person or entity from  
 2023 manufacturing or selling cigarettes that do not meet the  
 2024 requirements of subsection (4) if the cigarettes are or will be  
 2025 stamped for sale in another state or are packaged for sale  
 2026 outside the United States and that person or entity has taken  
 2027 reasonable steps to ensure that such cigarettes will not be sold  
 2028 or offered for sale to persons located in this state.

2029 (11) PREEMPTION.—

2030 (a) This section shall be repealed if a federal reduced  
 2031 cigarette ignition propensity standard that preempts this  
 2032 section is adopted and becomes effective.

2033 ~~633.0421 Preemption of reduced cigarette ignition~~  
 2034 ~~propensity standard by state.—~~

2035 (b) ~~Effective upon this act becoming a law, and~~  
 2036 Notwithstanding any other provision of law, local government  
 2037 units of this state may neither enact nor enforce any ordinance  
 2038 or other local law or regulation conflicting with, or preempted  
 2039 by, any provision of this act or any policy of this state  
 2040 expressed by this act, whether that policy be expressed by  
 2041 inclusion of a provision in this act or by exclusion of that  
 2042 subject from this act.

2043 Section 21. Part II of chapter 633, consisting of sections  
 2044 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216,

2045 633.218, 633.222, 633.224, 633.226, and 633.228, Florida  
 2046 Statutes, is created and entitled "Fire Safety and Prevention."

2047 Section 22. Section 633.0215, Florida Statutes, is  
 2048 transferred and renumbered as section 633.202, Florida Statutes,  
 2049 and subsections (2), (4), (7), (9), (10), (12), (13), (14), and  
 2050 (15) of that section are amended, to read:

2051 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

2052 (1) The State Fire Marshal shall adopt, by rule pursuant  
 2053 to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code  
 2054 which shall contain or incorporate by reference all firesafety  
 2055 laws and rules that pertain to and govern the design,  
 2056 construction, erection, alteration, modification, repair, and  
 2057 demolition of public and private buildings, structures, and  
 2058 facilities and the enforcement of such firesafety laws and  
 2059 rules. The State Fire Marshal shall adopt a new edition of the  
 2060 Florida Fire Prevention Code every third year.

2061 (2) The State Fire Marshal shall adopt the current edition  
 2062 of National Fire Protection Association's Standard 1, Fire  
 2063 Prevention Code but shall not adopt a building, mechanical, or  
 2064 plumbing code. The State Fire Marshal shall adopt the current  
 2065 edition of Life Safety Code, NFPA Pamphlet 101, current  
 2066 editions, by reference. The State Fire Marshal may modify the  
 2067 selected codes and standards as needed to accommodate the  
 2068 specific needs of the state. Standards or criteria in the  
 2069 selected codes shall be similarly incorporated by reference. The  
 2070 State Fire Marshal shall incorporate within sections of the  
 2071 Florida Fire Prevention Code provisions that address uniform  
 2072 firesafety standards as established in s. 633.206 ~~633.022~~. The

2073 State Fire Marshal shall incorporate within sections of the  
 2074 Florida Fire Prevention Code provisions addressing regional and  
 2075 local concerns and variations.

2076 (3) No later than 180 days before the triennial adoption  
 2077 of the Florida Fire Prevention Code, the State Fire Marshal  
 2078 shall notify each municipal, county, and special district fire  
 2079 department of the triennial code adoption and steps necessary  
 2080 for local amendments to be included within the code. No later  
 2081 than 120 days before the triennial adoption of the Florida Fire  
 2082 Prevention Code, each local jurisdiction shall provide the State  
 2083 Fire Marshal with copies of its local fire code amendments. The  
 2084 State Fire Marshal has the option to process local fire code  
 2085 amendments that are received less than 120 days before the  
 2086 adoption date of the Florida Fire Prevention Code.

2087 (a) The State Fire Marshal shall review or cause the  
 2088 review of local amendments to determine:

2089 1. If the local amendment should be adopted as a statewide  
 2090 provision;

2091 2. That the local amendment does not provide a lesser  
 2092 degree of lifesafety than the code otherwise provides; and

2093 3. That the local amendment does not reference a different  
 2094 edition of the national fire codes or other national standard  
 2095 than the edition provided or referenced in the uniform or  
 2096 minimum firesafety codes adopted by the State Fire Marshal or  
 2097 prescribed by statute.

2098 (b) Any local amendment to the Florida Fire Prevention  
 2099 Code adopted by a local government shall be effective only until  
 2100 the adoption of the new edition of the Florida Fire Prevention

2101 Code, which shall be every third year. At such time, the State  
 2102 Fire Marshal shall adopt such amendment as part of the Florida  
 2103 Fire Prevention Code or rescind the amendment. The State Fire  
 2104 Marshal shall immediately notify the respective local government  
 2105 of the rescission of the amendment and the reason for the  
 2106 rescission. After receiving such notice, the respective local  
 2107 government may readopt the rescinded amendment. Incorporation of  
 2108 local amendments as regional and local concerns and variations  
 2109 shall be considered as adoption of an amendment pursuant to this  
 2110 section.

2111 (4) The State Fire Marshal shall update, by rule adopted  
 2112 pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
 2113 Prevention Code every 3 years. Once initially adopted and  
 2114 subsequently updated, the Florida Fire Prevention Code ~~and the~~  
 2115 ~~Life Safety Code~~ shall be adopted for use statewide without  
 2116 adoptions by local governments. When updating the Florida Fire  
 2117 Prevention Code ~~and the most recent edition of the Life Safety~~  
 2118 ~~Code~~, the State Fire Marshal shall consider changes made by the  
 2119 national model fire codes incorporated into the Florida Fire  
 2120 Prevention Code, the State Fire Marshal's own interpretations,  
 2121 declaratory statements, appellate decisions, and approved  
 2122 statewide and local technical amendments.

2123 (5) Upon the conclusion of a triennial update to the  
 2124 Florida Fire Prevention Code and notwithstanding any other  
 2125 provisions of law, the State Fire Marshal may address the issues  
 2126 identified in this subsection by amending the Florida Fire  
 2127 Prevention Code, subject only to the rule adoption procedures of  
 2128 chapter 120. Following the approval of any amendments to the

2129 Florida Fire Prevention Code by the State Fire Marshal and  
2130 publication on the State Fire Marshal's website, authorities  
2131 having jurisdiction to enforce the Florida Fire Prevention Code  
2132 may enforce the amendments to the code. The State Fire Marshal  
2133 may approve only amendments that are needed to address:

2134 (a) Conflicts within the updated Florida Fire Prevention  
2135 Code;

2136 (b) Conflicts between the updated Florida Fire Prevention  
2137 Code and the Florida Building Code adopted pursuant to chapter  
2138 553;

2139 (c) The omission of Florida-specific amendments that were  
2140 previously adopted in the Florida Fire Prevention Code; or

2141 (d) Unintended results from the integration of Florida-  
2142 specific amendments that were previously adopted with the model  
2143 code.

2144 (6) The Florida Fire Prevention Code does not apply to,  
2145 and no code enforcement action shall be brought with respect to,  
2146 zoning requirements or land use requirements. Additionally, a  
2147 local code enforcement agency may not administer or enforce the  
2148 Florida Fire Prevention Code to prevent the siting of any  
2149 publicly owned facility, including, but not limited to,  
2150 correctional facilities, juvenile justice facilities, or state  
2151 universities, community colleges, or public education  
2152 facilities. This section shall not be construed to prohibit  
2153 local government from imposing built-in fire protection systems  
2154 or fire-related infrastructure requirements needed to properly  
2155 protect the intended facility.

2156 (7) Any local amendment adopted by a local government must

2157 strengthen the Fire Prevention Code requirements of the minimum  
2158 firesafety code.

2159 (8) Within 30 days after a local government adopts a local  
2160 amendment, the local government must transmit the amendment to  
2161 the Florida Building Commission and the State Fire Marshal.

2162 (9) The State Fire Marshal is authorized to adopt ~~shall~~  
2163 ~~make rules to that~~ implement this section ~~and ss. 633.01 and~~  
2164 ~~633.025 for the purpose of accomplishing the objectives set~~  
2165 ~~forth in those sections.~~

2166 (10) Notwithstanding other provisions of this chapter, if  
2167 a county or a municipality within that county adopts an  
2168 ordinance providing for a local amendment to the Florida Fire  
2169 Prevention Code and that amendment provides a higher level of  
2170 protection to the public than the level specified in the Florida  
2171 Fire Prevention Code, the local amendment becomes effective  
2172 without approval of the State Fire Marshal and is not rescinded  
2173 pursuant to the provisions of this section, provided that the  
2174 ordinance meets one or more of the following criteria:

2175 (a) The local authority has adopted, by ordinance, a fire  
2176 service facilities and operation plan that outlines goals and  
2177 objectives for related equipment, personnel, and capital  
2178 improvement needs of the local authority related to the specific  
2179 amendment for the next 5 years;

2180 (b) The local authority has adopted, by ordinance, a  
2181 provision requiring proportionate reduction in, or rebate or  
2182 waivers of, impact or other fees or assessments levied on  
2183 buildings that are built or modified in compliance with the more  
2184 stringent firesafety standards required by the local amendment;

2185 or

2186 (c) The local authority has adopted, by ordinance, a  
 2187 growth management plan that requires buildings and structures to  
 2188 be equipped with more stringent firesafety requirements required  
 2189 by the local amendment when these firesafety requirements are  
 2190 used as the basis for planning infrastructure development, uses,  
 2191 or housing densities.

2192

2193 Except as provided in s. 633.206 ~~633.022~~, the local appeals  
 2194 process shall be the venue if there is a dispute between parties  
 2195 affected by the provisions of the more stringent local  
 2196 firesafety amendment adopted as part of the Florida Fire  
 2197 Prevention Code pursuant to the authority in this subsection.  
 2198 Local amendments adopted pursuant to this subsection shall be  
 2199 deemed local or regional variations and published as such in the  
 2200 Florida Fire Prevention Code. The act of publishing locally  
 2201 adopted firesafety amendments to the Florida Fire Prevention  
 2202 Code shall not be construed to mean that the State Fire Marshal  
 2203 approves or denies the authenticity or appropriateness of the  
 2204 locally adopted firesafety provision, and the burden of  
 2205 protecting the local firesafety amendment remains solely with  
 2206 the adopting local governmental authority.

2207 (11) The design of interior stairways within dwelling  
 2208 units, including stair tread width and riser height, landings,  
 2209 handrails, and guards, must be consistent with chapter 10 of the  
 2210 Florida Building Code.

2211 ~~(12) Notwithstanding other provisions of this section, the~~  
 2212 ~~State Fire Marshal shall study the use of managed, facilities~~

2213 ~~based, voice-over-Internet-protocol telephone service for~~  
2214 ~~monitoring fire alarm signals. If the study determines that~~  
2215 ~~voice-over-Internet-protocol telephone service technology~~  
2216 ~~provides a level of protection equivalent to that required by~~  
2217 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~  
2218 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~  
2219 ~~December 1, 2008, to allow the use of this technology as an~~  
2220 ~~additional method of monitoring fire alarm systems.~~

2221 (12)~~(13)~~(a) The State Fire Marshal shall issue an  
2222 expedited declaratory statement relating to interpretations of  
2223 provisions of the Florida Fire Prevention Code according to the  
2224 following guidelines:

2225 1. The declaratory statement shall be rendered in  
2226 accordance with s. 120.565, except that a final decision must be  
2227 issued by the State Fire Marshal within 45 days after the  
2228 division's receipt of a petition seeking an expedited  
2229 declaratory statement. The State Fire Marshal shall give notice  
2230 of the petition and the expedited declaratory statement or the  
2231 denial of the petition in the next available issue of the  
2232 Florida Administrative Weekly after the petition is filed and  
2233 after the statement or denial is rendered.

2234 2. The petitioner must be the owner of the disputed  
2235 project or the owner's representative.

2236 3. The petition for an expedited declaratory statement  
2237 must be:

2238 a. Related to an active project that is under construction  
2239 or must have been submitted for a permit.

2240 b. The subject of a written notice citing a specific



2241 provision of the Florida Fire Prevention Code which is in  
2242 dispute.

2243 c. Limited to a single question that is capable of being  
2244 answered with a "yes" or "no" response.

2245 (b) A petition for a declaratory statement which does not  
2246 meet all of the requirements of this subsection must be denied  
2247 without prejudice. This subsection does not affect the right of  
2248 the petitioner as a substantially affected person to seek a  
2249 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

2250 ~~(13)-(14)~~ (13) A condominium, cooperative, or multifamily  
2251 residential building that is less than four stories in height  
2252 and has an exterior corridor providing a means of egress is  
2253 exempt from installing a manual fire alarm system as required in  
2254 s. 9.6 of the most recent edition of the Life Safety Code  
2255 adopted in the Florida Fire Prevention Code. ~~This is intended to~~  
2256 ~~clarify existing law.~~

2257 ~~(14)-(15)~~ (14) The Legislature finds that the electronic filing  
2258 of construction plans will increase governmental efficiency,  
2259 reduce costs, and increase timeliness of processing permits. If  
2260 the fire code administrator or fire official provides for  
2261 electronic filing, any construction plans, drawings,  
2262 specifications, reports, final documents, or documents prepared  
2263 or issued by a licensee may be dated and electronically signed  
2264 and sealed by the licensee in accordance with part I of chapter  
2265 668, and may be transmitted electronically to the fire code  
2266 administrator or fire official for approval.

2267 Section 23. Section 633.72, Florida Statutes, is  
2268 transferred, renumbered as section 633.204, Florida Statutes,

2269 and amended to read:

2270 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

2271 (1) There is created within the department the Florida  
 2272 Fire Code Advisory Council with 11 members appointed by the  
 2273 State Fire Marshal. The council shall advise and recommend to  
 2274 the State Fire Marshal changes to and interpretation of the  
 2275 uniform firesafety standards adopted under s. 633.206 ~~633.022~~,  
 2276 the Florida Fire Prevention Code, and those portions of the  
 2277 Florida Fire Prevention Code that have the effect of conflicting  
 2278 with building construction standards that are adopted pursuant  
 2279 to ss. 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of  
 2280 the council shall represent the following groups and  
 2281 professions:

2282 (a) One member shall be the State Fire Marshal, or his or  
 2283 her designated appointee who shall be an administrative employee  
 2284 of the marshal;

2285 (b) One member shall be an administrative officer from a  
 2286 fire department representing a municipality, ~~or~~ a county, or a  
 2287 special district selected from a list of persons submitted by  
 2288 the Florida Fire Chiefs Association;

2289 (c) One member shall be an architect licensed in the state  
 2290 selected from a list of persons submitted by the Florida  
 2291 Association/American Institute of Architects;

2292 (d) One member shall be an engineer with fire protection  
 2293 design experience registered to practice in the state selected  
 2294 from a list of persons submitted by the Florida Engineering  
 2295 Society;

2296 (e) One member shall be an administrative officer from a

2297 building department of a county or municipality selected from a  
 2298 list of persons submitted by the Building Officials Association  
 2299 of Florida;

2300 (f) One member shall be a contractor licensed in the state  
 2301 selected from a list submitted by the Florida Home Builders  
 2302 Association;

2303 (g) One member shall be a Florida ~~certified~~ firefighter  
 2304 selected from a list submitted by the Florida Professional  
 2305 Firefighters' Association;

2306 (h) One member shall be a Florida certified firesafety  
 2307 ~~municipal fire~~ inspector selected from a list submitted by the  
 2308 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association;

2309 (i) One member shall be selected from a list submitted by  
 2310 the Department of Education;

2311 (j) One member shall be selected from a list submitted by  
 2312 the Chancellor of the State University System; and

2313 (k) One member shall be representative of the general  
 2314 public.

2315 (2) The State Fire Marshal and the Florida Building  
 2316 Commission shall coordinate efforts to provide consistency  
 2317 between the Florida Building Code and the Florida Fire  
 2318 Prevention Code ~~and the Life Safety Code~~.

2319 (3) The council shall meet at least semiannually if  
 2320 necessary to advise the State Fire Marshal's Office on matters  
 2321 subject to the provisions of this section.

2322 (4) The council may review proposed changes to the Florida  
 2323 Fire Prevention Code and the uniform fire safety standards  
 2324 pursuant to s. 633.202(4).

2325           ~~(5)~~~~(3)~~ The council and Florida Building Commission shall  
2326 cooperate through joint representation and coordination of codes  
2327 and standards to resolve conflicts in their development,  
2328 updating, and interpretation.

2329           ~~(6)~~~~(4)~~ Each appointee shall serve a 4-year term. No member  
2330 shall serve more than two consecutive terms. No member of the  
2331 council shall be paid a salary as such member, but each shall  
2332 receive travel and expense reimbursement as provided in s.  
2333 112.061.

2334           Section 24. Section 633.022, Florida Statutes, is  
2335 transferred and renumbered as section 633.206, Florida Statutes,  
2336 and subsection (4) of that section is amended, to read:

2337           633.206 ~~633.022~~ Uniform firesafety standards.—The  
2338 Legislature hereby determines that to protect the public health,  
2339 safety, and welfare it is necessary to provide for firesafety  
2340 standards governing the construction and utilization of certain  
2341 buildings and structures. The Legislature further determines  
2342 that certain buildings or structures, due to their specialized  
2343 use or to the special characteristics of the person utilizing or  
2344 occupying these buildings or structures, should be subject to  
2345 firesafety standards reflecting these special needs as may be  
2346 appropriate.

2347           (1) The department shall establish uniform firesafety  
2348 standards that apply to:

2349           (a) All new, existing, and proposed state-owned and state-  
2350 leased buildings.

2351           (b) All new, existing, and proposed hospitals, nursing  
2352 homes, assisted living facilities, adult family-care homes,

2353 | correctional facilities, public schools, transient public  
2354 | lodging establishments, public food service establishments,  
2355 | elevators, migrant labor camps, mobile home parks, lodging  
2356 | parks, recreational vehicle parks, recreational camps,  
2357 | residential and nonresidential child care facilities, facilities  
2358 | for the developmentally disabled, motion picture and television  
2359 | special effects productions, tunnels, and self-service gasoline  
2360 | stations, of which standards the State Fire Marshal is the final  
2361 | administrative interpreting authority.

2362 |

2363 | In the event there is a dispute between the owners of the  
2364 | buildings specified in paragraph (b) and a local authority  
2365 | requiring a more stringent uniform firesafety standard for  
2366 | sprinkler systems, the State Fire Marshal shall be the final  
2367 | administrative interpreting authority and the State Fire  
2368 | Marshal's interpretation regarding the uniform firesafety  
2369 | standards shall be considered final agency action.

2370 |       (2) (a) With respect to the uniform firesafety standards,  
2371 | the department shall develop uniform statewide standards which  
2372 | are reasonably prudent with respect to protecting life, safety,  
2373 | and property and which take into consideration the  
2374 | characteristics of the people utilizing the subject buildings  
2375 | and structures and other hazards associated with the subject  
2376 | buildings and structures throughout the state.

2377 |       (b) A local authority may not require more stringent  
2378 | uniform firesafety standards with respect to buildings or  
2379 | structures subject to such standards except as provided in  
2380 | paragraph (c). A local authority may, on a case-by-case basis,

2381 in order to meet special situations arising from historic,  
2382 geographic, or unusual conditions, with respect to a building or  
2383 structure which is subject to the uniform firesafety standards,  
2384 authorize equivalent alternative standards for such building or  
2385 structure; however, the alternative requirements shall not  
2386 result in a level of protection to life, safety, or property  
2387 less stringent than the applicable uniform firesafety standards.  
2388 All such local authorities shall enforce, within their  
2389 firesafety jurisdiction, the uniform firesafety standards for  
2390 those buildings specified in paragraph (1)(b) and the minimum  
2391 firesafety standards adopted pursuant to s. 394.879.

2392 (c) A local authority may require more stringent uniform  
2393 firesafety standards for sprinkler systems in buildings  
2394 specified in paragraph (b), for which the construction contract  
2395 is let after January 1, 1994, if the following conditions are  
2396 met:

2397 1. The local authority has adopted, by ordinance, a fire  
2398 service facilities and operation plan that outlines goals and  
2399 objectives for related equipment, personnel, and capital  
2400 improvement needs of the local authority for the next 5 years.

2401 2. The local authority has adopted, by ordinance, a  
2402 provision requiring proportionate reductions in, or rebate or  
2403 waivers of, impact or other fees or assessments levied on  
2404 buildings that are built or modified in compliance with the more  
2405 stringent sprinkler standards.

2406 3. The local authority has adopted, by ordinance, a plan  
2407 that requires buildings specified in paragraph (b) to be  
2408 equipped with an automatic sprinkler system installed in

2409 compliance with the provisions prescribed in standards as  
2410 established by the National Fire Protection Association and  
2411 adopted by the State Fire Marshal.

2412  
2413 In the event there is a dispute between the owners of the  
2414 buildings specified in paragraph (b) and a local authority  
2415 requiring a more stringent uniform firesafety standard for  
2416 sprinkler systems, the State Fire Marshal shall be the final  
2417 administrative interpreting authority and the State Fire  
2418 Marshal's interpretation regarding the uniform firesafety  
2419 standards shall be considered final agency action.

2420 (3) In establishing the uniform firesafety standards and  
2421 the minimum firesafety standards, as required by s. 394.879, the  
2422 department shall consider types of construction materials and  
2423 their flame spread and smoke characteristics, occupancy levels,  
2424 means of egress, special hazard protection, smoke barriers,  
2425 interior finish, and fire protection systems or equipment and  
2426 occupancy features necessary to minimize danger to life from  
2427 fire, smoke, fumes, or panic. In considering these factors, the  
2428 department shall develop minimum standards which are reasonably  
2429 prudent with respect to protecting life, safety, and property.

2430 (4) (a) Notwithstanding any provision of law to the  
2431 contrary, each nursing home licensed under part II of chapter  
2432 400 shall be protected throughout by an approved, supervised  
2433 automatic sprinkler system in accordance with s. 9 of National  
2434 Fire Protection Association, Inc., Life Safety Code, no later  
2435 than December 31, 2010. ~~A nursing home licensee shall submit~~  
2436 ~~complete sprinkler construction documents to the Agency for~~

2437 ~~Health Care Administration for review by December 31, 2008, and~~  
2438 ~~the licensee must gain final approval to start construction from~~  
2439 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~  
2440 ~~extension to a nursing home licensee if the completion and~~  
2441 ~~submission of the sprinkler construction documents are~~  
2442 ~~contingent upon the approval of the application for the loan~~  
2443 ~~guarantee program authorized under s. 633.0245. In such case,~~  
2444 ~~the agency may extend the deadline for final approval to begin~~  
2445 ~~construction beyond June 30, 2009, but the deadline may not be~~  
2446 ~~extended beyond December 31, 2009.~~

2447 ~~(b) The division may grant up to two 1-year extensions of~~  
2448 ~~the time limits for compliance in subparagraph (a)2. if the~~  
2449 ~~division determines that the nursing home has been prevented~~  
2450 ~~from complying for reasons beyond its control.~~

2451 (b)(e) The division is authorized to adopt any rule  
2452 necessary for the implementation and enforcement of this  
2453 subsection. The division shall enforce this subsection in  
2454 accordance with the provisions of this chapter, and any nursing  
2455 home licensed under part II of chapter 400 that is in violation  
2456 of this subsection may be subject to administrative sanctions by  
2457 the division pursuant to this chapter.

2458 (c)(d) Adjustments shall be made to the provider Medicaid  
2459 rate to allow reimbursement over a 5-year period for Medicaid's  
2460 portion of the costs incurred to meet the requirements of this  
2461 subsection. Funding for this adjustment shall come from existing  
2462 nursing home appropriations.

2463 Section 25. Section 633.025, Florida Statutes, is  
2464 transferred and renumbered as section 633.208, Florida Statutes,



2465 and amended, to read:

2466 633.208 ~~633.025~~ Minimum firesafety standards.—

2467 (1) The Florida Fire Prevention Code ~~and the Life Safety~~  
2468 ~~Code~~ adopted by the State Fire Marshal, which shall operate in  
2469 conjunction with the Florida Building Code, shall be deemed  
2470 adopted by each municipality, county, and special district with  
2471 firesafety responsibilities. The minimum firesafety codes shall  
2472 not apply to buildings and structures subject to the uniform  
2473 firesafety standards under s. 633.206 ~~633.022~~ and buildings and  
2474 structures subject to the minimum firesafety standards adopted  
2475 pursuant to s. 394.879.

2476 (2) Pursuant to subsection (1), each municipality, county,  
2477 and special district with firesafety responsibilities shall  
2478 enforce the Florida Fire Prevention Code ~~and the Life Safety~~  
2479 ~~Code~~ as the minimum firesafety code required by this section.

2480 ~~(3) The most current edition of the National Fire~~  
2481 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~  
2482 ~~the State Fire Marshal, shall be deemed to be adopted by each~~  
2483 ~~municipality, county, and special district with firesafety~~  
2484 ~~responsibilities as part of the minimum firesafety code.~~

2485 (3) ~~(4)~~ Such code codes shall be a minimum code codes and a  
2486 municipality, county, or special district with firesafety  
2487 responsibilities may adopt more stringent firesafety standards,  
2488 subject to the requirements of this subsection. Such county,  
2489 municipality, or special district may establish alternative  
2490 requirements to those requirements which are required under the  
2491 minimum firesafety standards on a case-by-case basis, in order  
2492 to meet special situations arising from historic, geographic, or

2493 unusual conditions, if the alternative requirements result in a  
2494 level of protection to life, safety, or property equal to or  
2495 greater than the applicable minimum firesafety standards. For  
2496 the purpose of this subsection, the term "historic" means that  
2497 the building or structure is listed on the National Register of  
2498 Historic Places of the United States Department of the Interior.

2499 (a) The local governing body shall determine, following a  
2500 public hearing which has been advertised in a newspaper of  
2501 general circulation at least 10 days before the hearing, if  
2502 there is a need to strengthen the requirements of the minimum  
2503 firesafety code adopted by such governing body. The  
2504 determination must be based upon a review of local conditions by  
2505 the local governing body, which review demonstrates that local  
2506 conditions justify more stringent requirements than those  
2507 specified in the minimum firesafety code for the protection of  
2508 life and property or justify requirements that meet special  
2509 situations arising from historic, geographic, or unusual  
2510 conditions.

2511 (b) Such additional requirements shall not be  
2512 discriminatory as to materials, products, or construction  
2513 techniques of demonstrated capabilities.

2514 (c) Paragraphs (a) and (b) apply solely to the local  
2515 enforcing agency's adoption of requirements more stringent than  
2516 those specified in the Florida Fire Prevention Code and the Life  
2517 Safety Code that have the effect of amending building  
2518 construction standards. Upon request, the enforcing agency shall  
2519 provide a person making application for a building permit, or  
2520 any state agency or board with construction-related regulation

2521 responsibilities, a listing of all such requirements and codes.

2522 (d) A local government which adopts amendments to the  
 2523 minimum firesafety code must provide a procedure by which the  
 2524 validity of such amendments may be challenged by any  
 2525 substantially affected party to test the amendment's compliance  
 2526 with the provisions of this section.

2527 1. Unless the local government agrees to stay enforcement  
 2528 of the amendment, or other good cause is shown, the challenging  
 2529 party shall be entitled to a hearing on the challenge within 45  
 2530 days.

2531 2. For purposes of such challenge, the burden of proof  
 2532 shall be on the challenging party, but the amendment shall not  
 2533 be presumed to be valid or invalid.

2534  
 2535 This subsection gives local government the authority to  
 2536 establish firesafety codes that exceed the Florida Fire  
 2537 Prevention Code ~~minimum firesafety codes and standards~~ adopted  
 2538 by the State Fire Marshal. The Legislature intends that local  
 2539 government give proper public notice and hold public hearings  
 2540 before adopting more stringent firesafety codes ~~and standards~~. A  
 2541 substantially affected person may appeal, to the department, the  
 2542 local government's resolution of the challenge, and the  
 2543 department shall determine if the amendment complies with this  
 2544 section. Actions of the department are subject to judicial  
 2545 review pursuant to s. 120.68. The department shall consider  
 2546 reports of the Florida Building Commission, pursuant to part IV  
 2547 of chapter 553, when evaluating building code enforcement.

2548 (4) ~~(5)~~ The new building or structure provisions enumerated

2549 within the Florida Fire Prevention Code ~~firesafety code~~ adopted  
2550 pursuant to this section shall apply only to buildings or  
2551 structures for which the building permit is issued on or after  
2552 the effective date of the current edition of the Florida Fire  
2553 Prevention Code ~~this act~~. Subject to the provisions of  
2554 subsection (6), the existing building or structure provisions  
2555 enumerated within the firesafety code adopted pursuant to this  
2556 section shall apply to buildings or structures for which the  
2557 building permit was issued or the building or structure was  
2558 constructed prior to the effective date of this act.

2559 ~~(5)-(6)~~ With regard to existing buildings, the Legislature  
2560 recognizes that it is not always practical to apply any or all  
2561 of the provisions of the Florida Fire Prevention Code ~~minimum~~  
2562 ~~firesafety code~~ and that physical limitations may require  
2563 disproportionate effort or expense with little increase in fire  
2564 or life safety. Prior to applying the minimum firesafety code to  
2565 an existing building, the local fire official shall determine  
2566 that a threat to lifesafety or property exists. If a threat to  
2567 lifesafety or property exists, the firesafety inspector ~~fire~~  
2568 ~~official~~ shall apply the applicable firesafety code for existing  
2569 buildings to the extent practical to assure a reasonable degree  
2570 of lifesafety and safety of property or the firesafety inspector  
2571 ~~fire official~~ shall fashion a reasonable alternative which  
2572 affords an equivalent degree of lifesafety and safety of  
2573 property. The decision of the local firesafety inspector ~~fire~~  
2574 ~~official~~ may be appealed to the local administrative board  
2575 described in s. 553.73.

2576 ~~(6)-(7)~~ Nothing herein shall preclude a municipality,

2577 county, or special district from requiring a structure to be  
2578 maintained in accordance with the Florida Fire Prevention Code  
2579 ~~applicable firesafety code~~.

2580 (7)~~(8)~~ Electrically operated single station smoke  
2581 detectors required for residential buildings are not required to  
2582 be interconnected within individual living units in all  
2583 buildings having direct access to the outside from each living  
2584 unit and having three stories or less. This subsection does not  
2585 apply to any residential building required to have a manual or  
2586 an automatic fire alarm system.

2587 (8)~~(9)~~ The provisions of the Life Safety Code, as  
2588 contained in the Florida Fire Prevention Code, shall not apply  
2589 to newly constructed one-family and two-family dwellings.  
2590 However, fire sprinkler protection may be permitted by local  
2591 government in lieu of other fire protection-related development  
2592 requirements for such structures. While local governments may  
2593 adopt fire sprinkler requirements for one- and two-family  
2594 dwellings under this subsection, it is the intent of the  
2595 Legislature that the economic consequences of the fire sprinkler  
2596 mandate on home owners be studied before the enactment of such a  
2597 requirement. After the effective date of this act, any local  
2598 government that desires to adopt a fire sprinkler requirement on  
2599 one- or two-family dwellings must prepare an economic cost and  
2600 benefit report that analyzes the application of fire sprinklers  
2601 to one- or two-family dwellings or any proposed residential  
2602 subdivision. The report must consider the tradeoffs and specific  
2603 cost savings and benefits of fire sprinklers for future owners  
2604 of property. The report must include an assessment of the cost

2605 savings from any reduced or eliminated impact fees if  
2606 applicable, the reduction in special fire district tax,  
2607 insurance fees, and other taxes or fees imposed, and the waiver  
2608 of certain infrastructure requirements including the reduction  
2609 of roadway widths, the reduction of water line sizes, increased  
2610 fire hydrant spacing, increased dead-end roadway length and a  
2611 reduction in cul-de-sac sizes relative to the costs from fire  
2612 sprinkling. A failure to prepare an economic report shall result  
2613 in the invalidation of the fire sprinkler requirement to any  
2614 one- or two-family dwelling or any proposed subdivision. In  
2615 addition, a local jurisdiction or utility may not charge any  
2616 additional fee, above what is charged to a non-fire sprinklered  
2617 dwelling, on the basis that a one- or two-family dwelling unit  
2618 is protected by a fire sprinkler system.

2619 (9)~~(10)~~ Before imposing a fire sprinkler requirement on  
2620 any one- or two-family dwelling, a local government must provide  
2621 the owner of any one- or two-family dwelling a letter  
2622 documenting specific infrastructure or other tax or fee  
2623 allowances and waivers that are listed in but not limited to  
2624 those described in subsection (8)~~(9)~~ for the dwelling. The  
2625 documentation must show that the cost savings reasonably  
2626 approximate the cost of the purchase and installation of a fire  
2627 protection system.

2628 (10)~~(11)~~ Notwithstanding the provisions of subsection  
2629 (8)~~(9)~~, a property owner shall not be required to install fire  
2630 sprinklers in any residential property based upon the use of  
2631 such property as a rental property or any change in or  
2632 reclassification of the property's primary use to a rental

2633 | property.

2634 |       Section 26. Section 633.026, Florida Statutes, is  
2635 | transferred, renumbered as section 633.212, Florida Statutes,  
2636 | and amended to read:

2637 |       633.212 ~~633.026~~ Legislative intent; informal  
2638 | interpretations of the Florida Fire Prevention Code.—It is the  
2639 | intent of the Legislature that the Florida Fire Prevention Code  
2640 | be interpreted by fire officials and local enforcement agencies  
2641 | in a manner that reasonably and cost-effectively protects the  
2642 | public safety, health, and welfare; ensures uniform  
2643 | interpretations throughout this state; and provides just and  
2644 | expeditious processes for resolving disputes regarding such  
2645 | interpretations. It is the further intent of the Legislature  
2646 | that such processes provide for the expeditious resolution of  
2647 | the issues presented and that the resulting interpretation of  
2648 | such issues be published on the website of the division ~~of State~~  
2649 | ~~Fire Marshal~~.

2650 |       (1) The division ~~of State Fire Marshal~~ shall by rule  
2651 | establish an informal process of rendering nonbinding  
2652 | interpretations of the Florida Fire Prevention Code. The  
2653 | division ~~of State Fire Marshal~~ may contract with and refer  
2654 | interpretive issues to a third party, selected based upon cost  
2655 | effectiveness, quality of services to be performed, and other  
2656 | performance-based criteria, which has experience in interpreting  
2657 | and enforcing the Florida Fire Prevention Code. It is the intent  
2658 | of the Legislature that the division ~~of State Fire Marshal~~  
2659 | establish a Fire Code Interpretation Committee composed of seven  
2660 | persons and seven alternates, equally representing each area of

2661 the state, to which a party can pose questions regarding the  
2662 interpretation of the Florida Fire Prevention Code provisions.

2663 (2) Each member and alternate member of the Fire Code  
2664 Interpretation Committee must be certified as a firesafety  
2665 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a  
2666 minimum of 5 years of experience interpreting and enforcing the  
2667 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each  
2668 member and alternate member must be approved by the division ~~of~~  
2669 ~~State Fire Marshal~~ and deemed by the division to have met these  
2670 requirements for at least 30 days before participating in a  
2671 review of a nonbinding interpretation.

2672 (3) Each nonbinding interpretation of code provisions must  
2673 be provided within 10 business days after receipt of a request  
2674 for interpretation. The response period established in this  
2675 subsection may be waived only with the written consent of the  
2676 party requesting the nonbinding interpretation and the division  
2677 ~~of State Fire Marshal~~. Nonbinding interpretations shall be  
2678 advisory only and nonbinding on the parties or the State Fire  
2679 Marshal.

2680 (4) In order to administer this section, the division ~~of~~  
2681 ~~State Fire Marshal~~ shall charge a fee for nonbinding  
2682 interpretations. The fee may not exceed \$150 for each request  
2683 for a review or interpretation. The division may authorize  
2684 payment of fees directly to the nonprofit organization under  
2685 contract pursuant to subsection (1).

2686 (5) A party requesting a nonbinding interpretation who  
2687 disagrees with the interpretation issued under this section may  
2688 apply for a declaratory statement ~~formal interpretation~~ from the



2689 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2690 (6) The division ~~of State Fire Marshal~~ shall issue or  
 2691 cause to be issued a nonbinding interpretation of the Florida  
 2692 Fire Prevention Code pursuant to this section when requested to  
 2693 do so upon submission of a petition by a fire official or by the  
 2694 owner or owner's representative or the contractor or  
 2695 contractor's representative of a project in dispute. The  
 2696 division shall adopt a petition form by rule, and the petition  
 2697 form must be published on the State Fire Marshal's website. The  
 2698 form shall, at a minimum, require:

2699 (a) The name and address of the local fire official,  
 2700 including the address of the county, municipality, or special  
 2701 district.

2702 (b) The name and address of the owner or owner's  
 2703 representative or the contractor or contractor's representative.

2704 (c) A statement of the specific sections of the Florida  
 2705 Fire Prevention Code being interpreted by the local fire  
 2706 official.

2707 (d) An explanation of how the petitioner's substantial  
 2708 interests are being affected by the local interpretation of the  
 2709 Florida Fire Prevention Code.

2710 (e) A statement of the interpretation of the specific  
 2711 sections of the Florida Fire Prevention Code by the local fire  
 2712 official.

2713 (f) A statement of the interpretation that the petitioner  
 2714 contends should be given to the specific sections of the Florida  
 2715 Fire Prevention Code and a statement supporting the petitioner's  
 2716 interpretation.

2717 (7) Upon receipt of a petition that meets the requirements  
2718 of subsection (6), the division ~~of State Fire Marshal~~ shall  
2719 immediately provide copies of the petition to the Fire Code  
2720 Interpretation Committee, and shall publish the petition and any  
2721 response submitted by the local fire official on the State Fire  
2722 Marshal's website.

2723 (8) The committee shall conduct proceedings as necessary  
2724 to resolve the issues and give due regard to the petition, the  
2725 facts of the matter at issue, specific code sections cited, and  
2726 any statutory implications affecting the Florida Fire Prevention  
2727 Code. The committee shall issue an interpretation regarding the  
2728 provisions of the Florida Fire Prevention Code within 10 days  
2729 after the filing of a petition. The committee shall issue an  
2730 interpretation based upon the Florida Fire Prevention Code or,  
2731 if the code is ambiguous, the intent of the code. The  
2732 committee's interpretation shall be provided to the petitioner  
2733 and shall include a notice that if the petitioner disagrees with  
2734 the interpretation, the petitioner may file a request for a  
2735 declaratory statement ~~formal interpretation~~ by the State Fire  
2736 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's  
2737 interpretation shall be provided to the State Fire Marshal, and  
2738 the division shall publish the declaratory statement  
2739 ~~interpretation~~ on the State Fire Marshal's website and in the  
2740 Florida Administrative Weekly.

2741 Section 27. Section 633.052, Florida Statutes, is  
2742 transferred and renumbered as section 633.214, Florida Statutes,  
2743 and paragraph (a) and (b) of subsection (1), paragraph (d) of  
2744 subsection (2), and subsections (3) and (4) of that section are

2745 amended, to read:

2746 633.214 ~~633.052~~ Ordinances relating to firesafety;  
 2747 definitions; penalties.—

2748 (1) As used in this section:

2749 (a) A "firesafety inspector" is an individual certified by  
 2750 the division ~~of State Fire Marshal~~, officially assigned the  
 2751 duties of conducting firesafety inspections of buildings and  
 2752 facilities on a recurring or regular basis, investigating civil  
 2753 infractions relating to firesafety, and issuing citations  
 2754 pursuant to this section on behalf of the state or any county,  
 2755 municipality, or special district with firesafety  
 2756 responsibilities.

2757 (b) "Citation" means a written notice, issued only after a  
 2758 written warning has been previously issued and a minimum time  
 2759 period of 45 days, except for major structural changes, which  
 2760 may be corrected within an extended adequate period of time,  
 2761 from the date of the issuance of the warning whereby the party  
 2762 warned may correct the alleged violation, issued to a person by  
 2763 a firesafety inspector, that the firesafety inspector has  
 2764 probable cause to believe that the person has committed a civil  
 2765 infraction in violation of a duly enacted ordinance and that the  
 2766 county court will hear the charge. The citation shall contain:

- 2767 1. The date and time of issuance.
- 2768 2. The name and address of the person.
- 2769 3. The date and time the civil infraction was committed.
- 2770 4. The facts constituting probable cause.
- 2771 5. The Florida Fire Prevention Code ordinance violated.
- 2772 6. The name and authority of the firesafety inspector

2773 ~~officer.~~

2774           7. The procedure for the person to follow in order to pay  
2775 the civil penalty or to contest the citation.

2776           8. The applicable civil penalty if the person elects to  
2777 contest the citation.

2778           9. The applicable civil penalty if the person elects not  
2779 to contest the citation.

2780           10. A conspicuous statement that if the person fails to  
2781 pay the civil penalty within the time allowed or fails to appear  
2782 in court to contest the citation, then she or he shall be deemed  
2783 to have waived her or his right to contest the citation and  
2784 that, in such case, judgment may be entered against the person  
2785 for an amount up to the maximum civil penalty.

2786           (c) "Ordinance" means any ordinance enacted by the  
2787 governing body of a county or municipality that is a civil  
2788 infraction relating to firesafety codes.

2789           (2) A county or municipality that has created a code  
2790 enforcement board or special magistrate system pursuant to  
2791 chapter 162 may enforce firesafety code violations as provided  
2792 in chapter 162. The governing body of a county or municipality  
2793 which has not created a code enforcement board or special  
2794 magistrate system for firesafety under chapter 162 is authorized  
2795 to enact ordinances relating to firesafety codes, which  
2796 ordinances shall provide:

2797           (a) That a violation of such an ordinance is a civil  
2798 infraction.

2799           (b) A maximum civil penalty not to exceed \$500.

2800           (c) A civil penalty of less than the maximum civil penalty

2801 if the person who has committed the civil infraction does not  
 2802 contest the citation.

2803 (d) For the issuance of a citation by an officer who has  
 2804 probable cause to believe that a person has committed a  
 2805 violation of an ordinance relating to firesafety or the Florida  
 2806 Fire Prevention Code.

2807 (e) For the contesting of a citation in the county court.

2808 (f) Such procedures and provisions necessary to implement  
 2809 any ordinances enacted under the authority of this section.

2810 (3) Any person who willfully refuses to sign and accept a  
 2811 citation issued by a firesafety inspector commits ~~shall be~~  
 2812 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
 2813 provided in s. 775.082 or s. 775.083.

2814 (4) Nothing contained in this section shall prevent any  
 2815 county, ~~or~~ municipality, or special district from enacting any  
 2816 ordinance relating to firesafety codes which is identical to the  
 2817 provisions of this chapter or any state law, except as to  
 2818 penalty; however, no county or municipal ordinance relating to  
 2819 firesafety codes shall conflict with the provisions of this  
 2820 chapter or any other state law.

2821 Section 28. Section 633.081, Florida Statutes, is  
 2822 transferred, renumbered as section 633.216, Florida Statutes,  
 2823 and amended to read:

2824 633.216 ~~633.081~~ Inspection of buildings and equipment;  
 2825 orders; firesafety inspection training requirements;  
 2826 certification; disciplinary action.—The State Fire Marshal and  
 2827 her or his agents or persons authorized to enforce laws and  
 2828 rules of the State Fire Marshal shall, at any reasonable hour,

2829 when the State Fire Marshal has reasonable cause to believe that  
2830 a violation of this chapter or s. 509.215, or a rule promulgated  
2831 thereunder, or a minimum firesafety code adopted by the State  
2832 Fire Marshal or a local authority, may exist, inspect any and  
2833 all buildings and structures which are subject to the  
2834 requirements of this chapter or s. 509.215 and rules promulgated  
2835 thereunder. The authority to inspect shall extend to all  
2836 equipment, vehicles, and chemicals which are located on or  
2837 within the premises of any such building or structure.

2838 (1) Each county, municipality, and special district that  
2839 has firesafety enforcement responsibilities shall employ or  
2840 contract with a firesafety inspector. Except as provided in s.  
2841 633.312(2) ~~633.082(2)~~ and subsection (3), the firesafety  
2842 inspector must conduct all firesafety inspections that are  
2843 required by law. The governing body of a county, municipality,  
2844 or special district that has firesafety enforcement  
2845 responsibilities may provide a schedule of fees to pay only the  
2846 costs of inspections conducted pursuant to this subsection and  
2847 related administrative expenses. Two or more counties,  
2848 municipalities, or special districts that have firesafety  
2849 enforcement responsibilities may jointly employ or contract with  
2850 a firesafety inspector.

2851 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every  
2852 firesafety inspection conducted pursuant to state or local  
2853 firesafety requirements shall be by a person certified as having  
2854 met the inspection training requirements set by the State Fire  
2855 Marshal. Such person shall meet the requirements of s.  
2856 633.412(1)(a)-(d), and:

2857 (a) ~~Be a high school graduate or the equivalent as~~  
2858 ~~determined by the department;~~

2859 ~~(b) Not have been found guilty of, or having pleaded~~  
2860 ~~guilty or nolo contendere to, a felony or a crime punishable by~~  
2861 ~~imprisonment of 1 year or more under the law of the United~~  
2862 ~~States, or of any state thereof, which involves moral turpitude,~~  
2863 ~~without regard to whether a judgment of conviction has been~~  
2864 ~~entered by the court having jurisdiction of such cases;~~

2865 ~~(c) Have her or his fingerprints on file with the~~  
2866 ~~department or with an agency designated by the department;~~

2867 ~~(d) Have good moral character as determined by the~~  
2868 ~~department;~~

2869 ~~(e) Be at least 18 years of age;~~

2870 ~~(f) Have satisfactorily completed the firesafety inspector~~  
2871 ~~certification examination as prescribed by division rule the~~  
2872 ~~department; and~~

2873 (b)(g)1. Have satisfactorily completed, as determined by  
2874 division rule ~~the department~~, a firesafety inspector training  
2875 program of not less than 200 hours established by the department  
2876 and administered by education or training providers ~~agencies and~~  
2877 ~~institutions~~ approved by the department for the purpose of  
2878 providing basic certification training for firesafety  
2879 inspectors; or

2880 2. Have received in another state training which is  
2881 determined by the division ~~department~~ to be at least equivalent  
2882 to that required by the department for approved firesafety  
2883 inspector education and training programs in this state.

2884 (3) (a) 1. Effective July 1, 2013, the classification of

2885 special state firesafety inspector is abolished, and all special  
2886 state firesafety inspector certifications shall expire at  
2887 midnight June 30, 2013.

2888 2. Any person who is a special state firesafety inspector  
2889 on June 30, 2013, and who has failed to comply with paragraph  
2890 (b) or paragraph (c) may not perform any firesafety inspection  
2891 required by law.

2892 3. A special state firesafety inspector certificate may  
2893 not be issued after June 30, 2011.

2894 (b)1. Any person who is a special state firesafety  
2895 inspector on July 1, 2011, and who has at least 5 years of  
2896 experience as a special state firesafety inspector as of July 1,  
2897 2011, may take the firesafety inspection examination as provided  
2898 in paragraph (2) (a) ~~(f)~~ for firesafety inspectors before July 1,  
2899 2013, to be certified as a firesafety inspector under this  
2900 section.

2901 2. Upon passing the examination, the person shall be  
2902 certified as a firesafety inspector as provided in this section.

2903 3. A person who fails to become certified must comply with  
2904 paragraph (c) to be certified as a firesafety inspector under  
2905 this section.

2906 (c)1. To be certified as a firesafety inspector under this  
2907 section, any person who:

2908 a. Is a special state firesafety inspector on July 1,  
2909 2011, and who does not have 5 years of experience as a special  
2910 state firesafety inspector as of July 1, 2011; or

2911 b. Has 5 years of experience as a special state firesafety  
2912 inspector but has failed the examination taken as provided in



2913 paragraph (2) (a) ~~(f)~~,

2914

2915 must take an additional 80 hours of the courses described in  
2916 paragraph (2) (b) ~~(g)~~.

2917 2. After successfully completing the courses described in  
2918 this paragraph, such person may take the firesafety inspection  
2919 examination as provided in paragraph (2) (a) ~~(f)~~, if such  
2920 examination is taken before July 1, 2013.

2921 3. Upon passing the examination, the person shall be  
2922 certified as a firesafety inspector as provided in this section.

2923 4. A person who fails the course of study or the  
2924 examination described in this paragraph may not perform any  
2925 firesafety inspection required by law on or after July 1, 2013.

2926 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~  
2927 may conduct firesafety inspections, under the supervision of a  
2928 certified firesafety inspector, while on duty as a member of a  
2929 fire department company conducting inservice firesafety  
2930 inspections without being certified as a firesafety inspector,  
2931 if such firefighter has satisfactorily completed an inservice  
2932 fire department company inspector training program of at least  
2933 24 hours' duration as provided by rule of the department.

2934 (5) Every firesafety inspector certificate is valid for a  
2935 period of 4 ~~3~~ years from the date of issuance. Renewal of  
2936 certification is subject to the affected person's completing  
2937 proper application for renewal and meeting all of the  
2938 requirements for renewal as established under this chapter or by  
2939 rule adopted under this chapter, which shall include completion  
2940 of at least 54 ~~40~~ hours during the preceding 4-year ~~3-year~~

2941 | period of continuing education as required by the rule of the  
 2942 | department or, in lieu thereof, successful passage of an  
 2943 | examination as established by the department.

2944 |       (6) A previously certified fire safety inspector whose  
 2945 | certification has lapsed for 8 years or more must repeat the  
 2946 | fire safety inspector training as specified by the division.

2947 |       (7)~~(6)~~ The State Fire Marshal may deny, refuse to renew,  
 2948 | suspend, or revoke the certificate of a firesafety inspector if  
 2949 | the State Fire Marshal finds that any of the following grounds  
 2950 | exist:

2951 |           (a) Any cause for which issuance of a certificate could  
 2952 | have been refused had it then existed and been known to the  
 2953 | division State Fire Marshal.

2954 |           (b) Violation of this chapter or any rule or order of the  
 2955 | State Fire Marshal.

2956 |           (c) Falsification of records relating to the certificate.

2957 |       ~~(d) Having been found guilty of or having pleaded guilty~~  
 2958 | ~~or nolo contendere to a felony, whether or not a judgment of~~  
 2959 | ~~conviction has been entered.~~

2960 |       (d)~~(e)~~ Failure to meet any of the renewal requirements.

2961 |       ~~(f) Having been convicted of a crime in any jurisdiction~~  
 2962 | ~~which directly relates to the practice of fire code inspection,~~  
 2963 | ~~plan review, or administration.~~

2964 |       (e)~~(g)~~ Making or filing a report or record that the  
 2965 | certificateholder knows to be false, or knowingly inducing  
 2966 | another to file a false report or record, or knowingly failing  
 2967 | to file a report or record required by state or local law, or  
 2968 | knowingly impeding or obstructing such filing, or knowingly

2969 inducing another person to impede or obstruct such filing.

2970       (f)~~(h)~~ Failing to properly enforce applicable fire codes  
 2971 or permit requirements within this state which the  
 2972 certificateholder knows are applicable by committing willful  
 2973 misconduct, gross negligence, gross misconduct, repeated  
 2974 negligence, or negligence resulting in a significant danger to  
 2975 life or property.

2976       (g)~~(i)~~ Accepting labor, services, or materials at no  
 2977 charge or at a noncompetitive rate from any person who performs  
 2978 work that is under the enforcement authority of the  
 2979 certificateholder and who is not an immediate family member of  
 2980 the certificateholder. For the purpose of this paragraph, the  
 2981 term "immediate family member" means a spouse, child, parent,  
 2982 sibling, grandparent, aunt, uncle, or first cousin of the person  
 2983 or the person's spouse or any person who resides in the primary  
 2984 residence of the certificateholder.

2985       (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida  
 2986 Building Code Administrators and Inspectors Board, established  
 2987 pursuant to s. 468.605, shall enter into a reciprocity agreement  
 2988 to facilitate joint recognition of continuing education  
 2989 recertification hours for certificateholders licensed under s.  
 2990 468.609 and firesafety inspectors certified under subsection  
 2991 (2).

2992       (9)~~(8)~~ The State Fire Marshal shall develop by rule an  
 2993 advanced training and certification program for firesafety  
 2994 inspectors having fire code management responsibilities. The  
 2995 program must be consistent with the appropriate provisions of  
 2996 NFPA 1037, or similar standards adopted by the division, and

2997 establish minimum training, education, and experience levels for  
 2998 firesafety inspectors having fire code management  
 2999 responsibilities.

3000 ~~(10)(9)~~ The department shall provide by rule for the  
 3001 certification of firesafety inspectors and Fire Code  
 3002 Administrators.

3003 Section 29. Section 633.085, Florida Statutes, is  
 3004 transferred, renumbered as section 633.218, Florida Statutes,  
 3005 and amended to read:

3006 633.218 ~~633.085~~ Inspections of state buildings and  
 3007 premises; tests of firesafety equipment; building plans to be  
 3008 approved.—

3009 (1) (a) It is the duty of the State Fire Marshal and her or  
 3010 his agents to inspect, or cause to be inspected, each state-  
 3011 owned building on a recurring basis established by rule, and to  
 3012 ensure that high-hazard occupancies are inspected at least  
 3013 annually, for the purpose of ascertaining and causing to be  
 3014 corrected any conditions liable to cause fire or endanger life  
 3015 from fire and any violation of the firesafety standards for  
 3016 state-owned buildings, the provisions of this chapter, or the  
 3017 rules or regulations adopted and promulgated pursuant hereto.  
 3018 The State Fire Marshal shall, within 7 days following an  
 3019 inspection, submit a report of such inspection to the head of  
 3020 the ~~department of state~~ agency ~~government~~ responsible for the  
 3021 building.

3022 (b) Except as provided in s. 255.45, the department head  
 3023 is responsible for ensuring that deficiencies noted in the  
 3024 inspection are corrected as soon as practicable.

3025 (c) Each department shall, in its annual budget proposal,  
 3026 include requests for sufficient funds to correct any firesafety  
 3027 deficiencies noted by the State Fire Marshal.

3028 (d) Each department shall, in its annual budget proposal  
 3029 and for all proposals for new construction or renovations to  
 3030 existing structures, include requests for sufficient funds to  
 3031 pay for any charges or fees imposed by the State Fire Marshal  
 3032 for review of plans, renovations, occupancy, or inspections,  
 3033 whether recurring or high hazard.

3034 (e) For purposes of this section:

3035 1.a. The term "high-hazard occupancy" means any building  
 3036 or structure:

3037 (I) That contains combustible or explosive matter or  
 3038 flammable conditions dangerous to the safety of life or  
 3039 property;

3040 (II) At which persons receive educational instruction;

3041 (III) At which persons reside, excluding private  
 3042 dwellings; or

3043 (IV) Containing three or more floor levels.

3044 b. As used in this subparagraph, the phrase "building or  
 3045 structure":

3046 (I) Includes, but is not limited to, all hospitals and  
 3047 residential health care facilities, nursing homes and other  
 3048 adult care facilities, correctional or detention facilities,  
 3049 public schools, public lodging establishments, migrant labor  
 3050 camps, residential child care facilities, and self-service  
 3051 gasoline stations.

3052 (II) Does not include any residential condominium where

3053 | the declaration of condominium or the bylaws provide that the  
 3054 | rental of units shall not be permitted for less than 90 days.

3055 | 2. The term "state-owned building," includes private  
 3056 | correctional facilities as defined under s. 944.710(3).

3057 | (f) State-owned building or state-leased building or space  
 3058 | shall be identified through use of the United States National  
 3059 | Grid Coordinate System.

3060 | (2) The State Fire Marshal and her or his agents ~~may shall~~  
 3061 | conduct performance tests on any electronic fire warning and  
 3062 | smoke detection system, and any pressurized air-handling unit,  
 3063 | in any state-owned building or state-leased building or space on  
 3064 | a recurring basis as provided in subsection (1). The State Fire  
 3065 | Marshal and her or his agents shall also ensure that fire drills  
 3066 | are conducted in all high-hazard state-owned buildings or high-  
 3067 | hazard state-leased ~~high-hazard~~ occupancies at least annually.

3068 | (3) All construction of any new state-owned building or  
 3069 | state-leased building or space, or any renovation, alteration,  
 3070 | or change of occupancy of any existing, state-owned building or  
 3071 | state-leased building or space shall comply with the uniform  
 3072 | firesafety standards of the State Fire Marshal.

3073 | (a) For all new construction or renovation, alteration, or  
 3074 | change of occupancy of state-leased space, compliance with the  
 3075 | uniform firesafety standards shall be determined by reviewing  
 3076 | the plans for the proposed construction or occupancy submitted  
 3077 | by the lessor to the division ~~of State Fire Marshal~~ for review  
 3078 | and approval prior to commencement of construction or occupancy,  
 3079 | which review shall be completed within 10 working days after  
 3080 | receipt of the plans by the division ~~of State Fire Marshal~~.

3081 (b) The plans for all construction of any new, or  
3082 renovation or alteration of any existing, state-owned building  
3083 are subject to the review and approval of the division ~~of State~~  
3084 ~~Fire Marshal~~ for compliance with the uniform firesafety  
3085 standards prior to commencement of construction or change of  
3086 occupancy, which review shall be completed within 30 calendar  
3087 days of receipt of the plans by the division ~~of State Fire~~  
3088 ~~Marshal~~.

3089 (4) The division ~~of State Fire Marshal~~ may inspect state-  
3090 owned buildings and space and state-leased buildings and space  
3091 as necessary prior to occupancy or during construction,  
3092 renovation, or alteration to ascertain compliance with the  
3093 uniform firesafety standards. Whenever the division ~~of State~~  
3094 ~~Fire Marshal~~ determines by virtue of such inspection or by  
3095 review of plans that construction, renovation, or alteration of  
3096 state-owned buildings and state-leased buildings or space is not  
3097 in compliance with the uniform firesafety standards, the  
3098 division ~~of State Fire Marshal~~ shall issue an order to cease  
3099 construction, renovation, or alteration, or to preclude  
3100 occupancy, of a building until compliance is obtained, except  
3101 for those activities required to achieve such compliance.

3102 (5) The division ~~of State Fire Marshal~~ shall by rule  
3103 provide a schedule of fees to pay for the costs of the  
3104 inspections, whether recurring or high hazard, any firesafety  
3105 review or plans for proposed construction, renovations, or  
3106 occupancy, and related administrative expenses.

3107 Section 30. Section 633.027, Florida Statutes, is  
3108 transferred and renumbered as section 633.222, Florida Statutes,

3109 and subsection (3) of that section is amended, to read:

3110 633.222 ~~633.027~~ Buildings with light-frame truss-type  
 3111 construction; notice requirements; enforcement.-

3112 (1) The owner of any commercial or industrial structure,  
 3113 or any multiunit residential structure of three units or more,  
 3114 that uses light-frame truss-type construction shall mark the  
 3115 structure with a sign or symbol approved by the State Fire  
 3116 Marshal in a manner sufficient to warn persons conducting fire  
 3117 control and other emergency operations of the existence of  
 3118 light-frame truss-type construction in the structure.

3119 (2) The State Fire Marshal shall adopt rules necessary to  
 3120 implement the provisions of this section, including, but not  
 3121 limited to:

3122 (a) The dimensions and color of such sign or symbol.

3123 (b) The time within which commercial, industrial, and  
 3124 multiunit residential structures that use light-frame truss-type  
 3125 construction shall be marked as required by this section.

3126 (c) The location on each commercial, industrial, and  
 3127 multiunit residential structure that uses light-frame truss-type  
 3128 construction where such sign or symbol must be posted.

3129 (3) The State Fire Marshal, and local fire officials in  
 3130 accordance with s. 633.118 ~~633.121~~, shall enforce the provisions  
 3131 of this section. Any owner who fails to comply with the  
 3132 requirements of this section is subject to penalties as provided  
 3133 in s. 633.228 ~~633.161~~.

3134 Section 31. Section 633.60, Florida Statutes, is  
 3135 renumbered as section 633.224, Florida Statutes, and subsection  
 3136 (1) of that section is amended, to read:



3137 |        633.224 ~~633.60~~ Automatic fire sprinkler systems for one-  
 3138 | family dwellings, two-family dwellings, and mobile homes.—

3139 |        (1) It is unlawful for any person to engage in the  
 3140 | business or act in the capacity of a contractor of automatic  
 3141 | fire sprinkler systems for one-family dwellings, two-family  
 3142 | dwellings, and mobile homes without having been duly certified  
 3143 | and holding a current certificate as a Contractor I, Contractor  
 3144 | II, or Contractor IV as defined in s. 633.102(3) ~~633.021~~.

3145 |        (2) A person who violates any provision of this section  
 3146 | commits a misdemeanor of the second degree, punishable as  
 3147 | provided in s. 775.082 or s. 775.083.

3148 |        Section 32. Section 633.557, Florida Statutes, is  
 3149 | transferred and renumbered as section 633.226, Florida Statutes.

3150 |        Section 33. Section 633.161, Florida Statutes, is  
 3151 | transferred, renumbered as section 633.228, Florida Statutes,  
 3152 | and amended to read:

3153 |        633.228 ~~633.161~~ Violations; orders to cease and desist,  
 3154 | correct hazardous conditions, preclude occupancy, or vacate;  
 3155 | enforcement; penalties.—

3156 |        (1) If it is determined by the department that a violation  
 3157 | specified in this subsection exists, the State Fire Marshal or  
 3158 | her or his deputy may issue and deliver to the person committing  
 3159 | the violation an order to cease and desist from such violation,  
 3160 | to correct any hazardous condition, to preclude occupancy of the  
 3161 | affected building or structure, or to vacate the premises of the  
 3162 | affected building or structure. Such violations are:

3163 |        (a) Except as set forth in paragraph (b), a violation of  
 3164 | any provision of this chapter, of any rule adopted pursuant

3165 thereto, of any applicable uniform firesafety standard adopted  
 3166 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed  
 3167 by any alternative requirements adopted on a local level, or of  
 3168 any minimum firesafety standard adopted pursuant to s. 394.879.

3169 (b) A substantial violation of an applicable minimum  
 3170 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which  
 3171 is not reasonably addressed by any alternative requirement  
 3172 imposed at the local level, or an unreasonable interpretation of  
 3173 an applicable minimum firesafety standard, and which violation  
 3174 or interpretation clearly constitutes a danger to lifesafety.

3175 (c) A building or structure which is in a dilapidated  
 3176 condition and as a result thereof creates a danger to life,  
 3177 safety, or property.

3178 (d) A building or structure which contains explosive  
 3179 matter or flammable liquids or gases constituting a danger to  
 3180 life, safety, or property.

3181 (2)(a) If, during the conduct of a firesafety inspection  
 3182 authorized by ss. 633.216 and 633.218 ~~633.081~~ and ~~633.085~~, it is  
 3183 determined that a violation described in this section exists  
 3184 which poses an immediate danger to the public health, safety, or  
 3185 welfare, the State Fire Marshal may issue an order to vacate the  
 3186 building in question, which order shall be immediately effective  
 3187 and shall be an immediate final order under s. 120.569(2)(n).  
 3188 With respect to a facility under the jurisdiction of a district  
 3189 school board or community college board of trustees, the order  
 3190 to vacate shall be issued jointly by the district superintendent  
 3191 or college president and the State Fire Marshal.

3192 (b) The State Fire Marshal may seek an injunction in the

3193 circuit court of the county in which the building is located to  
 3194 enforce an order issued pursuant to this subsection.

3195 (3) Any person who violates or fails to comply with any  
 3196 order under subsection (1) or subsection (2) commits ~~is guilty~~  
 3197 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

3198 Section 34. Part III of chapter 633, Florida Statutes,  
 3199 consisting of sections 633.302, 633.304, 633.306, 633.308,  
 3200 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,  
 3201 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,  
 3202 633.346, 633.348, and 633.3482, is created and entitled "Fire  
 3203 Protection and Suppression."

3204 Section 35. Section 633.511, Florida Statutes, is  
 3205 transferred and renumbered as subsections (1), (2), and (3) of  
 3206 section 633.302, Florida Statutes, and amended, and section  
 3207 633.514, Florida Statutes, is transferred and renumbered as  
 3208 subsections (4) and (5) of that section, to read:

3209 633.302 ~~633.511~~ Florida Fire Safety Board; membership;  
 3210 duties; meetings.-

3211 (1) The Florida Fire Safety Board is created consisting of  
 3212 seven members who are citizens and residents of this state. One  
 3213 shall be the State Fire Marshal, or her or his designee  
 3214 ~~designated appointee~~ who shall be an administrative employee of  
 3215 the marshal; one shall be an administrative officer from a  
 3216 building department representing an incorporated municipality or  
 3217 a county; one shall be an administrative officer from a fire  
 3218 department representing an incorporated municipality or a  
 3219 county; two shall be contractors licensed pursuant to s. 633.318  
 3220 ~~633.521~~; and two shall be persons who hold valid licenses under

3221 s. 633.304 ~~633.061~~.

3222 (2) (a) To be eligible for appointment, each contractor  
 3223 shall personally hold a current certificate of competency and a  
 3224 current license issued by the division ~~State Fire Marshal~~,  
 3225 together with an unexpired occupational license to operate as a  
 3226 contractor issued by an incorporated municipality or a county;  
 3227 be actively engaged in such business and have been so engaged  
 3228 for a period of not less than 5 consecutive years before the  
 3229 date of her or his appointment; and be a citizen and resident of  
 3230 the state.

3231 (b) To be eligible for appointment, each fire equipment  
 3232 dealer shall personally hold a current Class A, B, or C and  
 3233 Class D fire equipment dealer license issued by the division  
 3234 ~~State Fire Marshal~~, together with an unexpired occupational  
 3235 license to operate as a fire equipment dealer issued by an  
 3236 incorporated municipality or a county; shall be actively engaged  
 3237 in such business and have been so engaged for a period of not  
 3238 less than 5 consecutive years before the date of appointment;  
 3239 and shall be a citizen and resident of this state.

3240 (3) The State Fire Marshal's term on the board, or that of  
 3241 her or his designee ~~designated administrative employee~~, shall  
 3242 coincide with the State Fire Marshal's term of office. Of the  
 3243 other six members of the board, one member shall be appointed  
 3244 for a term of 1 year, one member for a term of 2 years, two  
 3245 members for terms of 3 years, and two members for terms of 4  
 3246 years. All terms expire on June 30 of the last year of the term.  
 3247 When Effective July 1, 1997, as the term of a ~~each~~ member  
 3248 expires, the State Fire Marshal shall appoint a member to fill

3249 | the vacancy for a term of 4 years. The State Fire Marshal may  
 3250 | remove any appointed member for cause. A vacancy in the  
 3251 | membership of the board for any cause shall be filled by  
 3252 | appointment by the State Fire Marshal for the balance of the  
 3253 | unexpired term.

3254 | ~~633.514 Board duties; meetings; officers; quorum;~~  
 3255 | ~~compensation; seal.—~~

3256 | (4)~~(1)~~ The board shall act in an advisory capacity to the  
 3257 | State Fire Marshal and shall meet regularly as the need presents  
 3258 | itself. The board shall have the authority to review complaints  
 3259 | and disputed administrative action and make recommendations for  
 3260 | disciplinary action to the division at the request of the  
 3261 | licenseholder, permitholder, or certificateholder. The board  
 3262 | will serve in an advisory capacity to the division regarding  
 3263 | rules, codes, standards, interpretations, and training. As soon  
 3264 | as practicable after the effective date of this act, the board  
 3265 | shall meet to elect officers from its membership, whose terms  
 3266 | shall expire on June 30 and annually thereafter. A majority of  
 3267 | the board shall constitute a quorum. No member of the advisory  
 3268 | board shall be paid a salary as such member, but each shall  
 3269 | receive necessary expenses while attending advisory board  
 3270 | meetings and reimbursement, including travel in performance of  
 3271 | his or her duties, as provided in s. 112.061.

3272 | (5)~~(2)~~ The board shall adopt a seal for its use containing  
 3273 | the words "Florida Fire Safety Board."

3274 | Section 36. Section 633.061, Florida Statutes, is  
 3275 | renumbered as section 633.304, Florida Statutes, and subsections  
 3276 | (1), (2), (3), (4), and (9) of that section are amended, to

3277 read:

3278 633.304 ~~633.061~~ Fire suppression equipment; license to  
 3279 install or maintain.—

3280 (1) It is unlawful for any organization or individual to  
 3281 engage in the business of servicing, repairing, recharging,  
 3282 testing, marking, inspecting, installing, or hydrotesting any  
 3283 fire extinguisher or preengineered system in this state except  
 3284 in conformity with the provisions of this chapter. Each  
 3285 organization or individual that engages in such activity must  
 3286 possess a valid and subsisting license issued by the division  
 3287 ~~State Fire Marshal~~. All fire extinguishers and preengineered  
 3288 systems required by statute or by rule must be serviced by an  
 3289 organization or individual licensed under the provisions of this  
 3290 chapter. A licensee who receives appropriate training shall not  
 3291 be prohibited by a manufacturer from servicing any particular  
 3292 brand of fire extinguisher or preengineered system. The licensee  
 3293 is legally qualified to act for the business organization in all  
 3294 matters connected with its business, and the licensee must  
 3295 supervise all activities undertaken by such business  
 3296 organization. Each licensee shall maintain a specific business  
 3297 location. A further requirement, in the case of multiple  
 3298 locations where such servicing or recharging is taking place, is  
 3299 that each licensee who maintains more than one place of business  
 3300 where actual work is carried on must possess an additional  
 3301 license, as set forth in this section, for each location, except  
 3302 that a licensed individual may not qualify for more than five  
 3303 locations. A licensee is limited to a specific type of work  
 3304 performed depending upon the class of license held. Licenses ~~and~~

3305 ~~license fees~~ are required for the following:

3306 (a) Class A: .....\$250

3307 To service, recharge, repair, install, or inspect all types of  
 3308 fire extinguishers and to conduct hydrostatic tests on all types  
 3309 of fire extinguishers.

3310 (b) Class B: .....\$150

3311 To service, recharge, repair, install, or inspect all types of  
 3312 fire extinguishers, including recharging carbon dioxide units  
 3313 and conducting hydrostatic tests on all types of fire  
 3314 extinguishers, except carbon dioxide units.

3315 (c) Class C: .....\$150

3316 To service, recharge, repair, install, or inspect all types of  
 3317 fire extinguishers, except recharging carbon dioxide units, and  
 3318 to conduct hydrostatic tests on all types of fire extinguishers,  
 3319 except carbon dioxide units.

3320 (d) Class D: .....\$200

3321 To service, repair, recharge, hydrotest, install, or inspect all  
 3322 types of preengineered fire extinguishing systems.

3323 ~~(e) Licenses issued as duplicates or to reflect a change~~  
 3324 ~~of address.....\$10~~

3325  
 3326 Any fire equipment dealer licensed pursuant to this subsection  
 3327 who does not want to engage in the business of servicing,  
 3328 inspecting, recharging, repairing, hydrotesting, or installing  
 3329 halon equipment must file an affidavit on a form provided by the  
 3330 division so stating. Licenses will be issued by the division to  
 3331 reflect the work authorized thereunder. It is unlawful,  
 3332 unlicensed activity for any person or firm to falsely hold

3333 himself or herself or a business organization out to perform any  
3334 service, inspection, recharge, repair, hydrotest, or  
3335 installation except as specifically described in the license.  
3336 Any fire equipment dealer licensed pursuant to this subsection  
3337 who wishes to withdraw a previously filed halon equipment  
3338 exemption affidavit and engage in the business of servicing,  
3339 inspecting, recharging, repairing, hydrotesting, or installing  
3340 halon equipment must submit a written statement requesting the  
3341 withdrawal to the division. The dealer must also submit to an  
3342 inspection by the State Fire Marshal or his or her designee in  
3343 order to determine that the dealer possesses the equipment  
3344 required to service, inspect, recharge, repair, hydrotest, or  
3345 install halon equipment.

3346 (2) A person who holds a valid fire equipment dealer  
3347 license may maintain such license in an inactive status during  
3348 which time he or she may not engage in any work under the  
3349 definition of the license held. An inactive status license shall  
3350 be void after 4 ~~2~~ years or at the time that the license is  
3351 renewed, whichever comes first. ~~The biennial renewal fee for an~~  
3352 ~~inactive status license shall be \$75.~~ An inactive status license  
3353 may not be reactivated unless the continuing education  
3354 requirements of this chapter have been fulfilled.

3355 (3) Each individual actually performing the work of  
3356 servicing, recharging, repairing, hydrotesting, installing,  
3357 testing, or inspecting fire extinguishers or preengineered  
3358 systems must possess a valid and subsisting permit issued by the  
3359 division ~~State Fire Marshal~~. Permittees are limited as to  
3360 specific type of work performed to allow work no more extensive



3361 than the class of license held by the licensee under whom the  
 3362 permittee is working. Permits will be issued by the division ~~and~~  
 3363 ~~the fees required are~~ as follows:

3364 (a) Portable permit. ..... \$90

3365 "Portable permittee" means a person who is limited to performing  
 3366 work no more extensive than the employing licensee in the  
 3367 servicing, recharging, repairing, installing, or inspecting all  
 3368 types of portable fire extinguishers.

3369 (b) Preengineered permit. ..... \$120

3370 "Preengineered permittee" means a person who is limited to the  
 3371 servicing, recharging, repairing, installing, or inspecting of  
 3372 all types of preengineered fire extinguishing systems.

3373 ~~(c) Permits issued as duplicates or to reflect a change of~~  
 3374 ~~address. ....~~ \$10

3375  
 3376 Any fire equipment permittee licensed pursuant to this  
 3377 subsection who does not want to engage in servicing, inspecting,  
 3378 recharging, repairing, hydrotesting, or installing halon  
 3379 equipment must file an affidavit on a form provided by the  
 3380 division so stating. Permits will be issued by the division to  
 3381 reflect the work authorized thereunder. It is unlawful,  
 3382 unlicensed activity for any person or firm to falsely hold  
 3383 himself or herself out to perform any service, inspection,  
 3384 recharge, repair, hydrotest, or installation except as  
 3385 specifically described in the permit.

3386 (4) (a) Such licenses and permits shall be issued by the  
 3387 division ~~State Fire Marshal~~ for 2 years beginning January 1,  
 3388 2000, and each 2-year period thereafter and expiring December 31

3389 of the second year. All licenses or permits issued will expire  
3390 on December 31 of each odd-numbered year. The failure to renew a  
3391 license or permit by December 31 of the second year will cause  
3392 the license or permit to become inoperative. The holder of an  
3393 inoperative license or permit shall not engage in any activities  
3394 for which a license or permit is required by this section. A  
3395 license or permit which is inoperative because of the failure to  
3396 renew it shall be restored upon payment of the applicable fee  
3397 plus a penalty equal to the applicable fee, if the application  
3398 for renewal is filed no later than the following March 31. If  
3399 the application for restoration is not made before the March  
3400 31st deadline, the fee for restoration shall be equal to the  
3401 original application fee and the penalty provided for herein,  
3402 and, in addition, the State Fire Marshal shall require  
3403 reexamination of the applicant. The fee for a license or permit  
3404 issued for 1 year or less shall be prorated at 50 percent of the  
3405 applicable fee for a biennial license or permit.

3406 (b) After initial licensure, each licensee or permittee  
3407 must successfully complete a course or courses of continuing  
3408 education for fire equipment technicians of at least 16 hours. A  
3409 license or permit may not be renewed unless the licensee or  
3410 permittee produces documentation of the completion of at least  
3411 16 hours of continuing education for fire equipment technicians  
3412 during the biennial licensure period. A person who is both a  
3413 licensee and a permittee shall be required to complete 16 hours  
3414 of continuing education during each renewal period. Each  
3415 licensee shall ensure that all permittees in his or her  
3416 employment meet their continuing education requirements. The

3417 State Fire Marshal shall adopt rules describing the continuing  
3418 education requirements and shall have the authority upon  
3419 reasonable belief, to audit a fire equipment dealer to determine  
3420 compliance with continuing education requirements.

3421 (c) ~~(b)~~ The forms of such licenses and permits and  
3422 applications therefor shall be prescribed by the State Fire  
3423 Marshal; in addition to such other information and data as that  
3424 officer determines is appropriate and required for such forms,  
3425 there shall be included in such forms the following matters.  
3426 Each such application shall be in such form as to provide that  
3427 the data and other information set forth therein shall be sworn  
3428 to by the applicant or, if a corporation, by an officer thereof.  
3429 An application for a permit shall include the name of the  
3430 licensee employing such permittee, and the permit issued in  
3431 pursuance of such application shall also set forth the name of  
3432 such licensee. A permit is valid solely for use by the holder  
3433 thereof in his or her employment by the licensee named in the  
3434 permit.

3435 (d) ~~(e)~~ A license of any class shall not be issued or  
3436 renewed by the division ~~State Fire Marshal~~ and a license of any  
3437 class shall not remain operative unless:

3438 1. The applicant has submitted to the State Fire Marshal  
3439 evidence of registration as a Florida corporation or evidence of  
3440 compliance with s. 865.09.

3441 2. The State Fire Marshal or his or her designee has by  
3442 inspection determined that the applicant possesses the equipment  
3443 required for the class of license sought. The State Fire Marshal  
3444 shall give an applicant a reasonable opportunity to correct any

3445 deficiencies discovered by inspection. To obtain such  
3446 inspection, an applicant with facilities located outside this  
3447 state must:

3448 a. Provide a notarized statement from a professional  
3449 engineer licensed by the applicant's state of domicile  
3450 certifying that the applicant possesses the equipment required  
3451 for the class of license sought and that all such equipment is  
3452 operable; or

3453 b. Allow the State Fire Marshal or his or her designee to  
3454 inspect the facility. All costs associated with the State Fire  
3455 Marshal's inspection shall be paid by the applicant. The State  
3456 Fire Marshal, in accordance with s. 120.54, is authorized to  
3457 adopt rules to establish standards for the calculation and  
3458 establishment of the amount of costs associated with any  
3459 inspection conducted by the State Fire Marshal under this  
3460 section. Such rules shall include procedures for invoicing and  
3461 receiving funds in advance of the inspection. A fee of \$50,  
3462 payable to the State Fire Marshal, shall be required for any  
3463 subsequent reinspection.

3464 3. The applicant has submitted to the State Fire Marshal  
3465 proof of insurance providing coverage for comprehensive general  
3466 liability for bodily injury and property damage, products  
3467 liability, completed operations, and contractual liability. The  
3468 State Fire Marshal shall adopt rules providing for the amounts  
3469 of such coverage, but such amounts shall not be less than  
3470 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
3471 licenses, and \$100,000 for Class C licenses; and the total  
3472 coverage for any class of license held in conjunction with a

3473 Class D license shall not be less than \$300,000. The State Fire  
3474 Marshal may, at any time after the issuance of a license or its  
3475 renewal, require upon demand, and in no event more than 30 days  
3476 after notice of such demand, the licensee to provide proof of  
3477 insurance, on a form provided by the State Fire Marshal,  
3478 containing confirmation of insurance coverage as required by  
3479 this chapter. Failure, for any length of time, to provide proof  
3480 of insurance coverage as required shall result in the immediate  
3481 suspension of the license until proof of proper insurance is  
3482 provided to the State Fire Marshal. An insurer which provides  
3483 such coverage shall notify the State Fire Marshal of any change  
3484 in coverage or of any termination, cancellation, or nonrenewal  
3485 of any coverage.

3486 4. The applicant applies to the State Fire Marshal,  
3487 provides proof of experience, and successfully completes a  
3488 prescribed training course offered by the State Fire College or  
3489 an equivalent course approved by the State Fire Marshal. This  
3490 subparagraph does not apply to any holder of or applicant for a  
3491 permit under paragraph (g)~~(f)~~ or to a business organization or a  
3492 governmental entity seeking initial licensure or renewal of an  
3493 existing license solely for the purpose of inspecting,  
3494 servicing, repairing, marking, recharging, and maintaining fire  
3495 extinguishers used and located on the premises of and owned by  
3496 such organization or entity.

3497 5. The applicant has a current retestor identification  
3498 number that is appropriate for the license for which the  
3499 applicant is applying and that is listed with the United States  
3500 Department of Transportation.

3501           6. The applicant has passed, with a grade of at least 70  
3502 percent, a written examination testing his or her knowledge of  
3503 the rules and statutes regulating the activities authorized by  
3504 the license and demonstrating his or her knowledge and ability  
3505 to perform those tasks in a competent, lawful, and safe manner.  
3506 Such examination shall be developed and administered by the  
3507 State Fire Marshal, or his or her designee in accordance with  
3508 policies and procedures of the State Fire Marshal. An applicant  
3509 shall pay a nonrefundable examination fee of \$50 for each  
3510 examination or reexamination scheduled. No reexamination shall  
3511 be scheduled sooner than 30 days after any administration of an  
3512 examination to an applicant. No applicant shall be permitted to  
3513 take an examination for any level of license more than a total  
3514 of four times during 1 year, regardless of the number of  
3515 applications submitted. As a prerequisite to licensure of the  
3516 applicant, he or she:

3517           a. Must be at least 18 years of age.

3518           b. Must have 4 years of proven experience as a fire  
3519 equipment permittee at a level equal to or greater than the  
3520 level of license applied for or have a combination of education  
3521 and experience determined to be equivalent thereto by the State  
3522 Fire Marshal. Having held a permit at the appropriate level for  
3523 the required period constitutes the required experience.

3524           c. Must not have been convicted of a felony or a crime  
3525 punishable by imprisonment of 1 year or more under the law of  
3526 the United States or of any state thereof or under the law of  
3527 any other country, ~~or pled nolo contendere to, any felony.~~

3528 "Convicted" means a finding of guilt or the acceptance of a plea

3529 of guilty or nolo contendere in any federal or state court or a  
3530 court in any other country, without regard to whether a judgment  
3531 of conviction has been entered by the court having jurisdiction  
3532 of the case. If an applicant has been convicted of any such  
3533 felony, the applicant shall be excluded from licensure for a  
3534 period of 4 years after expiration of sentence or final release  
3535 by the Parole Commission unless the applicant, before the  
3536 expiration of the 4-year period, has received a full pardon or  
3537 has had his or her civil rights restored ~~must comply with s.~~  
3538 ~~112.011(1) (b).~~

3539  
3540 This subparagraph does not apply to any holder of or applicant  
3541 for a permit under paragraph (g) ~~(f)~~ or to a business  
3542 organization or a governmental entity seeking initial licensure  
3543 or renewal of an existing license solely for the purpose of  
3544 inspecting, servicing, repairing, marking, recharging,  
3545 hydrotesting, and maintaining fire extinguishers used and  
3546 located on the premises of and owned by such organization or  
3547 entity.

3548 ~~(d) An applicant who fails the examination may take it~~  
3549 ~~three more times during the 1-year period after he or she~~  
3550 ~~originally filed an application for the examination. If the~~  
3551 ~~applicant fails the examination within 1 year after the~~  
3552 ~~application date and seeks to retake the examination, he or she~~  
3553 ~~must file a new application, pay the application and examination~~  
3554 ~~fees, and successfully complete a prescribed training course~~  
3555 ~~approved by the State Fire College or an equivalent course~~  
3556 ~~approved by the State Fire Marshal. An applicant may not submit~~

3557 | ~~a new application within 6 months after the date of his or her~~  
 3558 | ~~last reexamination.~~

3559 | (e) A fire equipment dealer licensed under this section  
 3560 | may apply to convert ~~upgrade~~ the license currently held to a  
 3561 | higher licensing category, if the licensed dealer:

3562 | 1. Submits an application for the license on a form in  
 3563 | conformance with paragraph (c) ~~(b)~~. The application must be  
 3564 | accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~  
 3565 | for the type of license requested.

3566 | 2. Provides evidence of 2 years' experience as a licensed  
 3567 | dealer and meets such relevant educational requirements as are  
 3568 | established by rule by the State Fire Marshal for purposes of  
 3569 | upgrading a license.

3570 | 3. Meets the requirements of paragraph (d) ~~(e)~~.

3571 | (f) A fire equipment dealer licensed under this section  
 3572 | may apply to convert the license currently held to a lower  
 3573 | licensing category, if the license dealer:

3574 | 1. Submits an application for the license on a form in  
 3575 | conformance with paragraph (c). The application must be  
 3576 | accompanied by a fee as prescribed in s. 633.132 for the type of  
 3577 | license requested.

3578 | 2. Submits proof of insurance providing coverage meeting  
 3579 | the requirements prescribed in subparagraph (d)3.

3580 | 3. Submits to an inspection of the facility to ensure all  
 3581 | equipment associated with the higher class of license has been  
 3582 | removed and submits the required reinspection fee.

3583 | (g) No permit of any class shall be issued or renewed to a  
 3584 | person by the division ~~State Fire Marshal~~, and no permit of any



3585 class shall remain operative, unless the person has:

3586       1. Submitted a nonrefundable examination fee in the amount

3587 of \$50;

3588       2. Successfully completed a training course offered by the

3589 State Fire College or an equivalent course approved by the State

3590 Fire Marshal; and

3591       3. Passed, with a grade of at least 70 percent, a written

3592 examination testing his or her knowledge of the rules and

3593 statutes regulating the activities authorized by the permit and

3594 demonstrating his or her knowledge and ability to perform those

3595 tasks in a competent, lawful, and safe manner. Such examination

3596 shall be developed and administered by the State Fire Marshal in

3597 accordance with the policies and procedures of the State Fire

3598 Marshal. An examination fee shall be paid for each examination

3599 scheduled. No reexamination shall be scheduled sooner than 30

3600 days after any administration of an examination to an applicant.

3601 No applicant shall be permitted to take an examination for any

3602 level of permit more than four times during 1 year, regardless

3603 of the number of applications submitted. As a prerequisite to

3604 taking the permit examination, the applicant must be at least 16

3605 years of age.

3606       ~~(h)(g)~~ An applicant for a license or permit under this

3607 section who fails the examination may take it three more times

3608 during the 1-year period after he or she originally filed an

3609 application for the examination. If the applicant fails the

3610 examination within 1 year after the application date and he or

3611 she seeks to retake the examination, he or she must file a new

3612 application, pay the application and examination fees, and

3613 | successfully complete a prescribed training course offered by  
3614 | the State Fire College or an equivalent course approved by the  
3615 | State Fire Marshal. The applicant may not submit a new  
3616 | application within 6 months after the date of his or her fourth  
3617 | ~~last~~ reexamination. An applicant who passes the examination but  
3618 | does not meet the remaining qualifications prescribed by law and  
3619 | rule within 1 year after the application date must file a new  
3620 | application, pay the application and examination fee,  
3621 | successfully complete a prescribed training course approved by  
3622 | the State Fire College or an equivalent course approved by the  
3623 | State Fire Marshal, and pass the written examination.

3624 |       (5) (a) No one that is being trained shall perform work  
3625 | requiring a permit unless an individual possessing a valid and  
3626 | current fire equipment permit for the type of work performed is  
3627 | physically present. The trainee must:

- 3628 |       1. Be 18 years of age.
- 3629 |       2. Possess on his or her person at all times a valid  
3630 | Florida driver's license or a valid state identification card,  
3631 | issued by the Department of Highway Safety and Motor Vehicles. A  
3632 | trainee must produce identification to the State Fire Marshal or  
3633 | his or her designated representative upon demand.

3634 |       (b) No more than two trainees shall be under the  
3635 | supervision of a single trainer, who shall be directly  
3636 | responsible for all work performed by any trainee while under  
3637 | his or her supervision. No trainee shall perform any work not  
3638 | within the scope of the license or permit held by the fire  
3639 | equipment dealer or permittee directly supervising his or her  
3640 | work.

3641 (6) The State Fire Marshal shall adopt rules providing for  
3642 the approval of the time, place, and curriculum of each training  
3643 course required by this section.

3644 (7) Every permittee must have a valid and subsisting  
3645 permit upon his or her person at all times while engaging in the  
3646 servicing, recharging, repairing, testing, inspecting, or  
3647 installing of fire extinguishers and preengineered systems, and  
3648 every licensee or permittee must be able to produce such license  
3649 or permit upon demand. In addition, every permittee shall at all  
3650 times carry an identification card containing his or her  
3651 photograph and other identifying information as prescribed by  
3652 the State Fire Marshal or the State Fire Marshal's designee,  
3653 which shall be produced on demand. The State Fire Marshal shall  
3654 supply this card at a fee which shall be related to the cost of  
3655 producing the card.

3656 (8) The fees collected for any such licenses and permits  
3657 and the filing fees for license and permit examination are  
3658 hereby appropriated for the use of the State Fire Marshal in the  
3659 administration of this chapter and shall be deposited in the  
3660 Insurance Regulatory Trust Fund.

3661 (9) The provisions of this section ~~chapter~~ do not apply to  
3662 inspections by fire chiefs, fire inspectors, fire marshals, or  
3663 insurance company inspectors.

3664 (10) All fire extinguishers and preengineered systems that  
3665 are required by statute or by rule must be serviced, recharged,  
3666 repaired, hydrotested, tested, inspected, and installed in  
3667 compliance with this chapter and with the rules adopted by the  
3668 State Fire Marshal. The State Fire Marshal may adopt by rule the

3669 standards of the National Fire Protection Association and of  
 3670 other reputable national organizations.

3671 (11) If the licensee leaves the business organization or  
 3672 dies, the business organization shall immediately notify the  
 3673 State Fire Marshal of the licensee's departure, shall return the  
 3674 license to the State Fire Marshal, and shall have a grace period  
 3675 of 60 days in which to license another person under the  
 3676 provisions of this chapter, failing which the business shall no  
 3677 longer perform those activities for which a license under this  
 3678 section is required.

3679 Section 37. Section 633.065, Florida Statutes, is  
 3680 transferred and renumbered as section 633.306, Florida Statutes,  
 3681 and paragraph (a) of subsection (1) of that section is amended,  
 3682 to read:

3683 633.306 ~~633.065~~ Requirements for installation, inspection,  
 3684 and maintenance of fire suppression equipment.—

3685 (1) The requirements for installation of fire  
 3686 extinguishers and preengineered systems are as follows:

3687 (a) Fire equipment dealers shall be licensed under s.  
 3688 633.304 ~~633.061~~.

3689 (b) Equipment supplied shall be listed by a nationally  
 3690 recognized testing laboratory, such as Underwriters  
 3691 Laboratories, Inc., or Factory Mutual Laboratories, Inc.  
 3692 Equipment supplied for new installations or alterations of  
 3693 existing systems must be currently listed as described in this  
 3694 section. The State Fire Marshal shall adopt by rule procedures  
 3695 for determining whether a laboratory is nationally recognized,  
 3696 taking into account the laboratory's facilities, procedures, use

3697 of nationally recognized standards, and any other criteria  
3698 reasonably calculated to reach an informed determination.

3699 (c) Equipment shall be installed in accordance with the  
3700 applicable standards of the National Fire Protection Association  
3701 and the manufacturer's drawings and specifications.

3702 (d) Each piece of equipment supplied shall be guaranteed  
3703 for a period of 1 year against defects in material or operation.

3704 (e) The fire equipment dealer shall furnish the consumer  
3705 with: the manufacturer's descriptive literature, including the  
3706 specifications and maintenance requirements as approved by the  
3707 nationally recognized testing laboratory; the operating  
3708 instructions for all equipment installed; the mechanical  
3709 drawings and specifications for proper installation and use of  
3710 equipment; and a diagram of the final installation, if  
3711 applicable.

3712 (2) Equipment shall be inspected, serviced, and maintained  
3713 in accordance with the manufacturer's maintenance procedures and  
3714 with the applicable National Fire Protection Association  
3715 standards.

3716 Section 38. Section 633.071, Florida Statutes, is  
3717 transferred and renumbered as section 633.308, Florida Statutes,  
3718 and subsection (2) of that section is amended, to read:

3719 633.308 ~~633.071~~ Standard service tag required on all fire  
3720 extinguishers and preengineered systems; serial number required  
3721 on all portable fire extinguishers; standard inspection tags  
3722 required on all fire protection systems.—

3723 (1) The State Fire Marshal shall adopt by rule  
3724 specifications as to the size, shape, color, and information and

3725 data contained thereon of service tags to be attached to all  
3726 fire extinguishers and preengineered systems required by statute  
3727 or by rule, whether they be portable, stationary, or on wheels  
3728 when they are placed in service, installed, serviced, repaired,  
3729 tested, recharged, or inspected. Fire extinguishers may be  
3730 tagged only after meeting all standards as set forth by this  
3731 chapter, the standards of the National Fire Protection  
3732 Association, and manufacturer's specifications. Preengineered  
3733 systems may be tagged only after a system has been inspected,  
3734 serviced, installed, repaired, tested, recharged, and  
3735 hydrotested in compliance with this chapter, the standards of  
3736 the National Fire Protection Association, and the manufacturer's  
3737 specifications, and after a report, as specified by rule, has  
3738 been completed in detail, indicating any and all deficiencies or  
3739 deviations from the manufacturer's specifications and the  
3740 standards of the National Fire Protection Association. A copy of  
3741 the inspection report shall be provided to the owner at the time  
3742 of inspection, and, if a system is found to be in violation of  
3743 this chapter, the manufacturer's specifications, or the  
3744 standards of the National Fire Protection Association, a copy  
3745 shall be forwarded to the state or local authority having  
3746 jurisdiction within 30 days from the date of service. It shall  
3747 be unlawful to place in service, service, test, repair, inspect,  
3748 install, hydrotest, or recharge any fire extinguisher or  
3749 preengineered system without attaching one of these tags  
3750 completed in detail, including the actual month work was  
3751 performed, or to use a tag not meeting the specifications set  
3752 forth by the State Fire Marshal.

3753 (2) All portable fire extinguishers required by statute or  
3754 by rule shall be listed by Underwriters Laboratories, Inc., or  
3755 approved by Factory Mutual Laboratories, Inc., or listed by a  
3756 nationally recognized testing laboratory in accordance with  
3757 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and  
3758 carry an Underwriters Laboratories, Inc., or manufacturer's  
3759 serial number. These listings, approvals, and serial numbers may  
3760 be stamped on the manufacturer's identification and instructions  
3761 plate or on a separate Underwriters Laboratories, Inc., or  
3762 Factory Mutual Laboratories, Inc., plate soldered or attached to  
3763 the extinguisher shell in some permanent manner.

3764 (3) The State Fire Marshal shall adopt by rule  
3765 specifications as to the size, shape, color, information, and  
3766 data contained thereon of inspection tags to be attached to all  
3767 types of fire protection systems and information required on an  
3768 inspection report of such an inspection.

3769 Section 39. Section 633.082, Florida Statutes, is  
3770 transferred and renumbered as section 633.312, Florida Statutes,  
3771 and subsections (2) and (3) of that section are amended, to  
3772 read:

3773 633.312 ~~633.082~~ Inspection of fire control systems, fire  
3774 hydrants, and fire protection systems.—

3775 (1) The State Fire Marshal shall have the right to inspect  
3776 any fire control system during and after construction to  
3777 determine that such system meets the standards set forth in the  
3778 laws and rules of the state.

3779 (2) Fire hydrants and fire protection systems installed in  
3780 public and private properties, except one-family or two-family

3781 dwellings, shall be inspected following procedures established  
3782 in the nationally recognized inspection, testing, and  
3783 maintenance standards publications NFPA-24 and NFPA-25 as set  
3784 forth in the edition adopted by the State Fire Marshal.  
3785 Quarterly, annual, 3-year, and 5-year inspections consistent  
3786 with the contractual provisions with the owner shall be  
3787 conducted by the certificateholder or permittees employed by the  
3788 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

3789 (a) Public fire hydrants owned by a governmental entity  
3790 shall be inspected following procedures established in the  
3791 inspection, testing, and maintenance standards adopted by the  
3792 State Fire Marshal or equivalent standards such as those  
3793 contained in the latest edition of the American Water Works  
3794 Association's Manual M17, "Installation, Field Testing, and  
3795 Maintenance of Fire Hydrants."

3796 (b) County, municipal, and special district utilities may  
3797 perform fire hydrant inspections required by this section using  
3798 designated employees. Such designated employees need not be  
3799 certified under this chapter. However, counties, municipalities,  
3800 or special districts that use designated employees are  
3801 responsible for ensuring that the designated employees are  
3802 qualified to perform such inspections.

3803 (3) The inspecting contractor shall provide to the  
3804 building owner or hydrant owner and the local authority having  
3805 jurisdiction a copy of the applicable inspection report  
3806 established under this chapter. The maintenance of fire hydrant  
3807 and fire protection systems as well as corrective actions on  
3808 deficient systems is the responsibility of the owner of the



3809 system or hydrant. Equipment requiring periodic testing or  
 3810 operation to ensure its maintenance shall be tested or operated  
 3811 as specified in the Fire Prevention Code, Life Safety Code,  
 3812 National Fire Protection Association standards, or as directed  
 3813 by the appropriate authority ~~agency having jurisdiction~~,  
 3814 provided that such appropriate authority ~~agency~~ shall not  
 3815 require a sprinkler system not required by the Fire Prevention  
 3816 Code, Life Safety Code, or National Fire Protection Association  
 3817 standards to be removed regardless of its condition. This  
 3818 section does not prohibit governmental entities from inspecting  
 3819 and enforcing firesafety codes.

3820 (4) At least once each year, each fire hydrant shall be  
 3821 opened fully and the water allowed to flow until all foreign  
 3822 materials have cleared the hydrant. The flow shall be maintained  
 3823 for not less than 1 minute.

3824 (5) If a fire hydrant is made nonfunctional by the closing  
 3825 of a water supply valve, the valve must immediately be tagged  
 3826 with a red tag that is boldly marked "nonfunctional" and the  
 3827 local fire authority notified that the hydrant is nonfunctional.

3828 Section 40. Section 633.083, Florida Statutes, is  
 3829 transferred and renumbered as section 633.314, Florida Statutes,  
 3830 and subsection (3) of that section is amended, to read:

3831 633.314 ~~633.083~~ Sale or use of certain types of fire  
 3832 extinguishers prohibited; penalty.—

3833 (1) (a) It is unlawful to have for use any of the following  
 3834 types of fire extinguishers:

- 3835 1. Carbon tetrachloride;
- 3836 2. Chlorobromomethane;

- 3837 3. Dibromodifluoromethane (commonly known as Halon 1202);
- 3838 4. Dichlorodifluoromethane;
- 3839 5. Azeotropic chloromethane;
- 3840 6. 1,2 dibromo-2-chloro-1, 1,2 trifluoroethane;
- 3841 7. 1,2 dibromo-2, 2-difluoroethane;
- 3842 8. Methyl bromide;
- 3843 9. Ethylene dibromide;
- 3844 10. Hydrogen bromide;
- 3845 11. Methylene bromide;
- 3846 12. Bromodifluoromethane;
- 3847 13. Any other toxic or poisonous vaporizing liquid fire
- 3848 extinguishers using extinguishing agents determined by the State
- 3849 Fire Marshal to be unacceptably harmful; and
- 3850 14. Inverting water fire extinguishers.
- 3851 (b) It is unlawful to offer for sale, sell, or give in
- 3852 this state any of the types of fire extinguishers listed in
- 3853 paragraph (a).
- 3854 (2) It is unlawful for any person, directly or through an
- 3855 agent, to sell, offer for sale, or give in this state any make,
- 3856 type, or model of fire extinguisher, either new or used, unless
- 3857 such make, type, or model of extinguisher has first been tested
- 3858 and is currently approved or listed by Underwriters
- 3859 Laboratories, Inc., Factory Mutual Laboratories, Inc., or
- 3860 another testing laboratory recognized by the State Fire Marshal
- 3861 as nationally recognized in accordance with procedures adopted
- 3862 by rule, taking into account the laboratory's facilities,
- 3863 procedures, use of nationally recognized standards, and any
- 3864 other criteria reasonably calculated to reach an informed

3865 determination, and unless such extinguisher carries an  
3866 Underwriters Laboratories, Inc., or manufacturer's serial  
3867 number. Such serial number shall be permanently stamped on the  
3868 manufacturer's identification and instruction plate.

3869 (3) A person who violates any of the provisions of this  
3870 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
3871 punishable as provided in s. 775.082 or s. 775.083.

3872 Section 41. Section 633.162, Florida Statutes, is  
3873 transferred and renumbered as section 633.316, Florida Statutes,  
3874 and subsection (1) and paragraph (e) of subsection (4) of that  
3875 section are amended, to read:

3876 633.316 ~~633.162~~ Fire suppression system contractors;  
3877 disciplinary action.—

3878 (1) The violation of any provision of this chapter or any  
3879 rule adopted and promulgated pursuant hereto or the failure or  
3880 refusal to comply with any notice or order to correct a  
3881 violation or any cease and desist order by any person who  
3882 possesses a license or permit issued pursuant to s. 633.304  
3883 ~~633.061~~ is cause for denial, nonrenewal, revocation, or  
3884 suspension of such license or permit by the State Fire Marshal  
3885 after such officer has determined that the person is guilty of  
3886 such violation. An order of suspension shall state the period of  
3887 time of such suspension, which period may not be in excess of 2  
3888 years from the date of such order. An order of revocation may be  
3889 entered for a period not exceeding 5 years. Such orders shall  
3890 effect suspension or revocation of all licenses or permits  
3891 issued by the division to ~~then held by~~ the person, and during  
3892 such period of time no license or permit shall be issued by the

3893 division to such person. During the suspension or revocation of  
 3894 any license or permit, the former licensee or permittee shall  
 3895 not engage in or attempt or profess to engage in any transaction  
 3896 or business for which a license or permit is required under this  
 3897 chapter or directly or indirectly own, control, or be employed  
 3898 in any manner by any firm, business, or corporation for which a  
 3899 license or permit under this chapter is required. If, during the  
 3900 period between the beginning of proceedings and the entry of an  
 3901 order of suspension or revocation by the State Fire Marshal, a  
 3902 new license or permit has been issued by the division to the  
 3903 person so charged, the order of suspension or revocation shall  
 3904 operate to suspend or revoke such new license or permit held by  
 3905 such person.

3906 (2) The department shall not, so long as the revocation or  
 3907 suspension remains in effect, grant any new license or permit  
 3908 for the establishment of any new firm, business, or corporation  
 3909 of any person or qualifier that has or will have the same or  
 3910 similar management, ownership, control, employees, permittees,  
 3911 or licensees, or will use a same or similar name as a previously  
 3912 revoked or suspended firm, business, corporation, person, or  
 3913 qualifier.

3914 (3) The State Fire Marshal may deny, nonrenew, suspend, or  
 3915 revoke the license or permit of:

3916 (a) Any person, firm, or corporation the license of which  
 3917 under this chapter has been suspended or revoked;

3918 (b) Any firm or corporation if an officer, qualifier,  
 3919 director, stockholder, owner, or person interested directly or  
 3920 indirectly in the firm or corporation has had his or her license

3921 or permit under this chapter suspended or revoked; or  
 3922 (c) Any person who is or has been an officer, qualifier,  
 3923 director, stockholder, or owner of a firm or corporation, or who  
 3924 was interested directly or indirectly in a firm or corporation,  
 3925 the license or permit of which has been suspended or revoked  
 3926 under this chapter.

3927 (4) In addition to the grounds set forth in subsection  
 3928 (1), it is cause for denial, nonrenewal, revocation, or  
 3929 suspension of a license or permit by the State Fire Marshal if  
 3930 she or he determines that the licensee or permittee has:

3931 (a) Rendered inoperative a fire extinguisher or  
 3932 preengineered system required by statute or by rule, except  
 3933 during such time as the extinguisher or preengineered system is  
 3934 being inspected, serviced, repaired, hydrottested, or recharged,  
 3935 or except pursuant to court order.

3936 (b) Falsified any record required to be maintained by this  
 3937 chapter or rules adopted pursuant hereto.

3938 (c) Improperly serviced, recharged, repaired, hydrottested,  
 3939 tested, or inspected a fire extinguisher or preengineered  
 3940 system.

3941 (d) While holding a permit or license, allowed another  
 3942 person to use the permit number or license number, or used a  
 3943 license number or permit number other than her or his valid  
 3944 license number or permit number.

3945 (e) Failed to provide proof of insurance to the State Fire  
 3946 Marshal or failed to maintain in force the insurance coverage  
 3947 required by s. 633.304 ~~633.061~~.

3948 (f) Failed to obtain, retain, or maintain one or more of

3949 | the qualifications for a license or permit as specified in this  
 3950 | chapter.

3951 | (g) Made a material misstatement or misrepresentation, or  
 3952 | committed a fraud in obtaining or attempting to obtain a license  
 3953 | or permit.

3954 | (h) Failed to notify the State Fire Marshal, in writing,  
 3955 | within 30 days after a change of residence, principal business  
 3956 | address, or name.

3957 | (5) In addition, the department shall not issue a new  
 3958 | license or permit if it finds that the circumstance or  
 3959 | circumstances for which the license or permit was previously  
 3960 | revoked or suspended still exist or are likely to recur.

3961 | Section 42. Section 633.521, Florida Statutes, is  
 3962 | transferred and renumbered as section 633.318, Florida Statutes,  
 3963 | and subsection (1), paragraph (a) of subsection (2), paragraphs  
 3964 | (c) and (g) of subsection (3), and subsections (4), (8), and  
 3965 | (11) of that section are amended, to read:

3966 | 633.318 ~~633.521~~ Certificate application and issuance;  
 3967 | permit issuance; examination and investigation of applicant.-

3968 | (1) To obtain a fire protection system contractor's  
 3969 | certificate, an applicant shall submit to the division ~~State~~  
 3970 | ~~Fire Marshal~~ an application in writing, on a form provided by  
 3971 | the division ~~State Fire Marshal~~ containing the information  
 3972 | prescribed, which shall be accompanied by the fee fixed herein,  
 3973 | containing a statement that the applicant desires the issuance  
 3974 | of a certificate and stating the class of certificate requested.

3975 | (2) (a) Examinations shall be administered by the division  
 3976 | ~~State Fire Marshal~~ and held at times and places within the state

3977 as the division ~~State Fire Marshal~~ determines, but there shall  
3978 be at least two examinations a year. Each applicant shall take  
3979 and pass an objective, written examination of her or his fitness  
3980 for a certificate in the class for which the application is  
3981 requested. There shall be a type of examination for each class  
3982 of certificate for contractors as ~~of the classes of certificates~~  
3983 defined in s. 633.102(3) ~~633.021(5)~~. The examination shall test  
3984 the applicant's ability to lay out, fabricate, install, alter,  
3985 repair, and inspect fire protection systems and their  
3986 appurtenances and shall test the applicant's fitness in business  
3987 and financial management. The test shall be based on applicable  
3988 standards of the National Fire Protection Association and on  
3989 relevant Florida and federal laws pertaining to the construction  
3990 industry, safety standards, administrative procedures, and  
3991 pertinent technical data.

3992 (b) A passing grade on the examination is 70 percent, and  
3993 such examinations may be developed by an independent  
3994 professional testing agency. The tests shall be prepared,  
3995 administered, and scored in compliance with generally accepted  
3996 professional testing standards.

3997 (c) The division shall solicit suggestions from affected  
3998 persons regarding the content of examinations.

3999 (d) A reexamination may not be scheduled sooner than 30  
4000 days after any administration of an examination to an applicant.

4001 (e) An applicant may not be examined more than four times  
4002 during 1 year for certification as a contractor pursuant to this  
4003 section unless the person is or has been certified and is taking  
4004 the examination to change classifications. If an applicant does

4005 | not pass one or more parts of the examination, she or he may  
4006 | take any part of the examination three more times during the 1-  
4007 | year period beginning upon the date she or he originally filed  
4008 | an application to take the examination. If the applicant does  
4009 | not pass the examination within that 1-year period, she or he  
4010 | must file a new application and pay the application and  
4011 | examination fees in order to take the examination or a part of  
4012 | the examination again. However, the applicant may not file a new  
4013 | application sooner than 6 months after the date of her or his  
4014 | last examination. An applicant who passes the examination but  
4015 | does not meet the remaining qualifications as provided in  
4016 | applicable statutes and rules within 1 year after the  
4017 | application date must file a new application, pay the  
4018 | application and examination fee, successfully complete a  
4019 | prescribed training course approved by the State Fire College or  
4020 | an equivalent course approved by the State Fire Marshal, and  
4021 | retake and pass the written examination.

4022 |       (3) (a) As a prerequisite to taking the examination for  
4023 | certification as a Contractor I, the applicant must be at least  
4024 | 18 years of age, be of good moral character, and possess 4  
4025 | years' proven experience in the employment of a fire protection  
4026 | system Contractor I or a combination of equivalent education and  
4027 | experience in both water-based and chemical fire suppression  
4028 | systems.

4029 |       (b) As a prerequisite to taking the examination for  
4030 | certification as a Contractor II, the applicant must be at least  
4031 | 18 years of age, be of good moral character, and have 4 years of  
4032 | verifiable employment experience with a fire protection system



4033 as a Contractor I or Contractor II, or a combination of  
4034 equivalent education and experience in water-based fire  
4035 suppression systems.

4036 (c) Required education and experience for certification as  
4037 a Contractor I, Contractor II, Contractor III, or Contractor IV  
4038 includes training and experience in both installation and system  
4039 layout as defined in s. 633.102 ~~633.021~~.

4040 (d) As a prerequisite to taking the examination for  
4041 certification as a Contractor III, the applicant must be at  
4042 least 18 years of age, be of good moral character, and have 4  
4043 years of verifiable employment experience with a fire protection  
4044 system as a Contractor I or Contractor II, or a combination of  
4045 equivalent education and experience in chemical fire suppression  
4046 systems.

4047 (e) As a prerequisite to taking the examination for  
4048 certification as a Contractor IV, the applicant must be at least  
4049 18 years old, be of good moral character, be licensed as a  
4050 certified plumbing contractor under chapter 489, and  
4051 successfully complete a training program acceptable to the State  
4052 Fire Marshal of not less than 40 contact hours regarding the  
4053 applicable installation standard used by the Contractor IV as  
4054 described in NFPA 13D. The State Fire Marshal may adopt rules to  
4055 administer this subsection.

4056 (f) As a prerequisite to taking the examination for  
4057 certification as a Contractor V, the applicant must be at least  
4058 18 years old, be of good moral character, and have been licensed  
4059 as a certified underground utility and excavation contractor or  
4060 certified plumbing contractor pursuant to chapter 489, have

4061 verification by an individual who is licensed as a certified  
 4062 utility contractor or certified plumbing contractor pursuant to  
 4063 chapter 489 that the applicant has 4 years' proven experience in  
 4064 the employ of a certified underground utility and excavation  
 4065 contractor or certified plumbing contractor, or have a  
 4066 combination of education and experience equivalent to 4 years'  
 4067 proven experience in the employ of a certified underground  
 4068 utility and excavation contractor or certified plumbing  
 4069 contractor.

4070 (g) Within 30 days after the date of the examination, the  
 4071 division ~~State Fire Marshal~~ shall inform the applicant in  
 4072 writing whether she or he has qualified or not and, if the  
 4073 applicant has qualified, that she or he is eligible ~~ready~~ to be  
 4074 issued ~~issue~~ a certificate of competency, subject to compliance  
 4075 with the requirements of subsection (4).

4076 (4) As a prerequisite to issuance of a certificate, the  
 4077 division ~~State Fire Marshal~~ shall require the applicant to  
 4078 submit satisfactory evidence that she or he has obtained  
 4079 insurance providing coverage for comprehensive general liability  
 4080 for bodily injury and property damages, products liability,  
 4081 completed operations, and contractual liability. The division  
 4082 ~~State Fire Marshal~~ may adopt rules providing for the amount of  
 4083 insurance, but such amount shall not be less than \$500,000 for a  
 4084 Contractor I, Contractor II, Contractor III, or Contractor V and  
 4085 shall not be less than \$250,000 for a Contractor IV. An insurer  
 4086 that ~~which~~ provides such coverage shall notify ~~within 30 days~~  
 4087 the division ~~State Fire Marshal~~ of any material change in  
 4088 coverage or any termination, cancellation, or nonrenewal of such

4089 | coverage within 30 days of the change in coverage or  
 4090 | termination, cancellation, or nonrenewal of such coverage. An  
 4091 | insurer that ~~which~~ fails to so notify the division ~~State Fire~~  
 4092 | ~~Marshal's office~~ shall be subject to the penalties provided  
 4093 | under s. 624.4211.

4094 |         (5) Upon satisfaction of the requirements of subsections  
 4095 | (1), (2), (3), and (4), the certificate shall be issued  
 4096 | forthwith. However, no certificate shall remain in effect if,  
 4097 | after issuance, the certificateholder fails to maintain the  
 4098 | insurance coverage required by this section.

4099 |         (6) If an applicant for an original certificate, after  
 4100 | having been notified to do so, does not appear for examination  
 4101 | or does not pass the examination within 1 year from the date of  
 4102 | filing her or his application, the fee paid by the applicant  
 4103 | shall be forfeited. New applications for a certificate shall be  
 4104 | accompanied by another application fee fixed by this chapter.

4105 |         (7) The State Fire Marshal may, at any time subsequent to  
 4106 | the issuance of the certificate or its renewal, require, upon  
 4107 | demand and in no event more than 30 days after notice of the  
 4108 | demand, the certificateholder to provide proof of insurance  
 4109 | coverage on a form provided by the State Fire Marshal containing  
 4110 | confirmation of insurance coverage as required by this chapter.  
 4111 | Failure to provide proof of insurance coverage as required, for  
 4112 | any length of time, shall result in the immediate suspension of  
 4113 | the certificate until proof of insurance is provided to the  
 4114 | State Fire Marshal.

4115 |         (8) An individual employed by a Contractor I or Contractor  
 4116 | II certificateholder, as established in this section, who will

4117 | be inspecting water-based fire protection systems as required  
4118 | under s. 633.312 ~~633.082~~, must be issued a permit by the  
4119 | division ~~State Fire Marshal~~ to conduct such work. The permit is  
4120 | valid solely for use by the holder thereof in his or her  
4121 | employment by the certificateholder named in the permit. A  
4122 | permittee must have a valid and subsisting permit upon his or  
4123 | her person at all times while engaging in inspecting fire  
4124 | protection systems, and a permitholder must be able to produce  
4125 | such a permit upon demand. In addition, a permittee shall, at  
4126 | all times while performing inspections, carry an identification  
4127 | card containing his or her photograph and other identifying  
4128 | information as prescribed by the State Fire Marshal, and the  
4129 | permittee must produce the identification card and information  
4130 | upon demand. The permit and the identification may be one and  
4131 | the same. A permittee is limited as to the specific type of work  
4132 | performed, depending upon the class of certificate held by the  
4133 | certificateholder under whom the permittee is working. The  
4134 | permit class shall be known as a Water-Based Fire Protection  
4135 | Inspector whose permit allows the holder to inspect water  
4136 | sprinkler systems, water spray systems, foam-water sprinkler  
4137 | systems, foam-water spray systems, standpipes, combination  
4138 | standpipes and sprinkler systems, all piping that is an integral  
4139 | part of the system beginning at the point where the piping is  
4140 | used exclusively for fire protection, sprinkler tank heaters,  
4141 | air lines, thermal systems used in connection with sprinklers,  
4142 | and tanks and pumps connected thereto, excluding preengineered  
4143 | systems.

4144 | (9) It is the intent of the Legislature that the

4145 inspections and testing of automatic fire sprinkler systems for  
4146 detached one-family dwellings, detached two-family dwellings,  
4147 and mobile homes be accomplished by the owner, who is  
4148 responsible for requesting service from a contractor when  
4149 necessary. It is further intended that the NFPA-25 inspection of  
4150 exposed underground piping and any attached appurtenances  
4151 supplying a fire protection system be conducted by a Contractor  
4152 I or Contractor II.

4153 (10) The State Fire Marshal shall require the National  
4154 Institute of Certification in Engineering Technologies (NICET),  
4155 Sub-field of Inspection and Testing of Fire Protection Systems  
4156 Level II or equivalent training and education as determined by  
4157 the division as proof that the permitholders are knowledgeable  
4158 about nationally accepted standards for the inspection of fire  
4159 protection systems.

4160 (11) It is intended that a certificateholder, or a  
4161 permitholder who is employed by a certificateholder, conduct  
4162 inspections required by this chapter. It is understood that  
4163 after July 1, 2008, employee turnover may result in a depletion  
4164 of personnel who are certified under the NICET Sub-field of  
4165 Inspection and Testing of Fire Protection Systems Level II or  
4166 equivalent training and education as required by the division ~~of~~  
4167 ~~State Fire Marshal~~. A certificateholder may obtain a provisional  
4168 permit with an endorsement for inspection, testing, and  
4169 maintenance of water-based fire extinguishing systems for an  
4170 employee if the employee has initiated procedures for obtaining  
4171 Level II certification from the National Institute for  
4172 Certification in Engineering Technologies Sub-field of

4173 Inspection and Testing of Fire Protection Systems and achieved  
 4174 Level I certification or an equivalent level as determined by  
 4175 the State Fire Marshal through verification of experience,  
 4176 training, and examination. The division ~~State Fire Marshal~~ may  
 4177 establish rules to administer this subsection. After 2 years of  
 4178 provisional certification, the employee must have achieved NICET  
 4179 Level II certification or obtain equivalent training and  
 4180 education as determined by the division, or cease performing  
 4181 inspections requiring Level II certification. The provisional  
 4182 permit is valid only for the 2 calendar years after the date of  
 4183 issuance, may not be extended, and is not renewable. After the  
 4184 initial 2-year provisional permit expires, the certificateholder  
 4185 must wait 2 additional years before a new provisional permit may  
 4186 be issued. The intent is to prohibit the certificateholder from  
 4187 using employees who never reach NICET Level II status, or  
 4188 equivalent training and education as determined by the division,  
 4189 by continuously obtaining provisional permits.

4190 Section 43. Section 633.551, Florida Statutes, is  
 4191 transferred and renumbered as section 633.322, Florida Statutes,  
 4192 and subsections (1), (2), and (3) of that section are amended,  
 4193 to read:

4194 633.322 ~~633.551~~ County and municipal powers; effect of ch.  
 4195 75-240.—

4196 (1) Nothing in this chapter ~~act~~ limits the power of a  
 4197 municipality, ~~or county,~~ or special district to regulate the  
 4198 quality and character of work performed by contractors through a  
 4199 system of permits, fees, and inspections which are designed to  
 4200 secure compliance with, and aid in the implementation of, state

4201 and local building laws or to enforce other local laws for the  
 4202 protection of the public health and safety.

4203 (2) Nothing in this chapter ~~act~~ limits the power of a  
 4204 municipality, ~~or county,~~ or special district to adopt any system  
 4205 of permits requiring submission to and approval by the  
 4206 municipality, ~~or county,~~ or special district of plans and  
 4207 specifications for work to be performed by contractors before  
 4208 commencement of the work, except that no municipality or county  
 4209 shall require a fire protection system contractor's shop  
 4210 drawings to be sealed by a professional engineer.

4211 (3) Any official authorized to issue building or other  
 4212 related permits shall ascertain that the applicant contractor is  
 4213 duly certified before issuing the permit. The evidence shall  
 4214 consist only of the exhibition to him or her of ~~current~~ evidence  
 4215 of current certification.

4216 (4) The State Fire Marshal shall inform each county and  
 4217 municipal building department, prior to November 1 of each year,  
 4218 of the names of the certified contractors and the type of  
 4219 certificate held.

4220 Section 44. Section 633.527, Florida Statutes, is  
 4221 transferred and renumbered as section 633.324, Florida Statutes.

4222 Section 45. Section 633.531, Florida Statutes, is  
 4223 transferred and renumbered as section 633.326, Florida Statutes.

4224 Section 46. Section 633.534, Florida Statutes, is  
 4225 transferred and renumbered as section 633.328, Florida Statutes,  
 4226 and subsection (4) of that section is amended, to read:

4227 633.328 ~~633.534~~ Issuance of certificate to individuals and  
 4228 business organizations.—

4229 (1) When an individual proposes to do business in her or  
4230 his own name, certifications, when granted, shall be issued only  
4231 to that individual.

4232 (2) If the applicant proposing to engage in contracting is  
4233 a business organization, such as a partnership, corporation,  
4234 business trust, or other legal entity, the application shall  
4235 state the name of the partnership and its partners, the name of  
4236 the corporation and its officers and directors, the name of the  
4237 business trust and its trustees, or the name of such other legal  
4238 entity and its members and shall furnish evidence of statutory  
4239 compliance if a fictitious name is used. Such application shall  
4240 also show that the person applying for the examination is an  
4241 employee of and is legally qualified to act for the business  
4242 organization in all matters connected with its contracting  
4243 business and that she or he has authority to supervise and will  
4244 supervise any construction undertaken by such business  
4245 organization. The certification, when issued upon application of  
4246 a business organization, shall be in the name of such business  
4247 organization, and the name of the qualifying individual or  
4248 individuals shall be noted thereon.

4249 (3) (a) At least one member or supervising employee of the  
4250 business organization as designated to the State Fire Marshal by  
4251 such organization shall be certified under this chapter in order  
4252 for the business organization to hold a current certificate as a  
4253 contractor. If any individual so certified on behalf of such  
4254 business organization ceases to be affiliated with such business  
4255 organization, she or he shall inform the State Fire Marshal as  
4256 provided in paragraph (b). A certified individual who is the



4257 sole contractor on behalf of a business organization may not  
4258 affiliate simultaneously with another business organization. In  
4259 addition, if such individual was the only certified individual  
4260 affiliated with the business organization, the business  
4261 organization shall immediately notify the State Fire Marshal of  
4262 the individual's termination and shall have a grace period of 60  
4263 days from the date of termination in which to certify another  
4264 person under the provisions of this chapter, failing which the  
4265 certification of the business organization shall expire without  
4266 further operation of law.

4267 (b) The certified individual shall also inform the State  
4268 Fire Marshal in writing when she or he proposes to engage in  
4269 contracting in her or his own name or to affiliate with another  
4270 business organization, and she or he or such new business  
4271 organization shall supply the same information to the State Fire  
4272 Marshal as is required of applicants under this chapter. Each  
4273 certified individual must pay to the department an amount equal  
4274 to the original fee for certification of a new business entity.

4275 (c) In the event of the death of a sole proprietor or in  
4276 the event that a business organization has only one  
4277 certificateholder and that person dies, the individual's estate  
4278 or personal representative or the business organization, as the  
4279 case may be, shall immediately notify the State Fire Marshal of  
4280 the individual's death and shall have a grace period of 60 days  
4281 from the date of death in which to certify another person under  
4282 the provisions of this chapter, failing which the certification  
4283 of the business organization shall expire without further  
4284 operation of law.

4285 (4) When the certified business organization makes  
4286 application for an occupational license in any municipality or  
4287 county of this state, the application shall be made with the tax  
4288 collector in the name of the business organization, and the  
4289 license, when issued, shall be issued to the business  
4290 organization upon payment of the appropriate licensing fee and  
4291 exhibition to the tax collector of a valid certificate issued by  
4292 the division ~~State Fire Marshal~~.

4293 Section 47. Section 633.537, Florida Statutes, is  
4294 transferred and renumbered as section 633.332, Florida Statutes,  
4295 and subsections (1) and (2) and paragraph (a) of subsection (3)  
4296 are amended, to read:

4297 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive  
4298 certificate; continuing education.—

4299 (1) Certificates shall expire every 2 years at midnight on  
4300 June 30. ~~Effective with the June 30, 1998, renewal,~~ All  
4301 certificates must be renewed every 2 years. The failure to renew  
4302 a certificate before ~~during~~ June 30, shall cause the certificate  
4303 to become inoperative, and it is unlawful thereafter for any  
4304 person to engage, offer to engage, or hold herself or himself  
4305 out as engaging in contracting under the certificate unless the  
4306 certificate is restored or reissued. A certificate which is  
4307 inoperative because of failure to renew shall be restored on  
4308 payment of the proper renewal fee if the application for  
4309 restoration is made within 90 days after June 30. If the  
4310 application for restoration is not made within the 90-day  
4311 period, the fee for restoration shall be equal to the original  
4312 application fee, and, in addition, the State Fire Marshal shall

4313 require examination or reexamination of the applicant.

4314 (2) A person who holds a valid certificate may maintain  
4315 such certificate in an inactive status during which time she or  
4316 he may not engage in contracting. An inactive status certificate  
4317 shall be void after a 2-year period. ~~The biennial renewal fee~~  
4318 ~~for an inactive status certificate shall be \$75.~~ An inactive  
4319 status certificate may be reactivated upon application to the  
4320 State Fire Marshal and payment of the initial application fee.

4321 (3) (a) A certificate for the Contractor I, II, and III  
4322 classifications as defined in this chapter shall not be renewed  
4323 unless the certificateholder produces documentation of at least  
4324 32 contact hours of continuing education in the fire protection  
4325 discipline during the biennial licensure period. Holders of  
4326 Contractor IV certificates are required to obtain 14 contact  
4327 hours of continuing education encompassing the appropriate  
4328 National Fire Protection Association fire sprinkler documents  
4329 prior to renewal.  Holders of Contractor V certificates are  
4330 required to obtain 14 contact hours of continuing education  
4331 prior to renewal, at least 1 hour of which is in the fire  
4332 protection discipline. Any continuing education hours approved  
4333 pursuant to chapter 489 by the Construction Industry Licensing  
4334 Board for underground utility and excavation contractors shall  
4335 be considered as also approved to comply with Contractor V  
4336 continuing education requirements. A Contractor V  
4337 certificateholder shall provide to the State Fire Marshal  
4338 evidence of approval of such coursework by the Construction  
4339 Industry Licensing Board.

4340 (b) Any continuing education hours approved by the

4341 department for a Contractor I, Contractor II, Contractor III,  
4342 Contractor IV, or Contractor V certificateholder shall be  
4343 considered as also approved to comply with continuing education  
4344 requirements for licensees under the Construction Industry  
4345 Licensing Board. Such continuing education requirements under  
4346 this section may include seminars and conferences if the program  
4347 and subject thereof is acceptable to the State Fire Marshal.

4348 (c) The contact hours of continuing education must be  
4349 obtained within the licensure period.

4350 (4) The renewal period for the permit class is the same as  
4351 that for the employing certificateholder. The continuing  
4352 education requirements for permitholders are what is required to  
4353 maintain NICET Sub-field of Inspection and Testing of Fire  
4354 Protection Systems Level II, equivalent training and education  
4355 as determined by the division, or higher certification plus 8  
4356 contact hours of continuing education approved by the State Fire  
4357 Marshal during each biennial renewal period thereafter. It is  
4358 the responsibility of the permitholder to maintain NICET II  
4359 certification or equivalent training and education as determined  
4360 by the division as a condition of permit renewal after July 1,  
4361 2008.

4362 Section 48. Section 633.539, Florida Statutes, is  
4363 transferred and renumbered as section 633.334, Florida Statutes,  
4364 and paragraph (a) of subsection (1), subsection (2), and  
4365 subsection (4) of that section are amended, to read:

4366 633.334 ~~633.539~~ Requirements for installation, inspection,  
4367 and maintenance of fire protection systems.—

4368 (1) The requirements for installation of fire protection

4369 systems are as follows:

4370 (a) Contractors of fire protection systems shall be  
4371 certified under s. 633.318 ~~633.521~~.

4372 (b) Equipment shall be listed by a nationally recognized  
4373 testing laboratory, such as Underwriters Laboratories, Inc., or  
4374 Factory Mutual Laboratories, Inc., or shall comply with  
4375 nationally accepted standards. The State Fire Marshal shall  
4376 adopt by rule procedures for determining whether a laboratory is  
4377 nationally recognized, taking into account the laboratory's  
4378 facilities, procedures, use of nationally recognized standards,  
4379 and any other criteria reasonably calculated to reach an  
4380 informed determination.

4381 (c) Equipment shall be installed in accordance with the  
4382 applicable standards of the National Fire Protection Association  
4383 and the manufacturer's specifications.

4384 (d) Each piece of equipment supplied shall be guaranteed  
4385 for a period of 1 year against defects in material or  
4386 operations.

4387 (e) The contractor shall furnish the user with operating  
4388 instructions for all equipment installed, together with a  
4389 diagram of the final installation.

4390 (2) Equipment shall be inspected, serviced, and maintained  
4391 in accordance with the manufacturer's maintenance procedures and  
4392 with applicable National Fire Protection Association standards.  
4393 The inspection of fire protection systems shall be conducted by  
4394 a certificateholder or holder of a permit issued by the division  
4395 ~~State Fire Marshal~~. The permitholder may perform inspections on  
4396 fire protection systems only while employed by the

4397 certificateholder. This section does not prohibit the authority  
4398 having jurisdiction or insurance company representatives from  
4399 reviewing the system in accordance with acceptable oversight  
4400 standards.

4401 (3) For contracts written after June 30, 2005, the  
4402 contractor who installs the underground piping from the point of  
4403 service is responsible for completing the installation to the  
4404 aboveground connection flange, which by definition in this  
4405 chapter is no more than 1 foot above the finished floor, before  
4406 completing the Contractor's Material and Test Certificate for  
4407 Underground Piping document. Aboveground contractors may not  
4408 complete the Contractor's Material and Test Certificate for  
4409 Underground Piping document for underground piping or portions  
4410 thereof which have been installed by others.

4411 (4) The Contractor V may install the cross-connection  
4412 backflow prevention device as defined in this chapter on new  
4413 installations following the engineer of record's direction on  
4414 type and size of the device. The retrofitting of a backflow  
4415 device on an existing fire protection system will cause a  
4416 reduction in available water pressure and probable system  
4417 malfunction. The development of aboveground fire protection  
4418 system hydraulic calculations is a task of the Contractor I and  
4419 II, as defined in this chapter. Accordingly, a Contractor V is  
4420 expressly prohibited from retrofitting cross-connection backflow  
4421 prevention devices on an existing fire protection system, and  
4422 only a Contractor I or Contractor II who is tasked to  
4423 recalculate the system and take corrective actions to ensure  
4424 that the system will function with the available water supply

4425 | may retroactively install these backflow devices on existing  
4426 | fire protection systems.

4427 |       Section 49. Section 633.541, Florida Statutes, is  
4428 | transferred and renumbered as section 633.336, Florida Statutes,  
4429 | and subsections (1), (3), and (4) of that section are amended,  
4430 | to read:

4431 |       633.336 ~~633.541~~ Contracting without certificate  
4432 | prohibited; violations; penalty.—

4433 |       (1) It is unlawful for any organization or individual to  
4434 | engage in the business of layout, fabrication, installation,  
4435 | inspection, alteration, repair, or service of a fire protection  
4436 | system, other than a preengineered system, act in the capacity  
4437 | of a fire protection contractor, or advertise itself as being a  
4438 | fire protection contractor without having been duly certified  
4439 | and holding a valid and existing certificate, except as  
4440 | hereinafter provided. The holder of a certificate used to  
4441 | qualify an organization must be a full-time employee of the  
4442 | qualified organization or business. A certificateholder who is  
4443 | employed by more than one fire protection contractor during the  
4444 | same period of time is deemed not to be a full-time employee of  
4445 | either contractor. The State Fire Marshal shall revoke, for a  
4446 | period of time determined by the State Fire Marshal, the  
4447 | certificate of a certificateholder who allows the use of the  
4448 | certificate to qualify a company of which the certificateholder  
4449 | is not a full-time employee. A contractor who maintains more  
4450 | than one place of business must employ a certificateholder at  
4451 | each location. Nothing in this subsection prohibits an employee  
4452 | acting on behalf of governmental entities from inspecting and

4453 enforcing firesafety codes, provided such employee is certified  
4454 under s. 633.216 ~~633.081~~.

4455 (2) A fire protection contractor certified under this  
4456 chapter may not:

4457 (a) Enter into a written or oral agreement to authorize,  
4458 or otherwise knowingly allow, a contractor who is not certified  
4459 under this chapter to engage in the business of, or act in the  
4460 capacity of, a fire protection contractor.

4461 (b) Apply for or obtain a construction permit for fire  
4462 protection work unless the fire protection contractor or the  
4463 business organization qualified by the fire protection  
4464 contractor has contracted to conduct the work specified in the  
4465 application for the permit.

4466 (3) Any person who violates any provision of this act or  
4467 commits any of the acts constituting cause for disciplinary  
4468 action as herein set forth commits ~~is guilty of~~ a misdemeanor of  
4469 the second degree, punishable as provided in s. 775.082 or s.  
4470 775.083.

4471 (4) In addition to the penalties provided in subsection  
4472 (3), a fire protection contractor certified under this chapter  
4473 who violates any provision of this section or who commits any  
4474 act constituting cause for disciplinary action is subject to  
4475 suspension or revocation of the certificate and administrative  
4476 fines pursuant to s. 633.338 ~~633.547~~.

4477 Section 50. Section 633.547, Florida Statutes, is  
4478 transferred and renumbered as section 633.338, Florida Statutes,  
4479 and paragraphs (d) and (h) of subsection (2) and subsections (3)  
4480 and (4) of that section are amended, to read:



4481            633.338 ~~633.547~~ Disciplinary action; fire protection  
 4482 system contractors; grounds for denial, nonrenewal, suspension,  
 4483 or revocation of certificate or permit.—

4484            (1) The State Fire Marshal shall investigate the alleged  
 4485 illegal action of any fire protection system contractor or  
 4486 permittee certified under this chapter and hold hearings  
 4487 pursuant to chapter 120.

4488            (2) The following acts constitute cause for disciplinary  
 4489 action:

4490            (a) Violation of any provision of this chapter or of any  
 4491 rule adopted pursuant thereto.

4492            (b) Violation of the applicable building codes or laws of  
 4493 this state or any municipality or county thereof.

4494            (c) Diversion of funds or property received for  
 4495 prosecution or completion of a specified construction project or  
 4496 operation when, as a result of the diversion, the contractor is,  
 4497 or will be, unable to fulfill the terms of her or his obligation  
 4498 or contract.

4499            (d) Disciplinary action by any municipality, ~~or~~ county, or  
 4500 special district, which action shall be reviewed by the State  
 4501 Fire Marshal before taking any disciplinary action.

4502            (e) Failure to supervise the installation of the fire  
 4503 protection system covered by the building permit signed by the  
 4504 contractor.

4505            (f) Rendering a fire protection system, standpipe system,  
 4506 or underground water supply main connecting to the system  
 4507 inoperative except when the fire protection system, standpipe  
 4508 system, or underground water supply main is being inspected,

4509 serviced, tested, or repaired, or except pursuant to court  
 4510 order.

4511 (g) Improperly servicing, repairing, testing, or  
 4512 inspecting a fire protection, standpipe system, or underground  
 4513 water supply main connecting to the system.

4514 (h) Failing to provide proof of insurance to the State  
 4515 Fire Marshal or failing to maintain in force the insurance  
 4516 coverage required by s. 633.318 ~~633.521~~.

4517 (i) Failing to obtain, retain, or maintain one or more of  
 4518 the qualifications for a certificate as specified in this  
 4519 chapter.

4520 (j) Making a material misstatement, misrepresentation, or  
 4521 committing a fraud in obtaining or attempting to obtain a  
 4522 certificate.

4523 (k) Failing to notify the State Fire Marshal, in writing,  
 4524 within 30 days after a change of residence address, principal  
 4525 business address, or name.

4526 (3) The State Fire Marshal ~~is authorized to take the~~  
 4527 ~~following disciplinary action:~~

4528 ~~(a) She or he may suspend the contractor's certificate~~  
 4529 ~~certificateholder for a period not to exceed 2 years. During~~  
 4530 ~~that period, the contractor must cease all operations as a~~  
 4531 ~~contractor, but the State Fire Marshal may authorize the~~  
 4532 ~~certificateholder from all operations as a contractor during the~~  
 4533 ~~period fixed by the State Fire Marshal, but she or he may permit~~  
 4534 ~~the certificateholder to complete any contracts then incomplete.~~

4535 ~~(b) She or he may revoke a certificate for a period not to~~  
 4536 ~~exceed 5 years.~~

4537 (4) During the suspension or revocation of the  
4538 certificate, the former certificateholder shall not engage in or  
4539 attempt ~~to profess~~ to engage in any transaction or business for  
4540 which a certificate is required under this chapter or directly  
4541 or indirectly own, control, or be employed in any manner by any  
4542 firm or corporation for which a certificate under this chapter  
4543 is required. The department shall not, so long as the revocation  
4544 or suspension remains in effect, grant any new certificate for  
4545 the establishment of any new firm, business, or corporation of  
4546 any person that has or will have the same or similar management,  
4547 ownership, control, or employees or that will use a same or  
4548 similar name as a previously revoked or suspended firm,  
4549 business, or corporation.

4550 (5) The State Fire Marshal may deny, suspend, or revoke  
4551 the certificate of:

4552 (a) Any person, firm, or corporation the certificate of  
4553 which under this chapter has been suspended or revoked.

4554 (b) Any firm or corporation if an officer, director,  
4555 stockholder, owner, or person interested directly or indirectly  
4556 has had his or her certificate under this chapter suspended or  
4557 revoked.

4558 (c) Any person who is or has been an officer, director,  
4559 stockholder, or owner of a firm or corporation, or who was  
4560 interested directly or indirectly in a corporation, the  
4561 certificate of which has been suspended or revoked under this  
4562 chapter.

4563 (6) The lapse or suspension of a certificate by operation  
4564 of law or by order of the State Fire Marshal or a court or its

4565 | voluntary surrender by a certificateholder does not deprive the  
 4566 | State Fire Marshal of jurisdiction to investigate or act in  
 4567 | disciplinary proceedings against the certificateholder.

4568 |         (7) The filing of a petition in bankruptcy, either  
 4569 | voluntary or involuntary, or the making of a composition of  
 4570 | creditors or the appointment of a receiver for the business of  
 4571 | the certificateholder may be considered by the State Fire  
 4572 | Marshal as just cause for suspension of a certificate.

4573 |         Section 51. Section 633.549, Florida Statutes, is  
 4574 | transferred and renumbered as section 633.342, Florida Statutes,  
 4575 | and amended to read:

4576 |         633.342 ~~633.549~~ Violations subject to injunction.—Any  
 4577 | person who operates as a contractor without a current  
 4578 | certificate or who violates any part of this chapter or any  
 4579 | rule, decision, order, direction, demand, or requirement of the  
 4580 | State Fire Marshal in relation thereto, or any part or provision  
 4581 | thereof, may be enjoined by the courts of the state from any  
 4582 | such violation or such unauthorized or unlawful contracting at  
 4583 | the request ~~instance~~ of the State Fire Marshal, the board, or  
 4584 | any citizen or taxpayer of the state.

4585 |         Section 52. Section 633.554, Florida Statutes, is  
 4586 | transferred and renumbered as section 633.344, Florida Statutes.

4587 |         Section 53. Section 633.70, Florida Statutes, is  
 4588 | transferred and renumbered as section 633.346, Florida Statutes,  
 4589 | and subsection (1) of that section is amended, to read:

4590 |         633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over  
 4591 | alarm system contractors and certified unlimited electrical  
 4592 | contractors.—

4593 (1) When the State Fire Marshal, in the course of its  
4594 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that  
4595 an alarm system contractor or a certified unlimited electrical  
4596 contractor working with an alarm system has violated any  
4597 provision of this chapter or the rules of the State Fire  
4598 Marshal, the State Fire Marshal shall have jurisdiction,  
4599 notwithstanding any other provision of this chapter, to order  
4600 corrective action by the alarm system contractor or the  
4601 certified unlimited electrical contractor to bring the alarm  
4602 system into compliance with applicable standards set forth in  
4603 this chapter and the rules of the State Fire Marshal.

4604 (2) Any order issued by the State Fire Marshal shall  
4605 comply with the provisions of chapter 120 and allow a reasonable  
4606 time for corrective action to be completed.

4607 (3) The Department of Business and Professional Regulation  
4608 and the Electrical Contractors' Licensing Board may participate,  
4609 at their discretion, but not as a party, in any proceedings  
4610 relating to corrective action.

4611 (4) The State Fire Marshal shall adopt standards, by rule,  
4612 for the installation, maintenance, alteration, repair,  
4613 monitoring, inspection, replacement, or servicing of fire alarms  
4614 and fire alarm systems.

4615 Section 54. Section 633.701, Florida Statutes, is  
4616 transferred and renumbered as section 633.348, Florida Statutes.

4617 Section 55. Section 633.702, Florida Statutes, is  
4618 transferred and renumbered as section 633.3482, Florida  
4619 Statutes, and subsection (2) and paragraph (c) of subsection (3)  
4620 of that section are amended, to read:

4621 633.3482 ~~633.702~~ Prohibited acts regarding alarm system  
 4622 contractors or certified unlimited electrical contractors;  
 4623 penalties.—

4624 (1) It shall be unlawful for any person, directly or  
 4625 through an agent, to sell, offer for sale, or give any make,  
 4626 type, or model of fire alarm system, either new or used, unless  
 4627 such make, type, or model has been tested and is currently  
 4628 approved or listed by a nationally recognized testing  
 4629 laboratory.

4630 (2) Any person who violates this section commits ~~is guilty~~  
 4631 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
 4632 s. 775.082 or s. 775.083.

4633 (3) It is a misdemeanor of the first degree, punishable as  
 4634 provided in s. 775.082 or s. 775.083, for any fire alarm system  
 4635 contractor or certified unlimited electrical contractor to  
 4636 intentionally or willfully:

4637 (a) Render inoperative any fire alarm system which is  
 4638 required by the State Fire Marshal's rules, except when the  
 4639 system is being serviced, tested, repaired, inspected, or  
 4640 improved.

4641 (b) Improperly install, service, test, repair, improve, or  
 4642 inspect a fire alarm system.

4643 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~  
 4644 with any person by allowing one's certificate to be used by any  
 4645 uncertified person with intent to evade the provisions of this  
 4646 act. When a licensee allows his or her license to be used by one  
 4647 or more companies without having any active participation in the  
 4648 operation or management of said companies, such act constitutes

4649 prima facie evidence of any intent to evade the provisions of  
4650 this chapter ~~act~~.

4651 (4) It is a misdemeanor of the first degree, punishable as  
4652 provided in s. 775.082 or s. 775.083, for any person to  
4653 intentionally or willfully install, service, test, repair,  
4654 improve, or inspect a fire alarm system unless:

4655 (a) The person is the holder of a valid and current active  
4656 license as a certified unlimited electrical contractor, as  
4657 defined in part II of chapter 489;

4658 (b) The person is the holder of a valid and current active  
4659 license as a licensed fire alarm contractor, as defined in part  
4660 II of chapter 489;

4661 (c) The person is authorized to act as a fire alarm system  
4662 agent pursuant to s. 489.5185; or

4663 (d) The person is exempt pursuant to s. 489.503.

4664 Section 56. Part IV of chapter 633, Florida Statutes,  
4665 consisting of sections 633.402, 633.404, 633.406, 633.408,  
4666 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,  
4667 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,  
4668 and 633.446, is created and entitled "Fire Standards and  
4669 Training."

4670 Section 57. Section 633.31, Florida Statutes, is  
4671 transferred and renumbered as subsections (1), (2), (3), and (4)  
4672 of section 633.402, Florida Statutes, and subsection (1) of that  
4673 section is amended, section 633.32, Florida Statutes, is  
4674 transferred and renumbered as subsections (5), (6), (7), and (8)  
4675 of that section, and section 633.33, Florida Statutes, is  
4676 transferred and renumbered as subsection (9) of that section and

4677 amended, to read:

4678 633.402 ~~633.31~~ Firefighters Employment, Standards, and  
 4679 Training Council.—

4680 (1) There is created within the department a Firefighters  
 4681 Employment, Standards, and Training Council of 13 members.

4682 (a) The members shall be appointed as follows:

4683 1. Two members shall be fire chiefs appointed by the  
 4684 Florida Fire Chiefs Association.

4685 2. Two members shall be firefighters, who are not  
 4686 officers, appointed by the Florida Professional Firefighters  
 4687 Association.

4688 3. Two members shall be firefighter officers, who are not  
 4689 fire chiefs, appointed by the State Fire Marshal.

4690 4. One individual member appointed by the Florida League  
 4691 of Cities.

4692 5. One individual member appointed by the Florida  
 4693 Association of Counties.

4694 6. One individual member appointed by the Florida  
 4695 Association of Special Districts.

4696 7. One individual member appointed by the Florida Fire  
 4697 Marshals' and Inspectors' ~~Marshal's~~ Association.

4698 8. One employee of the Florida Forest Service of the  
 4699 Department of Agriculture and Consumer Services appointed by the  
 4700 director of the Florida Forest Service.

4701 9. One individual member appointed by the State Fire  
 4702 Marshal.

4703 10. One member shall be a director or instructor of a  
 4704 state-certified firefighting training facility appointed by the



4705 State Fire Marshal.

4706       **(b)** To be eligible for appointment as a member under  
4707 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph  
4708 8., or subparagraph 10. ~~fire chief member, firefighter officer~~  
4709 ~~member, firefighter member, or a director or instructor of a~~  
4710 ~~state-certified firefighting facility,~~ a person must ~~shall~~ have  
4711 had at least 4 years' experience in the firefighting profession.  
4712 The remaining member, who shall be appointed by the State Fire  
4713 Marshal, shall not be a member or representative of the  
4714 firefighting profession or of any local government. Members  
4715 shall serve only as long as they continue to meet the criteria  
4716 under which they were appointed, or unless a member has failed  
4717 to appear at three consecutive and properly noticed meetings  
4718 unless excused by the chair.

4719       (2) Members shall be appointed for 4-year terms and in no  
4720 event shall a member serve more than two consecutive terms. Any  
4721 vacancy shall be filled in the manner of the original  
4722 appointment for the remaining time of the term.

4723       (3) The State Fire Marshal, in making her or his  
4724 appointments, shall take into consideration representation by  
4725 geography, population, and other relevant factors, in order that  
4726 the membership on the council will be apportioned to give  
4727 representation to the state at large rather than to a particular  
4728 area.

4729       (4) Membership on the council shall not disqualify a  
4730 member from holding any other public office or being employed by  
4731 a public entity, except that no member of the Legislature shall  
4732 serve on the council.

4733 ~~633.32 Organization; meetings; quorum; compensation;~~  
 4734 ~~seal.~~

4735 (5)~~(1)~~ The council shall elect to 1-year terms a chair and  
 4736 a vice chair. No person shall serve more than two consecutive  
 4737 terms in either office.

4738 (6)~~(2)~~ The council shall meet at the call of the chair, at  
 4739 the request of a majority of its membership, at the request of  
 4740 the department, or at such times as may be prescribed by its  
 4741 rules, and a majority of the council shall constitute a quorum.

4742 (7)~~(3)~~ Members of the council shall serve without  
 4743 compensation but shall be entitled to be reimbursed for per diem  
 4744 and travel expenses as provided by s. 112.061.

4745 (8)~~(4)~~ The council may adopt a seal for its use containing  
 4746 the words "Firefighters Employment, Standards, and Training  
 4747 Council."

4748 ~~633.33 Special powers; firefighter training.~~

4749 (9) The council shall have special powers in connection  
 4750 with the employment and training of firefighters to:

4751 (a)~~(1)~~ Recommend, for adoption by the division, uniform  
 4752 minimum standards for the employment and training of  
 4753 firefighters and training of volunteer firefighters.

4754 (b)~~(2)~~ Recommend, for adoption by the division, minimum  
 4755 curriculum requirements for schools operated by or for any fire  
 4756 service provider ~~employing agency~~ for the specific purpose of  
 4757 training firefighter trainees, ~~recruits or~~ firefighters, and  
 4758 volunteer firefighters.

4759 (c)~~(3)~~ Recommend, for adoption by the division, on matters  
 4760 relating to the funding, general operation, and administration

4761 of the Bureau of Fire Standards and Training (Florida State Fire  
4762 College), including, but not limited to, all standards,  
4763 training, curriculum, and the issuance of any certificate of  
4764 competency required by this chapter.

4765 ~~(4) Consult and cooperate with any employing agency,~~  
4766 ~~university, college, community college, the Florida State Fire~~  
4767 ~~College, or other educational institution concerning the~~  
4768 ~~employment and safety of firefighters, including, but not~~  
4769 ~~limited to, the safety of firefighters while at the scene of a~~  
4770 ~~fire or the scene of an incident related to the provision of~~  
4771 ~~emergency services to which a firefighter responds, and the~~  
4772 ~~development of firefighter training schools and programs of~~  
4773 ~~courses of instruction, including, but not limited to, education~~  
4774 ~~and training in the areas of firefighter employment, fire~~  
4775 ~~science, fire technology, fire administration, and all allied~~  
4776 ~~and supporting fields.~~

4777 (d)~~(5)~~ Make or support studies on any aspect of  
4778 firefighting employment, education, and training or recruitment.

4779 (e)~~(6)~~ Make recommendations concerning any matter within  
4780 its purview pursuant to this section ~~act~~.

4781 Section 58. Section 633.42, Florida Statutes, is  
4782 transferred and renumbered as 633.404, Florida Statutes, and  
4783 amended to read:

4784 633.404 ~~633.42~~ Additional standards authorized.—Nothing  
4785 herein shall be construed to preclude an fire service provider  
4786 ~~employing agency~~ from establishing qualifications and standards  
4787 for hiring, training, or promoting firefighters that exceed the  
4788 minimum set by the division ~~department~~.

4789 Section 59. Section 633.406, Florida Statutes, is created  
 4790 to read:

4791 633.406 Classes of certification.—

4792 (1) The division may award one or more of the following  
 4793 certificates:

4794 (a) Firefighter Certificate of Compliance.—A Firefighter  
 4795 Certificate of Compliance may be awarded to a person who meets  
 4796 the requirements established in s. 633.408(4).

4797 (b) Fire Safety Inspector Certificate of Compliance.—A  
 4798 Fire Safety Inspector Certificate of Compliance may be awarded  
 4799 to a person who meets the requirements established in s.  
 4800 633.216(2).

4801 (c) Special Certificate of Compliance.—A Special  
 4802 Certificate of Compliance may be awarded to a person who  
 4803 qualifies under s. 633.408(6).

4804 (d) Forestry Certificate of Compliance.—A Forestry  
 4805 Certificate of Compliance may be awarded to a person who has  
 4806 satisfactorily complied with a training program and successfully  
 4807 passed an examination as prescribed by rule, and who possesses  
 4808 the qualifications established in s. 590.02(1)(e).

4809 (e) Fire Service Instructor Certificate.—A Fire Service  
 4810 Instructor Certificate may be awarded to a person who  
 4811 demonstrates general or specialized knowledge, skills, and  
 4812 abilities in firefighting service and meets the qualification  
 4813 requirements prescribed by rule.

4814 (f) Certificate of Competency.—A Certificate of Competency  
 4815 may be awarded to a person who meets the experience, training,  
 4816 advanced education, or examination requirements as prescribed by

4817 rule, and are especially qualified for particular aspects of  
 4818 firefighting service.

4819 (g) Volunteer Firefighter Certificate of Completion.—A  
 4820 Volunteer Firefighter Certificate of Completion may be awarded  
 4821 to a person who has satisfactorily completed the training  
 4822 requirements as prescribed by rule for a volunteer firefighter.

4823 (2) The division may establish by rule certificates, in  
 4824 addition to those provided in subsection (1), that the division  
 4825 may award in recognition of special training or education  
 4826 received by an individual, which authorizes that individual to  
 4827 perform specialized firefighting services or provide specialized  
 4828 firefighting instruction, such as hazardous materials and urban  
 4829 search and rescue.

4830 Section 60. Section 633.35, Florida Statutes, is  
 4831 transferred and renumbered as subsections (1) and (2), paragraph  
 4832 (a) of subsection (3), and subsections (4), (5), (6), (7), and  
 4833 (8) of section 633.408, Florida Statutes, and amended, and  
 4834 section 633.37, Florida Statutes, is transferred and renumbered  
 4835 as paragraph (b) of subsection (3) of that section, and amended,  
 4836 to read:

4837 633.408 ~~633.35~~ Firefighter and volunteer firefighter  
 4838 training and certification.—

4839 (1) The division shall establish by rule:

4840 (a) A Minimum Standards Course and course examination to  
 4841 provide the training required to obtain a Firefighter  
 4842 Certificate of Compliance;

4843 (b) Courses and course examinations to provide training  
 4844 required to obtain a Volunteer Firefighter Certificate of

4845 Completion or a Special Certificate of Compliance; and  
 4846 (c) Courses to provide continuing training for  
 4847 firefighters and volunteer firefighters.  
 4848 (2) Courses under subsection (1) may only be administered  
 4849 by education or training providers approved by the division  
 4850 pursuant to s. 633.128(1)(c) and taught by instructors certified  
 4851 pursuant to s. 633.128(1)(d) a firefighter training program of  
 4852 not less than 360 hours, administered by such agencies and  
 4853 institutions as it approves for the purpose of providing basic  
 4854 employment training for firefighters.  
 4855 (3) (a) Nothing herein shall require a fire service  
 4856 provider public employer to pay the cost of such training.  
 4857 ~~633.37 Payment of tuition by employing agency.~~  
 4858 (b) A fire service provider ~~An employing agency~~ is  
 4859 authorized to pay part or all of the costs of tuition for ~~of~~  
 4860 ~~trainees in attendance at approved~~ courses ~~training programs.~~  
 4861 (4) (2) The division shall issue a firefighter certificate  
 4862 of compliance to any individual who:  
 4863 (a) person Satisfactorily completes ~~complying with the~~  
 4864 Minimum Standards Course or who has satisfactorily completed  
 4865 training for firefighters in another state which has been  
 4866 determined by the division to be at least the equivalent of the  
 4867 training required for the Minimum Standards Course;  
 4868 (b) Passes the minimum standards course examination;  
 4869 ~~training program established in subsection (1), who has~~  
 4870 ~~successfully passed an examination as prescribed by the~~  
 4871 ~~division, and~~  
 4872 (c) who Possesses the qualifications for employment in s.

4873 | 633.412 ~~633.34, except s. 633.34(5).~~

4874 |       (5) The division shall issue a Volunteer Firefighter  
4875 | Certificate of Completion to any individual who satisfactorily  
4876 | completes the course established under paragraph (1)(b). ~~No~~  
4877 | ~~person may be employed as a regular or permanent firefighter by~~  
4878 | ~~an employing agency, or by a private entity under contract with~~  
4879 | ~~the state or any political subdivision of the state, including~~  
4880 | ~~authorities and special districts, for a period of time in~~  
4881 | ~~excess of 1 year from the date of initial employment until he or~~  
4882 | ~~she has obtained such certificate of compliance. A person who~~  
4883 | ~~does not hold a certificate of compliance and is employed under~~  
4884 | ~~this section may not directly engage in hazardous operations,~~  
4885 | ~~such as interior structural firefighting and hazardous-~~  
4886 | ~~materials-incident mitigation, requiring the knowledge and~~  
4887 | ~~skills taught in a training program established in subsection~~  
4888 | ~~(1). However, a person who has served as a volunteer firefighter~~  
4889 | ~~with the state or any political subdivision of the state,~~  
4890 | ~~including authorities and special districts, who is then~~  
4891 | ~~employed as a regular or permanent firefighter may function,~~  
4892 | ~~during this period, in the same capacity in which he or she~~  
4893 | ~~acted as a volunteer firefighter, provided that he or she has~~  
4894 | ~~completed all training required by the volunteer organization.~~

4895 |       ~~(3) The division may issue a certificate to any person who~~  
4896 | ~~has received basic employment training for firefighters in~~  
4897 | ~~another state when the division has determined that such~~  
4898 | ~~training was at least equivalent to that required by the~~  
4899 | ~~division for approved firefighter education and training~~  
4900 | ~~programs in this state and when such person has satisfactorily~~

4901 ~~complied with all other requirements of this section.~~

4902       (6) (a) The division may ~~also~~ issue a Special Certificate

4903 of Compliance to an individual a person who:

4904           1. Satisfactorily completes the course established in

4905 subsection (1) (b) to obtain a Special Certificate of Compliance;

4906           2. Passes the examination established in subsection

4907 (1) (b), to obtain a Special Certificate of Compliance; and

4908           3. Possesses the qualifications in s. 633.412 ~~is otherwise~~

4909 ~~qualified under this section and who is employed as the~~

4910 ~~administrative and command head of a fire/rescue/emergency~~

4911 ~~services organization, based on the acknowledgment that such~~

4912 ~~person is less likely to need physical dexterity and more likely~~

4913 ~~to need advanced knowledge of firefighting and supervisory~~

4914 ~~skills.~~

4915       (b) ~~A special~~ The certificate of compliance ~~is valid~~ only

4916 authorizes an individual to serve ~~while the person is serving in~~

4917 ~~a position~~ as an administrative and command head of a fire

4918 service provider ~~fire/rescue/emergency services organization.~~

4919       (7) (4) ~~An individual~~ A person who fails an examination

4920 given under this section may retake the examination once within

4921 6 months after the original examination date. If the individual

4922 ~~An applicant who~~ does not retake the examination or fails the

4923 reexamination within such time, the individual must take the

4924 Minimum Standards Course for a Firefighter Certificate of

4925 Compliance or the course established under subsection (1) (b) for

4926 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~

4927 before being reexamined. The division may grant an extension of

4928 the 6-month period based upon documented medical necessity and



4929 | may establish reasonable preregistration deadlines for ~~such~~  
 4930 | reexaminations.

4931 | ~~(8)-(5)~~ Pursuant to s. 590.02(1)(e), the division shall  
 4932 | establish a structural fire training program of not less than  
 4933 | 206 ~~40~~ hours. The division shall issue to any person  
 4934 | satisfactorily complying with this training program and who has  
 4935 | successfully passed an examination as prescribed by the division  
 4936 | and who has met the requirements of s. 590.02(1)(e), a Forestry  
 4937 | Certificate of Compliance ~~Certificate of Forestry Firefighter~~.

4938 | ~~(6)~~ An individual who holds a current and valid Forestry  
 4939 | Certificate of Compliance ~~A certified forestry firefighter~~ is  
 4940 | entitled to the same rights, privileges, and benefits provided  
 4941 | for by law as a ~~certified~~ firefighter.

4942 | Section 61. Section 633.34, Florida Statutes, is  
 4943 | transferred, renumbered as section 633.412, Florida Statutes,  
 4944 | and amended to read:

4945 | 633.412 ~~633.34~~ Firefighters; qualifications for  
 4946 | certification employment.--

4947 | (1) Any person applying for certification employment as a  
 4948 | firefighter must:

4949 | (a)-(1) Be a high school graduate or the equivalent, as the  
 4950 | term may be determined by the division, and at least 18 years of  
 4951 | age.

4952 | (b)-(2) ~~Not~~ Neither have been convicted of a misdemeanor  
 4953 | relating to the certification or to perjury or false statements,  
 4954 | or a felony or a crime punishable by imprisonment of 1 year or  
 4955 | more under the law of the United States or of any state thereof  
 4956 | or under the law of any other country, or dishonorably

4957 discharged from any of the Armed Forces of the United States.  
 4958 "Convicted" means a finding of guilt or the acceptance of a plea  
 4959 of guilty or nolo contendere, in any federal or state court or a  
 4960 court in any other country, without regard to whether a judgment  
 4961 of conviction has been entered by the court having jurisdiction  
 4962 of the case. ~~felony or of a misdemeanor directly related to the~~  
 4963 ~~position of employment sought, nor have pled nolo contendere to~~  
 4964 ~~any charge of a felony. If an applicant has been convicted of a~~  
 4965 ~~felony, such applicant must be in compliance with s.~~  
 4966 ~~112.011(2) (b). If an applicant has been convicted of a~~  
 4967 ~~misdemeanor directly related to the position of employment~~  
 4968 ~~sought, such applicant shall be excluded from employment for a~~  
 4969 ~~period of 4 years after expiration of sentence. If the sentence~~  
 4970 ~~is suspended or adjudication is withheld in a felony charge or~~  
 4971 ~~in a misdemeanor directly related to the position or employment~~  
 4972 ~~sought and a period of probation is imposed, the applicant must~~  
 4973 ~~have been released from probation.~~

4974 (c) (3) Submit fingerprints a ~~fingerpr~~int card to the  
 4975 division with a current processing fee. The fingerprints  
 4976 ~~fingerpr~~int card will be forwarded to the Department of Law  
 4977 Enforcement for state processing, and forwarded by the  
 4978 Department of Law Enforcement to and/or the Federal Bureau of  
 4979 Investigation for national processing.

4980 (d) (4) Have a good moral character as determined by  
 4981 investigation under procedure established by the division.

4982 (e) (5) Be in good physical condition as determined by a  
 4983 medical examination given by a physician, surgeon, or physician  
 4984 assistant licensed to practice in the state pursuant to chapter

4985 458; an osteopathic physician, surgeon, or physician assistant  
 4986 licensed to practice in the state pursuant to chapter 459; or an  
 4987 advanced registered nurse practitioner licensed to practice in  
 4988 the state pursuant to chapter 464. Such examination may include,  
 4989 but need not be limited to, provisions of the National Fire  
 4990 Protection Association Standard 1582. A medical examination  
 4991 evidencing good physical condition shall be submitted to the  
 4992 division, on a form as provided by rule, before an individual is  
 4993 eligible for admission into a course under ~~firefighter training~~  
 4994 ~~program as defined in s. 633.408~~ 633.35.

4995 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at  
 4996 least 1 year immediately preceding application, as evidenced by  
 4997 the sworn affidavit of the applicant.

4998 (2) If the division suspends or revokes an individual's  
 4999 certificate, the division must suspend or revoke all other  
 5000 certificates issued by the division pursuant to this part.

5001 Section 62. Section 633.352, Florida Statutes, is  
 5002 transferred, renumbered as section 633.414, Florida Statutes,  
 5003 and amended to read:

5004 633.414 ~~633.352~~ Retention of firefighter certification.—

5005 (1) In order for a firefighter to retain his or her  
 5006 Firefighter Certificate of Compliance, every 4 years he or she  
 5007 must:

5008 (a) Be ~~Any certified firefighter who has not been active~~  
 5009 ~~as a firefighter, or as a volunteer firefighter with an~~  
 5010 ~~organized fire department, for a period of 3 years shall be~~  
 5011 ~~required to retake the practical portion of the minimum~~  
 5012 ~~standards state examination specified in rule 69A-37.056(6)(b),~~

5013 ~~Florida Administrative Code, in order to maintain her or his~~  
 5014 ~~certification as a firefighter;~~

5015 (b) Maintain a current and valid fire service instructor  
 5016 certificate, instruct at least 40 hours during the 4 year  
 5017 period, and provide proof of such instruction to the division,  
 5018 which proof must be registered in an electronic database  
 5019 designated by the division;

5020 (c) Successfully complete a refresher course consisting of  
 5021 a minimum of 40 hours of training to be prescribed by rule; or

5022 (d) Within 6 months before the 4-year period expires,  
 5023 successfully retake and pass the Minimum Standards Course  
 5024 examination.

5025 (2) In order for a volunteer firefighter to retain his or  
 5026 her Volunteer Firefighter Certificate of Completion, every 4  
 5027 years he or she must:

5028 (a) Be active as a volunteer firefighter; or

5029 (b) Successfully complete a refresher course consisting of  
 5030 a minimum of 40 hours of training to be prescribed by rule.

5031 (3) Subsection (1) however, this requirement does not  
 5032 apply to state-certified firefighters who are certified and  
 5033 employed as full-time, as determined by the fire service  
 5034 provider, as firesafety inspectors or fire investigators  
 5035 firesafety instructors, regardless of their the firefighter's  
 5036 employment status as a firefighter.

5037 (4) For the purposes of this section, "active" means being  
 5038 employed as a firefighter or providing service as a volunteer  
 5039 firefighter for a cumulative 6 months within a 4-year period.

5040 (5) The 4-year 3-year period begins:

5041 (a) If the individual is certified on or after July 1,  
 5042 2013, on the date the certificate of compliance is issued or  
 5043 upon termination of employment or service with a an-organized  
 5044 fire department.

5045 (b) If the individual is certified before July 1, 2013, on  
 5046 July 1, 2014, or upon termination of employment or service  
 5047 thereafter.

5048 Section 63. Section 633.41, Florida Statutes, is  
 5049 transferred, renumbered as section 633.416, Florida Statutes,  
 5050 and amended to read:

5051 633.416 ~~633.41~~ Firefighter employment and volunteer  
 5052 firefighter service; saving clause.—

5053 (1) A fire service provider may not employ an individual  
 5054 to:

5055 (a) Extinguish fires for the protection of life or  
 5056 property or to supervise individuals who perform such services  
 5057 unless the individual holds a current and valid Firefighter  
 5058 Certificate of Compliance; or

5059 (b) Serve as the administrative and command head of a fire  
 5060 service provider for a period in excess of 1 year unless the  
 5061 individual holds a current and valid Firefighter Certificate of  
 5062 Compliance or Special Certificate of Compliance.

5063 (2) A fire service provider may not retain the services of  
 5064 an individual volunteering to extinguish fires for the  
 5065 protection of life or property or to supervise individuals who  
 5066 perform such services unless the individual holds a current and  
 5067 valid Volunteer Firefighter Certificate of Completion.

5068       (3) (a) A fire service provider must make a diligent effort  
 5069 to determine whether the individual has a current and valid  
 5070 certificate prior to employing or retaining an individual for  
 5071 the services under subsection (1) or subsection (2), including  
 5072 making a determination of whether the requirements set forth in  
 5073 s. 633.414 have been fulfilled.

5074       (b) For the purposes of this subsection, the term  
 5075 "diligent effort" means contacting at least three of the  
 5076 individual's previous employers to obtain his or her dates of  
 5077 employment and contacting the division to determine the  
 5078 certification status of the individual.

5079       (4) (a) A fire service provider must notify the division  
 5080 electronically, as directed by rule by the division, within 10  
 5081 days of:

- 5082       1. The hiring of a firefighter.
- 5083       2. The retention of a volunteer firefighter.
- 5084       3. The cessation of employment of a firefighter.
- 5085       4. A decision not to retain a volunteer firefighter.

5086       (b) Notification under paragraph (a) must include:

- 5087       1. The individual's name.
- 5088       2. The date on which he or she was hired or retained.
- 5089       3. The last date of employment or retention prior to  
 5090 leaving the fire service provider.

5091       4. Any other information deemed necessary by the division  
 5092 to determine compliance with ss. 633.414 and 633.426.

5093       (5) If the fire service provider makes a determination  
 5094 that an individual has not met the requirements set forth in s.

5095 633.414(1), the fire service provider must notify the division  
 5096 in writing within 10 days of making that determination.

5097 (6) The division may conduct site visits to fire  
 5098 departments to monitor compliance with this section.

5099 (7) For purposes of this section, the term "employ" means  
 5100 to pay an individual a salary, wage, or other compensation for  
 5101 the performance of work. The term does not include the payment  
 5102 of expenses, reasonable benefits, a nominal fee, or a  
 5103 combination thereof, to a volunteer for a public or private fire  
 5104 service provider who is only paid in a manner that would be  
 5105 authorized for a volunteer under the federal Fair Labor  
 5106 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,  
 5107 and its implementing regulations.

5108 (8) Firefighters employed on July 5, 1969, are not  
 5109 required to meet the provisions of ss. 633.408 and 633.412  
 5110 ~~633.34 and 633.35~~ as a condition of tenure or continued  
 5111 employment; nor shall their failure to fulfill such requirements  
 5112 make them ineligible for any promotional examination for which  
 5113 they are otherwise eligible or affect in any way any pension  
 5114 rights to which they may be entitled on July 5, 1969.

5115 Section 64. Section 633.38, Florida Statutes, is  
 5116 transferred, renumbered as section 633.418, Florida Statutes,  
 5117 and amended to read:

5118 633.418 ~~633.38~~ Inservice training and promotion;  
 5119 participation.-

5120 (1) (a) The division shall by rules and regulations  
 5121 prescribe curricula and standards for advanced and specialized  
 5122 training courses and education training in addition to those

5123 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

5124 (b) The standards provided by this section shall not bind  
 5125 any fire service provider ~~employing agency~~ as to the  
 5126 requirements it may have for promoting personnel.

5127 (2) Fire service providers ~~departments or any fire service~~  
 5128 participating under the provisions of this section shall adhere  
 5129 to the standards and procedures established by the division.

5130 Section 65. Section 633.382, Florida Statutes, is  
 5131 transferred, renumbered as section 633.422, Florida Statutes,  
 5132 and amended to read:

5133 633.422 ~~633.382~~ Firefighters; supplemental compensation.-

5134 ~~(1) DEFINITIONS. As used in this section, the term:~~

5135 ~~(a) "Employing agency" means any municipality or any~~  
 5136 ~~county, the state, or any political subdivision of the state,~~  
 5137 ~~including authorities and special districts employing~~  
 5138 ~~firefighters.~~

5139 ~~(b) "Firefighter" means any person who meets the~~  
 5140 ~~definition of the term "firefighter" in s. 633.30(1) who is~~  
 5141 ~~certified in compliance with s. 633.35 and who is employed~~  
 5142 ~~solely within the fire department of the employing agency or is~~  
 5143 ~~employed by the division.~~

5144 (1)(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION. The  
 5145 Legislature recognizes the need for supplemental compensation  
 5146 for firefighters who pursue higher educational opportunities  
 5147 that directly relate to the improvement of the health, safety,  
 5148 and welfare of firefighters and those that firefighters protect.  
 5149 The State Fire Marshal shall determine, and is authorized to  
 5150 adopt by rule, the course work or degrees that represent the



5151 best practices toward this goal in the field of firefighting.

5152 (a) In addition to the compensation now paid by a fire  
5153 service provider ~~an employing agency~~ to any firefighter, every  
5154 firefighter shall be paid supplemental compensation by the fire  
5155 service provider ~~employing agency~~ when such firefighter is a  
5156 full-time employee, as determined by the employing fire service  
5157 provider, and has complied with one of the following criteria:

5158 1. Any firefighter who receives an associate degree from  
5159 an accredited a college, which degree is directly applicable to  
5160 fire department duties, as outlined in policy guidelines adopted  
5161 by rule by ~~of~~ the division, shall be additionally compensated as  
5162 outlined in paragraph (2) ~~(3)~~ (a).

5163 2. Any firefighter, regardless of whether or not she or he  
5164 earned an associate degree earlier, who receives from an  
5165 accredited college or university a bachelor's degree, which  
5166 bachelor's degree is directly applicable to fire department  
5167 duties, as outlined in policy guidelines adopted by rule by ~~of~~  
5168 the division, shall receive compensation as outlined in  
5169 paragraph (2) ~~(3)~~ (b).

5170 (b) Whenever any question arises as to the eligibility of  
5171 any firefighter to receive supplemental compensation as provided  
5172 in this section, the question, together with all facts relating  
5173 thereto, shall be submitted to the division for determination,  
5174 and the decision of the division with regard to determination of  
5175 eligibility shall be final, subject to the provisions of chapter  
5176 120.

5177 (2) ~~(3)~~ SUPPLEMENTAL COMPENSATION.—Supplemental  
5178 compensation shall be determined as follows:

5179 (a) Fifty dollars shall be paid monthly to each  
 5180 firefighter who qualifies under the provisions of subparagraph  
 5181 (1)~~(2)~~(a)1.

5182 (b) One hundred and ten dollars shall be paid monthly to  
 5183 each firefighter who qualifies under the provisions of  
 5184 subparagraph (1)~~(2)~~(a)2.

5185 (3)~~(4)~~ FUNDING.—

5186 (a) The fire service provider ~~employing agency~~ is  
 5187 responsible for the correct payment of firefighters pursuant to  
 5188 the provisions of this section. The division may review, in a  
 5189 postaudit capacity, any action taken by an agency in  
 5190 administering the educational incentive program. The fire  
 5191 service provider ~~employing agency~~ shall take appropriate action  
 5192 when a postaudit shows that an action taken by the fire service  
 5193 provider ~~employing agency~~ was in error.

5194 (b) Each fire service provider ~~agency~~ employing  
 5195 firefighters who are eligible for this compensation shall submit  
 5196 reports containing information relating to compensation paid as  
 5197 a result of this section to the division on March 31, June 30,  
 5198 September 30, and December 31 of each year.

5199 (c) There is appropriated from the Police and  
 5200 Firefighter's Premium Tax Trust Fund to the Firefighters'  
 5201 Supplemental Compensation Trust Fund, which is hereby created  
 5202 under the Department of Revenue, all moneys which have not been  
 5203 distributed to municipalities and special fire control districts  
 5204 in accordance with s. 175.121 as a result of the limitation  
 5205 contained in s. 175.122 on the disbursement of revenues  
 5206 collected pursuant to chapter 175 or as a result of any

5207 | municipality or special fire control district not having  
5208 | qualified in any given year, or portion thereof, for  
5209 | participation in the distribution of the revenues collected  
5210 | pursuant to chapter 175. The total required annual distribution  
5211 | from the Firefighters' Supplemental Compensation Trust Fund  
5212 | shall equal the amount necessary to pay supplemental  
5213 | compensation as provided in this section, provided that:

5214 |       1. Any deficit in the total required annual distribution  
5215 | shall be made up from accrued surplus funds existing in the  
5216 | Firefighters' Supplemental Compensation Trust Fund on June 30,  
5217 | 1990, for as long as such funds last. If the accrued surplus is  
5218 | insufficient to cure the deficit in any given year, the  
5219 | proration of the appropriation among the counties,  
5220 | municipalities, and special fire service taxing districts shall  
5221 | equal the ratio of compensation paid in the prior year to  
5222 | county, municipal, and special fire service taxing district  
5223 | firefighters pursuant to this section. This ratio shall be  
5224 | provided annually to the Department of Revenue by the division  
5225 | ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue  
5226 | on or after July 1, 1990, shall be redistributed to  
5227 | municipalities and special fire control districts as provided in  
5228 | subparagraph 2.

5229 |       2. By October 1 of each year, any funds that have accrued  
5230 | or accrue on or after July 1, 1990, and remain in the  
5231 | Firefighters' Supplemental Compensation Trust Fund following the  
5232 | required annual distribution shall be redistributed by the  
5233 | Department of Revenue pro rata to those municipalities and  
5234 | special fire control districts identified by the Department of

5235 Management Services as being eligible for additional funds  
 5236 pursuant to s. 175.121(3) (b).

5237 (d) Salary incentive payments to firefighters shall  
 5238 commence in the first full calendar month following the initial  
 5239 date of certification of eligibility by the division ~~of State~~  
 5240 ~~Fire Marshal~~.

5241 (e) Special fire service taxing districts are authorized  
 5242 and empowered to expend the funds necessary to ensure correct  
 5243 payment to firefighters.

5244 (4)~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental  
 5245 compensation and expenses of the administration provided by this  
 5246 section is found to serve a state, county, district, and  
 5247 municipal purpose and to provide benefit to the state and to its  
 5248 counties, municipalities, and districts.

5249 (5) For the purposes of this section, the division shall be  
 5250 considered a fire service provider responsible for the payment  
 5251 of supplemental compensation in accordance with this section to  
 5252 firefighters employed full-time by the division.

5253 Section 66. Section 633.353, Florida Statutes, is  
 5254 transferred, renumbered as section 633.424, Florida Statutes,  
 5255 and amended to read:

5256 633.424 ~~633.353~~ Falsification of qualifications.—Any  
 5257 individual person who willfully and knowingly falsifies her or  
 5258 his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of Fire  
 5259 Standards and Training of the division commits ~~is guilty of~~ a  
 5260 misdemeanor of the second degree, punishable as provided in s.  
 5261 775.082 or s. 775.083.

5262 Section 67. Section 633.351, Florida Statutes, is

5263 transferred, renumbered as section 633.426, Florida Statutes,  
 5264 and amended to read:

5265 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~  
 5266 standards for revocation of certification.-

5267 (1) For purposes of this section, the term:

5268 (a) "Certificate" means any of the certificates issued  
 5269 under s. 633.406.

5270 (b) "Certification" or "certified" means the act of  
 5271 holding a current and valid certificate.

5272 (c) "Convicted" means a finding of guilt, or the  
 5273 acceptance of a plea of guilty or nolo contendere, in any  
 5274 federal or state court or a court in any other country, without  
 5275 regard to whether a judgment of conviction has been entered by  
 5276 the court having jurisdiction of the case.

5277 (2) An individual is ineligible to apply for certification  
 5278 if the individual has, at any time, been:

5279 (a) Convicted of a misdemeanor relating to the  
 5280 certification or to perjury or false statements.

5281 (b) Convicted of a felony or a crime punishable by  
 5282 imprisonment of 1 year or more under the law of the United  
 5283 States or of any state thereof, or under the law of any other  
 5284 country.

5285 (c) Dishonorably discharged from any of the Armed Forces  
 5286 of the United States.

5287 (3) (a) The certification of an individual shall be  
 5288 permanently revoked if the individual is:

5289 1. Convicted of a misdemeanor relating to perjury or false  
 5290 statement.

5291           2. Convicted of a felony or a crime punishable by  
 5292 imprisonment of 1 year or more under the law of the United  
 5293 States or of any state thereof, or under the law of any other  
 5294 country.

5295           3. Dishonorably discharged from any of the Armed Forces of  
 5296 the United States.

5297           (b) For individuals who are certified prior to the  
 5298 effective date of this act:

5299           1. This subsection shall apply prospectively to  
 5300 convictions or dishonorable discharges entered on or after the  
 5301 effective date of this act.

5302           2. The provisions of former s. 633.351 as it existed prior  
 5303 to the effective date of this act shall apply to convictions  
 5304 entered prior to the effective date of this act.

5305           (4) The certification of an individual a firefighter shall  
 5306 be revoked if evidence is found which demonstrates that the  
 5307 certification was improperly issued by the division or if  
 5308 evidence is found that the certification was issued on the basis  
 5309 of false, incorrect, incomplete, or misleading information, or  
 5310 that the individual has demonstrated a lack of moral fitness or  
 5311 trustworthiness to carry out the responsibilities under the  
 5312 individual's certification.

5313           (5) If the division, after investigation, has reason to  
 5314 believe that any individual who is certified may have been  
 5315 convicted of a felony or of a misdemeanor related to perjury or  
 5316 false statement in this or any other state or jurisdiction, the  
 5317 division may require the individual to submit fingerprints to  
 5318 the division with a current processing fee. The fingerprints

5319 will be forwarded by the division to the Department of Law  
5320 Enforcement for state processing and will be forwarded by the  
5321 Department of Law Enforcement to the Federal Bureau of  
5322 Investigation for national processing.

5323 ~~(2) The certification of a firefighter who is convicted of~~  
5324 ~~a felony, or who is convicted of a misdemeanor relating to~~  
5325 ~~misleading or false statements, or who pleads nolo contendere to~~  
5326 ~~any charge of a felony shall be revoked until the firefighter~~  
5327 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~  
5328 ~~felony or such misdemeanor charge is suspended or adjudication~~  
5329 ~~is withheld, the firefighter's certification shall be revoked~~  
5330 ~~until she or he completes any probation.~~

5331 Section 68. Section 633.43, Florida Statutes, is  
5332 transferred, renumbered as section 633.428, Florida Statutes,  
5333 and amended to read:

5334 633.428 ~~633.43~~ Florida State Fire College established.—  
5335 There is hereby established a state institution to be known as  
5336 the Florida State Fire College, to be located at or near Ocala,  
5337 Marion County. The institution shall be operated by the division  
5338 ~~of State Fire Marshal of the department.~~

5339 Section 69. Section 633.44, Florida Statutes, is  
5340 transferred, renumbered as section 633.432, Florida Statutes,  
5341 and amended, to read:

5342 633.432 ~~633.44~~ Purpose of fire college.—The purposes of  
5343 this part ss. 633.43–633.49 and of the Florida State Fire  
5344 College shall be:

5345 (1) To provide professional and volunteer firefighters  
5346 with needful professional instruction and training in subjects,

5347 including, but not limited to, firefighting, fire prevention,  
5348 hazardous materials, urban search and rescue, and emergency  
5349 operations, at a minimum of cost to them and to their employers.

5350 (2) To ensure the professionalism and competence of those  
5351 performing firefighting, fire prevention, and associated fire  
5352 protection functions by administering a system of certification  
5353 and licensing.

5354 (3)~~(2)~~ To develop new methods and practices of  
5355 firefighting and fire prevention.

5356 (4)~~(3)~~ To assist the state and county, municipal, and  
5357 other local governments of this state and their agencies and  
5358 officers in their investigation and determination of the causes  
5359 of fires.

5360 (5)~~(4)~~ To provide testing facilities for testing  
5361 firefighting equipment.

5362 (6)~~(5)~~ To disseminate useful information on fires,  
5363 firefighting and fire prevention and other related subjects, to  
5364 fire departments and others interested in such information.

5365 (7)~~(6)~~ To do such other needful or useful things necessary  
5366 to the promotion of public safety in the field of fire hazards  
5367 and fire prevention work.

5368  
5369 It is hereby declared by the Legislature that the above purposes  
5370 are legitimate state functions and are designed to promote  
5371 public safety.

5372 Section 70. Section 633.48, Florida Statutes, is  
5373 transferred, renumbered as section 633.434, Florida Statutes,  
5374 and amended to read:



5375            633.434 ~~633.48~~ Superintendent of college.—The division may  
 5376 employ a superintendent for the Florida State Fire College, who  
 5377 shall be especially trained and qualified in firefighting, fire  
 5378 prevention and fire experimental work, and may employ on the  
 5379 recommendations of said superintendent such other instructors,  
 5380 experimental helpers and laborers as may be necessary to the  
 5381 proper conduct of said institution; and may proceed with the  
 5382 erection and detailed operation of said institution under ss.  
 5383 633.428-633.444 ~~633.43-633.49~~.

5384            Section 71. Section 633.461, Florida Statutes, is  
 5385 transferred, renumbered as section 633.436, Florida Statutes,  
 5386 and amended to read:

5387            633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—  
 5388 The funds received from the Insurance Regulatory Trust Fund  
 5389 shall be used by the staff of the Florida State Fire College to  
 5390 provide all necessary services, training, equipment, and  
 5391 supplies to carry out the college's responsibilities, including,  
 5392 but not limited to, ~~the State Fire Marshal Scholarship Grant~~  
 5393 ~~Program~~ and the procurement of training resources and films,  
 5394 ~~videotapes, audiovisual~~ equipment, and other useful information  
 5395 on fire, firefighting, and fire prevention, including public  
 5396 fire service information packages.

5397            Section 72. Section 633.46, Florida Statutes, is  
 5398 transferred and renumbered as section 633.446, Florida Statutes.

5399            Section 73. Section 633.47, Florida Statutes, is  
 5400 transferred and renumbered as section 633.438, Florida Statutes.

5401            Section 74. Section 633.49, Florida Statutes, is  
 5402 transferred, renumbered as section 633.442, Florida Statutes,

5403 and amended to read:

5404 633.442 ~~633.49~~ Buildings, equipment, and other facilities;  
 5405 use.—The division shall have the power to prescribe and shall  
 5406 make the necessary rules and regulations for the use of  
 5407 buildings, equipment and other facilities of the Florida State  
 5408 Fire College when they are not in use for the purposes set forth  
 5409 in this part ~~ss. 633.43–633.49~~.

5410 Section 75. Section 633.50, Florida Statutes, is  
 5411 transferred, renumbered as section 633.444, Florida Statutes,  
 5412 and amended to read:

5413 633.444 ~~633.50~~ Division powers and duties; Florida State  
 5414 Fire College.—

5415 (1) The division, in performing its duties related to the  
 5416 Florida State Fire College, specified in this part ~~ss. 633.43–~~  
 5417 ~~633.49~~, shall:

5418 (a) Enter into agreements with public or private school  
 5419 districts, community colleges, junior colleges, or state  
 5420 universities to carry out its duties and responsibilities.

5421 (b) Review and approve budget requests for the fire  
 5422 college educational program.

5423 (c) Prepare the legislative budget request for the Florida  
 5424 State Fire College education program. The superintendent is  
 5425 responsible for all expenditures pursuant to appropriations.

5426 (d) Implement procedures to obtain appropriate entitlement  
 5427 funds from federal and state grants to supplement the annual  
 5428 legislative appropriation. Such funds must be used expressly for  
 5429 the fire college educational programs.

5430 (e) Develop a staffing and funding formula for the Florida

5431 State Fire College. The formula shall include differential  
5432 funding levels for various types of programs, shall be based on  
5433 the number of full-time equivalent students and information  
5434 obtained from scheduled attendance counts taken the first day of  
5435 each program, and shall provide the basis for the legislative  
5436 budget request. As used in this section, a full-time equivalent  
5437 student is equal to a minimum of 900 hours in a technical  
5438 certificate program and 400 hours in a degree-seeking program.  
5439 The funding formula shall be as prescribed pursuant to s.  
5440 1011.62, shall include procedures to document daily attendance,  
5441 and shall require that attendance records be retained for audit  
5442 purposes.

5443 (f) Approve and register in an electronic database  
5444 designated by the division an education or training provider  
5445 before the education or training provider is authorized to offer  
5446 any course to fulfill any education or training requirement  
5447 under this chapter. The division must establish criteria, by  
5448 rule, for the approval of such education or training providers.  
5449 Only approved and registered education or training providers are  
5450 eligible to provide instruction or training that will be  
5451 recognized by the division in order to fulfill any education or  
5452 training requirement under this chapter.

5453 (g) Recognize only courses offered by approved and  
5454 registered training or education providers as fulfilling the  
5455 education or training requirements under this chapter.

5456 (2) Funds generated by the formula per full-time  
5457 equivalent student may not exceed the level of state funding per  
5458 full-time equivalent student generated through the Florida

5459 Education Finance Program or the State Community College Program  
 5460 Fund for students enrolled in comparable education programs  
 5461 provided by public school districts and community colleges.  
 5462 Funds appropriated for education and operational costs shall be  
 5463 deposited in the Insurance Regulatory Trust Fund to be used  
 5464 solely for purposes specified in s. 633.436 ~~633.461~~ and may not  
 5465 be transferred to any other budget entity for purposes other  
 5466 than education.

5467 Section 76. Part V of chapter 633, Florida Statutes,  
 5468 consisting of sections 633.502, 633.504, 633.506, 633.508,  
 5469 633.512, 633.5141, 633.516, 633.518, 633.522, 633.526, 633.528,  
 5470 633.532, 633.5341, and 633.536, is created and entitled "Florida  
 5471 Firefighters Occupational Safety and Health Act."

5472 Section 77. Section 633.801, Florida Statutes, is  
 5473 transferred, renumbered as section 633.502, Florida Statutes,  
 5474 and amended to read:

5475 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,  
 5476 ~~633.801-633.821~~ may be cited as the "Florida Firefighters  
 5477 Occupational Safety and Health Act."

5478 Section 78. Section 633.802, Florida Statutes, is  
 5479 transferred, renumbered as section 633.504, Florida Statutes,  
 5480 and amended to read:

5481 633.504 ~~633.802~~ Definitions.—Unless the context clearly  
 5482 requires otherwise, the following definitions shall apply to  
 5483 this part ~~ss. 633.801-633.821~~:

5484 (1) "Firefighter employee" means any firefighter,  
 5485 volunteer firefighter, or individual providing support services,  
 5486 who is ~~person~~ engaged in any employment, public or private, ~~as a~~

5487 ~~firefighter~~ under any appointment or contract of hire or  
5488 apprenticeship, express or implied, oral or written, whether  
5489 lawfully or unlawfully employed, responding to or assisting with  
5490 fire or medical emergencies, whether or not ~~the firefighter is~~  
5491 on duty, except those appointed under s. 590.02(1)(d).

5492 (2) "Firefighter employer" means the state and all  
5493 political subdivisions of this state, all public and quasi-  
5494 public corporations in this state, and every person carrying on  
5495 any employment for this state, political subdivisions of this  
5496 state, and public and quasi-public corporations in this state  
5497 which employs firefighter employees ~~firefighters~~, except those  
5498 appointed under s. 590.02(1)(d).

5499 (3) "Firefighter employment" or "employment" means any  
5500 service performed by a firefighter employee for the firefighter  
5501 employer.

5502 (4) "Firefighter place of employment" or "place of  
5503 employment" means the physical location at which the firefighter  
5504 employee is employed or deployed.

5505 Section 79. Section 633.803, Florida Statutes, is  
5506 transferred, renumbered as section 633.506, and amended to read:

5507 633.506 ~~633.803~~ Legislative intent.—It is the intent of  
5508 the Legislature to enhance firefighter occupational safety and  
5509 health in the state through the implementation and maintenance  
5510 of policies, procedures, practices, rules, and standards that  
5511 reduce the incidence of firefighter employee accidents,  
5512 firefighter employee occupational diseases, and firefighter  
5513 employee fatalities compensable under chapter 440 or otherwise.  
5514 The Legislature further intends that the division develop a

5515 means by which the division can identify individual firefighter  
5516 employers with a high frequency or severity of work-related  
5517 injuries, conduct safety inspections of those firefighter  
5518 employers, and assist those firefighter employers in the  
5519 development and implementation of firefighter employee safety  
5520 and health programs. In addition, it is the intent of the  
5521 Legislature that the division administer and enforce the  
5522 provisions of this part ~~ss. 633.801-633.821~~; provide assistance  
5523 to firefighter employers, firefighter employees, and insurers;  
5524 and enforce the policies, rules, and standards set forth in this  
5525 part ~~ss. 633.801-633.821~~.

5526 Section 80. Section 633.821, Florida Statutes, is  
5527 transferred and renumbered as subsections (1), (2), (3), (4),  
5528 (5), and (6) of section 633.508, Florida Statutes, and  
5529 subsections (2), (3), (5), and (6) of that section are amended,  
5530 and section 633.808, Florida Statutes, is transferred and  
5531 renumbered as subsection (7) of that section and amended, to  
5532 read:

5533 633.508 ~~633.821~~ Workplace safety; rulemaking authority.—

5534 (1) The division shall assist in making the firefighter  
5535 employee place of employment a safer place to work and  
5536 decreasing the frequency and severity of on-the-job injuries in  
5537 such workplace.

5538 (2) The division shall have the authority to adopt rules  
5539 for the purpose of ensuring safe working conditions for all  
5540 firefighter employees by authorizing the enforcement of  
5541 effective standards, by assisting and encouraging firefighter  
5542 employers to maintain safe working conditions, and by providing

5543 for education and training in the field of safety. Specifically,  
5544 the division may by rule adopt the most current edition of all  
5545 or any part of subparts C through T and subpart Z of 29 C.F.R.  
5546 s. 1910, ~~as revised April 8, 1998; the National Fire Protection~~  
5547 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~  
5548 ~~Safety System) (1992 edition); the National Fire Protection~~  
5549 ~~Association, Inc., Publication 1403, Standard on Live Fire~~  
5550 ~~Training Evolutions (latest edition), as limited by subsection~~  
5551 ~~(6); and ANSI A 10.4-1990.~~

5552 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two  
5553 individuals located outside the immediately dangerous to life  
5554 and health atmosphere may be assigned to an additional role,  
5555 such as incident commander, pumper operator, engineer, or  
5556 driver, so long as such individual is able to immediately  
5557 perform assistance or rescue activities without jeopardizing the  
5558 safety or health of any firefighter employee working at an  
5559 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

5560 ~~(a) Each county, municipality, and special district shall~~  
5561 ~~implement such provision by April 1, 2002, except as provided in~~  
5562 ~~paragraphs (b) and (c).~~

5563 ~~(b) If any county, municipality, or special district is~~  
5564 ~~unable to implement such provision by April 1, 2002, without~~  
5565 ~~adding additional personnel to its firefighting staff or~~  
5566 ~~expending significant additional funds, such county,~~  
5567 ~~municipality, or special district shall have an additional 6~~  
5568 ~~months within which to implement such provision. Such county,~~  
5569 ~~municipality, or special district shall notify the division that~~  
5570 ~~the 6-month extension to implement such provision is in effect~~

5571 ~~in such county, municipality, or special district within 30 days~~  
5572 ~~after its decision to extend the time for the additional 6~~  
5573 ~~months. The decision to extend the time for implementation shall~~  
5574 ~~be made prior to April 1, 2002.~~

5575 ~~(c) If, after the extension granted in paragraph (b), the~~  
5576 ~~county, municipality, or special district, after having worked~~  
5577 ~~with and cooperated fully with the division and the Firefighters~~  
5578 ~~Employment, Standards, and Training Council, is still unable to~~  
5579 ~~implement such provisions without adding additional personnel to~~  
5580 ~~its firefighting staff or expending significant additional~~  
5581 ~~funds, such municipality, county, or special district shall be~~  
5582 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g) (4).~~  
5583 ~~However, each year thereafter the division shall review each~~  
5584 ~~such county, municipality, or special district to determine if~~  
5585 ~~such county, municipality, or special district has the ability~~  
5586 ~~to implement such provision without adding additional personnel~~  
5587 ~~to its firefighting staff or expending significant additional~~  
5588 ~~funds. If the division determines that any county, municipality,~~  
5589 ~~or special district has the ability to implement such provision~~  
5590 ~~without adding additional personnel to its firefighting staff or~~  
5591 ~~expending significant additional funds, the division shall~~  
5592 ~~require such county, municipality, or special district to~~  
5593 ~~implement such provision. Such requirement by the division under~~  
5594 ~~this paragraph constitutes final agency action subject to~~  
5595 ~~chapter 120.~~

5596 (4) The provisions of chapter 440 that pertain to  
5597 workplace safety apply to the division.

5598 (5) The division may adopt any rule necessary to



5599 | implement, interpret, and make specific the provisions of this  
5600 | section, provided the division may not adopt by rule any other  
5601 | standard or standards of the Occupational Safety and Health  
5602 | Administration or the National Fire Protection Association  
5603 | relating solely to this part ~~ss. 633.801-633.821~~ and firefighter  
5604 | employment safety without specific legislative authority.

5605 |       (6) (a) The division shall adopt rules for live fire  
5606 | training that all firefighter employees ~~firefighters~~ subject to  
5607 | this chapter must complete. The division shall also adopt rules  
5608 | for a training and certification process for live fire training  
5609 | instructors.

5610 |       (b) Such rules for training shall include:

5611 |       1. Sections of the most current edition of the National  
5612 | Fire Protection Association, Inc., Publication 1402, Guide to  
5613 | Building Fire Service Training Centers, relating to establishing  
5614 | policies and procedures for effective use of such permanent  
5615 | facilities or structures.

5616 |       2. Sections of the most current edition of the National  
5617 | Fire Protection Association, Inc., Publication 1403, Standard on  
5618 | Live Fire Training Evolutions, excluding, however:

5619 |       a. Any chapter entitled "Referenced Publications."

5620 |       b. References to the National Fire Protection Association,  
5621 | Inc., Publication 1975, Station Uniform.

5622 |       c. Provisions of the National Fire Protection Association,  
5623 | Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~  
5624 | ~~references to such publication in the National Fire Protection~~  
5625 | ~~Association, Inc., Publication 1975.~~

5626 |       d. Any reference to an authority having jurisdiction in

5627 the National Fire Protection Association, Inc., Publication  
 5628 1403, defined as the organization, office, or individual  
 5629 responsible for approving equipment, materials, installations,  
 5630 and procedures.

5631 3. A 40-hour training program for live fire training  
 5632 instructors, including:

- 5633 a. Live fire instructional techniques.
- 5634 b. Training safety in acquired or permanent facilities or  
 5635 props.
- 5636 c. Personnel safety.
- 5637 d. Exterior props, including, but not limited to, liquid  
 5638 petroleum gas, other liquid fuels, and similar props.

5639 ~~(c) The rules, excluding those pertaining to live fire~~  
 5640 ~~training instructor certification, shall take effect no later~~  
 5641 ~~than January 1, 2006.~~

5642 (c) ~~(d)~~ Each live fire training instructor is required to  
 5643 be a state certified fire safety instructor. All live fire  
 5644 training ~~commenced on and after January 1, 2007,~~ must be  
 5645 conducted by a certified live fire training instructor.

5646 (d) ~~(e)~~ This subsection does not apply to wildland or  
 5647 prescribed live fire training exercises sanctioned by the  
 5648 Florida Forest Service of the Department of Agriculture and  
 5649 Consumer Services or the National Wildfire Coordinating Group.

5650 ~~633.808 Division authority.~~

5651 (7) The division shall:

- 5652 (a) ~~(1)~~ Investigate and prescribe by rule what safety  
 5653 devices, safeguards, or other means of protection must be  
 5654 adopted for the prevention of accidents and injuries in every

5655 firefighter employee place of employment or at any fire scene;  
 5656 determine what suitable devices, safeguards, or other means of  
 5657 protection for the prevention of occupational diseases must be  
 5658 adopted or followed in any or all such firefighter places of  
 5659 employment or at any emergency fire scene; and adopt reasonable  
 5660 rules for the prevention of accidents, the safety, protection,  
 5661 and security of firefighter employees engaged in interior  
 5662 firefighting, and the prevention of occupational diseases.

5663 (b)~~(2)~~ Ascertain, fix, and order such reasonable standards  
 5664 and rules for the construction, repair, and maintenance of  
 5665 firefighter employee places of employment as shall render them  
 5666 safe. Such rules and standards shall be adopted in accordance  
 5667 with chapter 120.

5668 ~~(3) Assist firefighter employers in the development and~~  
 5669 ~~implementation of firefighter employee safety training programs~~  
 5670 ~~by contracting with professional safety organizations.~~

5671 (c)~~(4)~~ Adopt rules prescribing recordkeeping  
 5672 responsibilities for firefighter employers, which may include  
 5673 maintaining a log and summary of occupational injuries,  
 5674 diseases, and illnesses, for producing on request a notice of  
 5675 injury and firefighter employee accident investigation records,  
 5676 and prescribing a retention schedule for such records.

5677 Section 81. Section 633.817, Florida Statutes, is  
 5678 transferred, renumbered as section 633.512, Florida Statutes,  
 5679 and amended to read:

5680 633.512 ~~633.817~~ Compliance.—Failure of a firefighter  
 5681 employer or an insurer to comply with this part ~~ss. 633.801-~~  
 5682 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~

5683 ~~633.821~~, constitutes grounds for the division to seek remedies,  
 5684 including injunctive relief, by making appropriate filings with  
 5685 the circuit court.

5686 Section 82. Section 633.805, Florida Statutes, is  
 5687 transferred and renumbered as section 633.5141, Florida  
 5688 Statutes.

5689 Section 83. Section 633.806, Florida Statutes, is  
 5690 transferred, renumbered as subsections (1) and (2) of section  
 5691 633.516, Florida Statutes, and amended, and section 633.815,  
 5692 Florida Statutes, is transferred, renumbered as subsection (3)  
 5693 of that section, and amended, to read:

5694 633.516 ~~633.806~~ Studies, investigations, inspections, or  
 5695 inquiries by the division; refusal to admit; penalty.—

5696 (1) The division shall make studies ~~and~~ investigations,  
 5697 inspections, or inquiries, with respect to compliance with this  
 5698 part or any rules authorized under this part ~~safety provisions~~  
 5699 and the causes of firefighter employee injuries, illnesses,  
 5700 safety based complaints, or Line of Duty Deaths (LODD) as  
 5701 defined in rule, in firefighter employee places of employment  
 5702 and shall make such recommendations to the Legislature and  
 5703 firefighter employers and insurers as the division considers  
 5704 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~  
 5705 ~~of preventing firefighter injuries~~. In making such studies, and  
 5706 investigations, inspections, or inquiries, the division may  
 5707 cooperate with any agency of the United States charged with the  
 5708 duty of enforcing any law securing safety against injury in any  
 5709 place of firefighter employment covered by this part ~~ss.~~

5710 ~~633.801-633.821~~ or any agency or department of the state engaged

5711 in enforcing any law to ensure safety for firefighter employees.

5712 (2) The division by rule may adopt procedures for  
 5713 conducting investigations, inspections, or inquiries, of  
 5714 firefighter employers under this part ~~ss. 633.801-633.821.~~

5715 ~~633.815 Refusal to admit; penalty.~~

5716 (3) The division and authorized representatives of the  
 5717 division may enter and inspect any firefighter employee's place  
 5718 of employment at any reasonable time for the purpose of  
 5719 investigating compliance with this part ~~ss. 633.801-633.821~~ and  
 5720 conducting inspections for the proper enforcement of this part  
 5721 ~~ss. 633.801-633.821~~. A firefighter employer who refuses to admit  
 5722 any member of the division or authorized representative of the  
 5723 division to any place of employment or to allow investigation  
 5724 and inspection pursuant to this section commits a misdemeanor of  
 5725 the second degree, punishable as provided in s. 775.082 or s.  
 5726 775.083.

5727 Section 84. Section 633.807, Florida Statutes, is  
 5728 transferred, renumbered as section 633.518, Florida Statutes,  
 5729 and amended to read:

5730 633.518 ~~633.807~~ Safety; firefighter employer  
 5731 responsibilities.—Every firefighter employer shall furnish and  
 5732 use safety devices and safeguards, adopt and use methods and  
 5733 processes reasonably adequate to render such an employment and  
 5734 place of employment safe, and do every other thing reasonably  
 5735 necessary to protect the lives, health, and safety of such  
 5736 firefighter employees. As used in this section, the terms "safe"  
 5737 and "safety," as applied to any employment or place of  
 5738 ~~firefighter~~ employment, mean such freedom from danger as is

5739 reasonably necessary for the protection of the lives, health,  
 5740 and safety of firefighter employees, including conditions and  
 5741 methods of sanitation and hygiene. Safety devices and safeguards  
 5742 required to be furnished by the firefighter employer by this  
 5743 section or by the division under authority of this section shall  
 5744 not include personal apparel and protective devices that replace  
 5745 personal apparel normally worn by firefighter employees during  
 5746 regular working hours.

5747 Section 85. Section 633.809, Florida Statutes, is  
 5748 transferred, renumbered as subsection (1) of section 633.522,  
 5749 Florida Statutes, and amended, section 633.810, Florida  
 5750 Statutes, is transferred and renumbered as subsections (2), (3),  
 5751 (4), and (5) of that section, and section 633.813, Florida  
 5752 Statutes, is transferred, renumbered as subsection (6) of that  
 5753 section, and amended, to read:

5754 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~  
 5755 ~~employees have a high frequency of work-related injuries;~~  
 5756 corrective plans; workplace safety committees and coordinators.-

5757 (1) The division shall develop a means to ~~by which the~~  
 5758 ~~division may~~ identify individual firefighter employers with  
 5759 ~~whose firefighter employees have a high frequency or severity of~~  
 5760 firefighter employee work-related injuries. ~~The division shall~~  
 5761 ~~carry out safety inspections of the facilities and operations of~~  
 5762 ~~those firefighter employers in order to assist them in reducing~~  
 5763 ~~the frequency and severity of work-related injuries. The~~  
 5764 ~~division shall develop safety and health programs for those~~  
 5765 ~~firefighter employers. Insurers shall distribute such safety and~~  
 5766 ~~health programs to the firefighter employers so identified by~~

5767 | ~~the division. Those firefighter employers identified by the~~  
5768 | ~~division as having a high frequency or severity of work-related~~  
5769 | ~~injuries shall implement a safety and health program developed~~  
5770 | ~~by the division. The division shall conduct ~~carry out~~ safety~~  
5771 | ~~inspections of those firefighter employers so identified to~~  
5772 | ~~ensure compliance with this part or the division's rules and~~  
5773 | ~~make recommendations based upon current the safety and health~~  
5774 | ~~practices ~~program~~ and to assist such firefighter employers in~~  
5775 | ~~reducing the number of work-related injuries. The division may~~  
5776 | ~~not assess penalties as a result of such inspections, ~~except as~~~~  
5777 | ~~~~provided by s. 633.813.~~ Copies of any report made as the result~~  
5778 | ~~of such an inspection shall be provided to the firefighter~~  
5779 | ~~employer and its insurer. Firefighter employers shall ~~may~~ submit~~  
5780 | ~~a plan for the correction of any noncompliance issues ~~their own~~~~  
5781 | ~~~~safety and health programs~~ to the division for approval in~~  
5782 | ~~accordance with division rule ~~lieu of using the safety and~~~~  
5783 | ~~~~health program developed by the division.~~ The division shall~~  
5784 | ~~promptly review the plan ~~program~~ submitted and approve or~~  
5785 | ~~disapprove the plan ~~program~~ within 60 days or such plan ~~program~~~~  
5786 | ~~shall be deemed approved. Upon approval by the division, the~~  
5787 | ~~plan ~~program~~ shall be implemented by the firefighter employer.~~  
5788 | ~~If the plan ~~program~~ is not submitted, does not provide~~  
5789 | ~~corrective actions for all deficiencies, is not complete, or is~~  
5790 | ~~not implemented, the fire service provider shall be subject to~~  
5791 | ~~the provisions of s. 633.526 ~~approved or if a program is not~~~~  
5792 | ~~~~submitted, the firefighter employer shall implement the program~~~~  
5793 | ~~~~developed by the division. The division shall adopt rules~~~~  
5794 | ~~~~setting forth the criteria for safety and health programs, as~~~~

5795 ~~such rules relate to this section.~~

5796 ~~633.810 Workplace safety committees and safety~~  
 5797 ~~coordinators.—~~

5798 (2)~~(1)~~ In order to promote health and safety in  
 5799 firefighter employee places of employment in this state:

5800 (a) Each firefighter employer of 20 or more firefighter  
 5801 employees shall establish and administer a workplace safety  
 5802 committee in accordance with rules adopted under this section.

5803 (b) Each firefighter employer of fewer than 20 firefighter  
 5804 employees identified by the division as having high frequency or  
 5805 high severity of work-related injuries shall establish and  
 5806 administer a workplace safety committee or designate a workplace  
 5807 safety coordinator who shall establish and administer workplace  
 5808 safety activities in accordance with rules adopted under this  
 5809 section.

5810 (3)~~(2)~~ The division shall adopt rules:

5811 (a) Prescribing the membership of the workplace safety  
 5812 committees so as to ensure an equal number of firefighter  
 5813 employee representatives who are volunteers or are elected by  
 5814 their peers and firefighter employer representatives, and  
 5815 specifying the frequency of meetings.

5816 (b) Requiring firefighter employers to make adequate  
 5817 records of each meeting and to file and to maintain the records  
 5818 subject to inspection by the division.

5819 (c) Prescribing the duties and functions of the workplace  
 5820 safety committee and workplace safety coordinator, which  
 5821 include, but are not limited to:

5822 1. Establishing procedures for workplace safety



5823 inspections by the committee.

5824       2. Establishing procedures for investigating all workplace  
5825 accidents, safety-related incidents, illnesses, and deaths.

5826       3. Evaluating accident prevention and illness prevention  
5827 programs.

5828       4. Prescribing guidelines for the training of safety  
5829 committee members.

5830       (4)~~(3)~~ The composition, selection, and function of  
5831 workplace safety committees shall be a mandatory topic of  
5832 negotiations with any certified collective bargaining agent for  
5833 firefighter employers that operate under a collective bargaining  
5834 agreement. Firefighter employers that operate under a collective  
5835 bargaining agreement that contains provisions regulating the  
5836 formation and operation of workplace safety committees that meet  
5837 or exceed the minimum requirements contained in this section, or  
5838 firefighter employers who otherwise have existing workplace  
5839 safety committees that meet or exceed the minimum requirements  
5840 established by this section, are in compliance with this  
5841 section.

5842       (5)~~(4)~~ Firefighter employees shall be compensated their  
5843 regular hourly wage while engaged in workplace safety committee  
5844 or workplace safety coordinator training, meetings, or other  
5845 duties prescribed under this section.

5846       ~~633.813 Failure to implement a safety and health program;  
5847 cancellations.—~~

5848       (6) If a firefighter employer ~~that is found by the~~  
5849 ~~division to have a high frequency or severity of work-related~~  
5850 ~~injuries~~ fails to implement a corrective plan ~~safety and health~~

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5851 ~~program~~, the insurer or self-insurer's fund that is providing  
5852 coverage for the firefighter employer may cancel the contract  
5853 for insurance with the firefighter employer. In the alternative,  
5854 the insurer or fund may terminate any discount or deviation  
5855 granted to the firefighter employer for the remainder of the  
5856 term of the policy. If the contract is canceled or the discount  
5857 or deviation is terminated, the insurer shall make such reports  
5858 as are required by law.

5859 Section 86. Section 633.811, Florida Statutes, is  
5860 transferred, renumbered as section 633.526, Florida Statutes,  
5861 and amended to read:

5862 633.526 ~~633.811~~ Firefighter employer penalties.—If any  
5863 firefighter employer violates or fails or refuses to comply with  
5864 this part ~~ss. 633.801–633.821~~, or with any rule adopted by the  
5865 division under such sections in accordance with chapter 120 for  
5866 the prevention of injuries, accidents, or occupational diseases  
5867 or with any lawful order of the division in connection with this  
5868 part ~~ss. 633.801–633.821~~, or fails or refuses to furnish or  
5869 adopt any safety device, safeguard, or other means of protection  
5870 prescribed by division rule under this part ~~ss. 633.801–633.821~~  
5871 for the prevention of accidents or occupational diseases, the  
5872 division may:

5873 (1) Issue an administrative cease and desist order,  
5874 enforceable in the circuit court in the jurisdiction where the  
5875 violation is occurring or has occurred;

5876 (2) Assess an administrative fine against a firefighter  
5877 employer of not less than \$100 or more than \$1,000 for each  
5878 violation and each day a violation is committed; and

5879           (3) Assess against the firefighter employer a civil  
5880 penalty of not less than \$100 nor more than \$5,000 for each day  
5881 the violation, omission, failure, or refusal continues after the  
5882 firefighter employer has been given written notice of such  
5883 violation, omission, failure, or refusal. The total penalty for  
5884 each violation shall not exceed \$50,000. The division shall  
5885 adopt rules requiring penalties commensurate with the frequency  
5886 or severity of safety violations. Hearings requested under this  
5887 provision shall be conducted in Tallahassee, Florida. ~~A hearing~~  
5888 ~~shall be held in the county in which the violation, omission,~~  
5889 ~~failure, or refusal is alleged to have occurred, unless~~  
5890 ~~otherwise agreed to by the firefighter employer and authorized~~  
5891 ~~by the division.~~ All penalties assessed and collected under this  
5892 section shall be deposited in the Insurance Regulatory Trust  
5893 Fund.

5894           Section 87. Section 633.812, Florida Statutes, is  
5895 transferred and renumbered as section 633.528, Florida Statutes,  
5896 and subsections (2) and (3) of that section are amended, to  
5897 read:

5898           633.528 ~~633.812~~ Division cooperation with Federal  
5899 Government; exemption from requirements for private firefighter  
5900 employers.—

5901           (1) The division shall cooperate with the Federal  
5902 Government so that duplicate inspections will be avoided while  
5903 at the same time ensuring safe firefighter employee places of  
5904 employment for the citizens of this state.

5905           (2) ~~Except as provided in this section,~~ A private  
5906 firefighter employer is not subject to the requirements set

5907 | forth in part IV and this part of the division if the private  
 5908 | firefighter employer meets the requirements of this part and:

5909 |       (a) The private firefighter employer is subject to the  
 5910 | federal regulations in 29 C.F.R. ss. 1910 and 1926.

5911 |       (b) The private firefighter employer has adopted and  
 5912 | implemented a written safety program that conforms to the  
 5913 | requirements of 29 C.F.R. ss. 1910 and 1926.

5914 |       ~~(c) A private firefighter employer with 20 or more full-~~  
 5915 | ~~time firefighter employees shall include provisions for a safety~~  
 5916 | ~~committee in the safety program. The safety committee shall~~  
 5917 | ~~include firefighter employee representation and shall meet at~~  
 5918 | ~~least once each calendar quarter. The private firefighter~~  
 5919 | ~~employer shall make adequate records of each meeting and~~  
 5920 | ~~maintain the records subject to inspections under subsection~~  
 5921 | ~~(3). The safety committee shall, if appropriate, make~~  
 5922 | ~~recommendations regarding improvements to the safety program and~~  
 5923 | ~~corrections of hazards affecting workplace safety.~~

5924 |       (c)~~(d)~~ The private firefighter employer provides the  
 5925 | division with a written statement that certifies compliance with  
 5926 | this subsection.

5927 |       (3) The division may enter at any reasonable time any  
 5928 | place of private firefighter employment for the purpose of  
 5929 | verifying the accuracy of the written certification. If the  
 5930 | division determines that the private firefighter employer has  
 5931 | not complied with the requirements of subsection (2), the  
 5932 | private firefighter employer shall be subject to the rules of  
 5933 | the division until the private firefighter employer complies  
 5934 | with subsection (2), which must be verified by a reinspection by

5935 | ~~the division and recertifies that fact to the division.~~

5936 |       (4) This section shall not restrict the division's  
5937 | performance of any duties pursuant to a written contract between  
5938 | the division and the federal Occupational Safety and Health  
5939 | Administration.

5940 |       Section 88. Section 633.816, Florida Statutes, is  
5941 | transferred, renumbered as section 633.532, Florida Statutes,  
5942 | and amended to read:

5943 |       633.532 ~~633.816~~ Firefighter employee rights and  
5944 | responsibilities.—

5945 |       (1) Each firefighter employee of a firefighter employer  
5946 | covered under this part ~~ss. 633.801-633.821~~ shall comply with  
5947 | rules adopted by the division and with reasonable workplace  
5948 | safety and health standards, rules, policies, procedures, and  
5949 | work practices established by the firefighter employer and the  
5950 | workplace safety committee. A firefighter employee who knowingly  
5951 | fails to comply with this subsection may be disciplined or  
5952 | discharged by the firefighter employer.

5953 |       (2) A firefighter employer may not discharge, threaten to  
5954 | discharge, cause to be discharged, intimidate, coerce, otherwise  
5955 | discipline, or in any manner discriminate against a firefighter  
5956 | employee for any of the following reasons:

5957 |       (a) The firefighter employee has testified or is about to  
5958 | testify, on her or his own behalf or on behalf of others, in any  
5959 | proceeding instituted under this part ~~ss. 633.801-633.821~~;

5960 |       (b) The firefighter employee has exercised any other right  
5961 | afforded under this part ~~ss. 633.801-633.821~~; or

5962 |       (c) The firefighter employee is engaged in activities

5963 relating to the workplace safety committee.

5964 (3) No pay, position, seniority, or other benefit may be  
 5965 lost for exercising any right under, or for seeking compliance  
 5966 with any requirement of, this part ss. 633.801-633.821.

5967 Section 89. Section 633.818, Florida Statutes, is  
 5968 transferred, renumbered as subsection (1) of section 633.5341,  
 5969 Florida Statutes, and amended, and section 633.819, Florida  
 5970 Statutes, is transferred and renumbered as subsection (2) of  
 5971 that section, to read:

5972 633.5341 ~~633.818~~ False, fictitious, or fraudulent acts,  
 5973 statements, and representations prohibited; penalty; statute of  
 5974 limitations; ~~to insurers.~~

5975 (1) A firefighter employer who knowingly and willfully  
 5976 falsifies or conceals a material fact, who makes a false,  
 5977 fictitious, or fraudulent statement or representation, or who  
 5978 makes or uses any false document knowing the document to contain  
 5979 any false, fictitious, or fraudulent entry or statement to an  
 5980 insurer of workers' compensation insurance under this part ss.  
 5981 ~~633.801-633.821~~ commits a misdemeanor of the second degree,  
 5982 punishable as provided in s. 775.082 or s. 775.083.

5983 ~~633.819 Matters within jurisdiction of the division,~~  
 5984 ~~false, fictitious, or fraudulent acts, statements, and~~  
 5985 ~~representations prohibited; penalty; statute of limitations.~~

5986 (2) A person may not, in any matter within the  
 5987 jurisdiction of the division, knowingly and willfully falsify or  
 5988 conceal a material fact; make any false, fictitious, or  
 5989 fraudulent statement or representation; or make or use any false  
 5990 document, knowing the same to contain any false, fictitious, or

5991 fraudulent statement or entry. A person who violates this  
 5992 section commits a misdemeanor of the second degree, punishable  
 5993 as provided in s. 775.082 or s. 775.083. The statute of  
 5994 limitations for prosecution of an act committed in violation of  
 5995 this section is 5 years after the date the act was committed or,  
 5996 if not discovered within 30 days after the act was committed, 5  
 5997 years after the date the act was discovered.

5998 Section 90. Section 633.814, Florida Statutes, is  
 5999 transferred, renumbered as section 633.536, Florida Statutes,  
 6000 and amended, to read:

6001 633.536 ~~633.814~~ Expenses of administration.—The amounts  
 6002 that are needed to administer this part ~~ss. 633.801-633.821~~  
 6003 shall be disbursed from the Insurance Regulatory Trust Fund.

6004 Section 91. Section 627.4107, Florida Statutes, is amended  
 6005 to read:

6006 627.4107 Government employees exposed to toxic drug  
 6007 chemicals; cancellation of life or health policy or certificate  
 6008 prohibited.—No life or health insurer may cancel or nonrenew a  
 6009 life or health insurance policy or certificate of insurance  
 6010 providing coverage to a state or local law enforcement officer  
 6011 as defined in s. 943.10, firefighter as defined in s. 633.102  
 6012 ~~633.30~~, volunteer firefighter as defined in 633.102, emergency  
 6013 medical technician as defined in s. 401.23, or paramedic as  
 6014 defined in s. 401.23, a volunteer firefighter engaged by state  
 6015 or local government, a law enforcement officer employed by the  
 6016 Federal Government, or any other local, state, or Federal  
 6017 Government employee solely based on the fact that the individual  
 6018 has been exposed to toxic chemicals or suffered injury or

6019 disease as a result of the individual's lawful duties arising  
 6020 out of the commission of a violation of chapter 893 by another  
 6021 person. This section does not apply to any person who commits an  
 6022 offense under chapter 893. This section does not prohibit an  
 6023 insurer from canceling or nonrenewing an insurance policy or  
 6024 certificate, as permitted under the applicable state insurance  
 6025 code, based on an act or practice of the policyholder or  
 6026 certificateholder that constitutes fraud or intentional  
 6027 misrepresentation of material fact by the policyholder or  
 6028 certificateholder.

6029 Section 92. Sections 633.024, 633.0245, 633.30, 633.445,  
 6030 633.524, 633.804, and 633.820, Florida Statutes, are repealed.

6031 Section 93. Subsection (1) of section 112.1815, Florida  
 6032 Statutes, is amended to read:

6033 112.1815 Firefighters, paramedics, emergency medical  
 6034 technicians, and law enforcement officers; special provisions  
 6035 for employment-related accidents and injuries.—

6036 (1) The term "first responder" as used in this section  
 6037 means a law enforcement officer as defined in s. 943.10, a  
 6038 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
 6039 medical technician or paramedic as defined in s. 401.23 employed  
 6040 by state or local government. A volunteer law enforcement  
 6041 officer, firefighter, or emergency medical technician or  
 6042 paramedic engaged by the state or a local government is also  
 6043 considered a first responder of the state or local government  
 6044 for purposes of this section.

6045 Section 94. Paragraph (b) of subsection (1) of section  
 6046 112.191, Florida Statutes, is amended to read:



6047 | 112.191 Firefighters; death benefits.—

6048 | (1) Whenever used in this act:

6049 | (b) The term "firefighter" means any full-time duly  
 6050 | employed uniformed firefighter employed by an employer, whose  
 6051 | primary duty is the prevention and extinguishing of fires, the  
 6052 | protection of life and property therefrom, the enforcement of  
 6053 | municipal, county, and state fire prevention codes, as well as  
 6054 | the enforcement of any law pertaining to the prevention and  
 6055 | control of fires, who is certified pursuant to s. 633.408  
 6056 | ~~633.35~~, and who is a member of a duly constituted fire  
 6057 | department of such employer or who is a volunteer firefighter.

6058 | Section 95. Subsection (1) of section 112.81, Florida  
 6059 | Statutes, is amended to read:

6060 | 112.81 Definitions.—As used in this part:

6061 | (1) "Firefighter" means any person who is certified in  
 6062 | compliance with s. 633.408 ~~633.35~~ and who is employed solely  
 6063 | within the fire department or public safety department of an  
 6064 | employing agency as a full-time firefighter whose primary  
 6065 | responsibility is the prevention and extinguishment of fires;  
 6066 | the protection of life and property; and the enforcement of  
 6067 | municipal, county, and state fire prevention codes and laws  
 6068 | pertaining to the prevention and control of fires.

6069 | Section 96. Paragraph (d) of subsection (4) of section  
 6070 | 119.071, Florida Statutes, is amended to read:

6071 | 119.071 General exemptions from inspection or copying of  
 6072 | public records.—

6073 | (4) AGENCY PERSONNEL INFORMATION.—

6074 | (d)1. For purposes of this paragraph, the term "telephone

6075 numbers" includes home telephone numbers, personal cellular  
6076 telephone numbers, personal pager telephone numbers, and  
6077 telephone numbers associated with personal communications  
6078 devices.

6079 2.a. The home addresses, telephone numbers, social  
6080 security numbers, dates of birth, and photographs of active or  
6081 former sworn or civilian law enforcement personnel, including  
6082 correctional and correctional probation officers, personnel of  
6083 the Department of Children and Family Services whose duties  
6084 include the investigation of abuse, neglect, exploitation,  
6085 fraud, theft, or other criminal activities, personnel of the  
6086 Department of Health whose duties are to support the  
6087 investigation of child abuse or neglect, and personnel of the  
6088 Department of Revenue or local governments whose  
6089 responsibilities include revenue collection and enforcement or  
6090 child support enforcement; the home addresses, telephone  
6091 numbers, social security numbers, photographs, dates of birth,  
6092 and places of employment of the spouses and children of such  
6093 personnel; and the names and locations of schools and day care  
6094 facilities attended by the children of such personnel are exempt  
6095 from s. 119.07(1).

6096 b. The home addresses, telephone numbers, dates of birth,  
6097 and photographs of firefighters certified in compliance with s.  
6098 633.408 ~~633.35~~; the home addresses, telephone numbers,  
6099 photographs, dates of birth, and places of employment of the  
6100 spouses and children of such firefighters; and the names and  
6101 locations of schools and day care facilities attended by the  
6102 children of such firefighters are exempt from s. 119.07(1).

6103 c. The home addresses, dates of birth, and telephone  
6104 numbers of current or former justices of the Supreme Court,  
6105 district court of appeal judges, circuit court judges, and  
6106 county court judges; the home addresses, telephone numbers,  
6107 dates of birth, and places of employment of the spouses and  
6108 children of current or former justices and judges; and the names  
6109 and locations of schools and day care facilities attended by the  
6110 children of current or former justices and judges are exempt  
6111 from s. 119.07(1).

6112 d. The home addresses, telephone numbers, social security  
6113 numbers, dates of birth, and photographs of current or former  
6114 state attorneys, assistant state attorneys, statewide  
6115 prosecutors, or assistant statewide prosecutors; the home  
6116 addresses, telephone numbers, social security numbers,  
6117 photographs, dates of birth, and places of employment of the  
6118 spouses and children of current or former state attorneys,  
6119 assistant state attorneys, statewide prosecutors, or assistant  
6120 statewide prosecutors; and the names and locations of schools  
6121 and day care facilities attended by the children of current or  
6122 former state attorneys, assistant state attorneys, statewide  
6123 prosecutors, or assistant statewide prosecutors are exempt from  
6124 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

6125 e. The home addresses, dates of birth, and telephone  
6126 numbers of general magistrates, special magistrates, judges of  
6127 compensation claims, administrative law judges of the Division  
6128 of Administrative Hearings, and child support enforcement  
6129 hearing officers; the home addresses, telephone numbers, dates  
6130 of birth, and places of employment of the spouses and children

6131 of general magistrates, special magistrates, judges of  
6132 compensation claims, administrative law judges of the Division  
6133 of Administrative Hearings, and child support enforcement  
6134 hearing officers; and the names and locations of schools and day  
6135 care facilities attended by the children of general magistrates,  
6136 special magistrates, judges of compensation claims,  
6137 administrative law judges of the Division of Administrative  
6138 Hearings, and child support enforcement hearing officers are  
6139 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
6140 Constitution if the general magistrate, special magistrate,  
6141 judge of compensation claims, administrative law judge of the  
6142 Division of Administrative Hearings, or child support hearing  
6143 officer provides a written statement that the general  
6144 magistrate, special magistrate, judge of compensation claims,  
6145 administrative law judge of the Division of Administrative  
6146 Hearings, or child support hearing officer has made reasonable  
6147 efforts to protect such information from being accessible  
6148 through other means available to the public.

6149 f. The home addresses, telephone numbers, dates of birth,  
6150 and photographs of current or former human resource, labor  
6151 relations, or employee relations directors, assistant directors,  
6152 managers, or assistant managers of any local government agency  
6153 or water management district whose duties include hiring and  
6154 firing employees, labor contract negotiation, administration, or  
6155 other personnel-related duties; the names, home addresses,  
6156 telephone numbers, dates of birth, and places of employment of  
6157 the spouses and children of such personnel; and the names and  
6158 locations of schools and day care facilities attended by the

6159 children of such personnel are exempt from s. 119.07(1) and s.  
 6160 24(a), Art. I of the State Constitution.

6161 g. The home addresses, telephone numbers, dates of birth,  
 6162 and photographs of current or former code enforcement officers;  
 6163 the names, home addresses, telephone numbers, dates of birth,  
 6164 and places of employment of the spouses and children of such  
 6165 personnel; and the names and locations of schools and day care  
 6166 facilities attended by the children of such personnel are exempt  
 6167 from s. 119.07(1) and s. 24(a), Art. I of the State  
 6168 Constitution.

6169 h. The home addresses, telephone numbers, places of  
 6170 employment, dates of birth, and photographs of current or former  
 6171 guardians ad litem, as defined in s. 39.820; the names, home  
 6172 addresses, telephone numbers, dates of birth, and places of  
 6173 employment of the spouses and children of such persons; and the  
 6174 names and locations of schools and day care facilities attended  
 6175 by the children of such persons are exempt from s. 119.07(1) and  
 6176 s. 24(a), Art. I of the State Constitution, if the guardian ad  
 6177 litem provides a written statement that the guardian ad litem  
 6178 has made reasonable efforts to protect such information from  
 6179 being accessible through other means available to the public.

6180 i. The home addresses, telephone numbers, dates of birth,  
 6181 and photographs of current or former juvenile probation  
 6182 officers, juvenile probation supervisors, detention  
 6183 superintendents, assistant detention superintendents, juvenile  
 6184 justice detention officers I and II, juvenile justice detention  
 6185 officer supervisors, juvenile justice residential officers,  
 6186 juvenile justice residential officer supervisors I and II,

6187 juvenile justice counselors, juvenile justice counselor  
6188 supervisors, human services counselor administrators, senior  
6189 human services counselor administrators, rehabilitation  
6190 therapists, and social services counselors of the Department of  
6191 Juvenile Justice; the names, home addresses, telephone numbers,  
6192 dates of birth, and places of employment of spouses and children  
6193 of such personnel; and the names and locations of schools and  
6194 day care facilities attended by the children of such personnel  
6195 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
6196 Constitution.

6197 j. The home addresses, telephone numbers, dates of birth,  
6198 and photographs of current or former public defenders, assistant  
6199 public defenders, criminal conflict and civil regional counsel,  
6200 and assistant criminal conflict and civil regional counsel; the  
6201 home addresses, telephone numbers, dates of birth, and places of  
6202 employment of the spouses and children of such defenders or  
6203 counsel; and the names and locations of schools and day care  
6204 facilities attended by the children of such defenders or counsel  
6205 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
6206 Constitution.

6207 k. The home addresses, telephone numbers, and photographs  
6208 of current or former investigators or inspectors of the  
6209 Department of Business and Professional Regulation; the names,  
6210 home addresses, telephone numbers, and places of employment of  
6211 the spouses and children of such current or former investigators  
6212 and inspectors; and the names and locations of schools and day  
6213 care facilities attended by the children of such current or  
6214 former investigators and inspectors are exempt from s. 119.07(1)

6215 and s. 24(a), Art. I of the State Constitution if the  
6216 investigator or inspector has made reasonable efforts to protect  
6217 such information from being accessible through other means  
6218 available to the public. This sub-subparagraph is subject to the  
6219 Open Government Sunset Review Act in accordance with s. 119.15  
6220 and shall stand repealed on October 2, 2017, unless reviewed and  
6221 saved from repeal through reenactment by the Legislature.

6222 1. The home addresses and telephone numbers of county tax  
6223 collectors; the names, home addresses, telephone numbers, and  
6224 places of employment of the spouses and children of such tax  
6225 collectors; and the names and locations of schools and day care  
6226 facilities attended by the children of such tax collectors are  
6227 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
6228 Constitution if the county tax collector has made reasonable  
6229 efforts to protect such information from being accessible  
6230 through other means available to the public. This sub-  
6231 subparagraph is subject to the Open Government Sunset Review Act  
6232 in accordance with s. 119.15 and shall stand repealed on October  
6233 2, 2017, unless reviewed and saved from repeal through  
6234 reenactment by the Legislature.

6235 3. An agency that is the custodian of the information  
6236 specified in subparagraph 2. and that is not the employer of the  
6237 officer, employee, justice, judge, or other person specified in  
6238 subparagraph 2. shall maintain the exempt status of that  
6239 information only if the officer, employee, justice, judge, other  
6240 person, or employing agency of the designated employee submits a  
6241 written request for maintenance of the exemption to the  
6242 custodial agency.

6243 4. The exemptions in this paragraph apply to information  
 6244 held by an agency before, on, or after the effective date of the  
 6245 exemption.

6246 5. This paragraph is subject to the Open Government Sunset  
 6247 Review Act in accordance with s. 119.15, and shall stand  
 6248 repealed on October 2, 2017, unless reviewed and saved from  
 6249 repeal through reenactment by the Legislature.

6250 Section 97. Subsection (4) of section 120.541, Florida  
 6251 Statutes, as amended by chapter 2011-222, Laws of Florida, is  
 6252 amended to read:

6253 120.541 Statement of estimated regulatory costs.—

6254 (4) Subsection (3) does not apply to the adoption of:

6255 (a) Federal standards pursuant to s. 120.54(6).

6256 (b) Triennial updates of and amendments to the Florida  
 6257 Building Code which are expressly authorized by s. 553.73.

6258 (c) Triennial updates of and amendments to the Florida  
 6259 Fire Prevention Code which are expressly authorized by s.

6260 633.202 ~~633.0215~~.

6261 Section 98. Subsection (17) of section 120.80, Florida  
 6262 Statutes, is amended to read:

6263 120.80 Exceptions and special requirements; agencies.—

6264 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply  
 6265 to the adoption of amendments and the triennial update to the  
 6266 Florida Fire Prevention Code expressly authorized by s. 633.202  
 6267 ~~633.0215~~.

6268 Section 99. Paragraph (b) of subsection (3) and paragraph  
 6269 (a) of subsection (6) of section 121.0515, Florida Statutes, are  
 6270 amended to read:



6271 | 121.0515 Special Risk Class.—

6272 | (3) CRITERIA.—A member, to be designated as a special risk  
6273 | member, must meet the following criteria:

6274 | (b) Effective October 1, 1978, the member must be employed  
6275 | as a firefighter and be certified, or required to be certified,  
6276 | in compliance with s. 633.408 ~~633.35~~ and be employed solely  
6277 | within the fire department of a local government employer or an  
6278 | agency of state government with firefighting responsibilities.  
6279 | In addition, the member's duties and responsibilities must  
6280 | include on-the-scene fighting of fires; as of October 1, 2001,  
6281 | fire prevention or firefighter training; as of October 1, 2001,  
6282 | direct supervision of firefighting units, fire prevention, or  
6283 | firefighter training; or as of July 1, 2001, aerial firefighting  
6284 | surveillance performed by fixed-wing aircraft pilots employed by  
6285 | the Florida Forest Service of the Department of Agriculture and  
6286 | Consumer Services; or the member must be the supervisor or  
6287 | command officer of a member or members who have such  
6288 | responsibilities. Administrative support personnel, including,  
6289 | but not limited to, those whose primary duties and  
6290 | responsibilities are in accounting, purchasing, legal, and  
6291 | personnel, are not included. All periods of creditable service  
6292 | in fire prevention or firefighter training, or as the supervisor  
6293 | or command officer of a member or members who have such  
6294 | responsibilities, and for which the employer paid the special  
6295 | risk contribution rate, are included;

6296 | (6) CREDIT FOR PAST SERVICE.—A special risk member may  
6297 | purchase retirement credit in the Special Risk Class based upon  
6298 | past service, and may upgrade retirement credit for such past

6299 service, to the extent of 2 percent of the member's average  
 6300 monthly compensation as specified in s. 121.091(1)(a) for such  
 6301 service as follows:

6302 (a) The member may purchase special risk credit for past  
 6303 service with a municipality or special district which has  
 6304 elected to join the Florida Retirement System, or with a  
 6305 participating agency to which a member's governmental unit was  
 6306 transferred, merged, or consolidated as provided in s.  
 6307 121.081(1)(f), if the member was employed with the municipality  
 6308 or special district at the time it commenced participating in  
 6309 the Florida Retirement System or with the governmental unit at  
 6310 the time of its transfer, merger, or consolidation with the  
 6311 participating agency. The service must satisfy the criteria set  
 6312 forth in subsection (3) for Special Risk Class membership as a  
 6313 law enforcement officer, firefighter, or correctional officer;  
 6314 however, a certificate or waiver of certificate of compliance  
 6315 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such  
 6316 service.

6317 Section 100. Paragraph (d) of subsection (1) of section  
 6318 125.01, Florida Statutes, is amended to read:

6319 125.01 Powers and duties.—

6320 (1) The legislative and governing body of a county shall  
 6321 have the power to carry on county government. To the extent not  
 6322 inconsistent with general or special law, this power includes,  
 6323 but is not restricted to, the power to:

6324 (d) Provide fire protection, including the enforcement of  
 6325 the Florida Fire Prevention Code, as provided in ss. 633.206  
 6326 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local

6327 technical amendments to the Florida Fire Prevention Code as  
 6328 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

6329 Section 101. Subsection (2) of section 125.01045, Florida  
 6330 Statutes, is amended to read:

6331 125.01045 Prohibition of fees for first responder  
 6332 services.—

6333 (2) As used in this section, the term "first responder"  
 6334 means a law enforcement officer as defined in s. 943.10, a  
 6335 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
 6336 medical technician or paramedic as defined in s. 401.23 who is  
 6337 employed by the state or a local government. A volunteer law  
 6338 enforcement officer, firefighter, or emergency medical  
 6339 technician or paramedic engaged by the state or a local  
 6340 government is also considered a first responder of the state or  
 6341 local government for purposes of this section.

6342 Section 102. Subsection (1) of section 125.56, Florida  
 6343 Statutes, is amended to read:

6344 125.56 Enforcement and amendment of the Florida Building  
 6345 Code and the Florida Fire Prevention Code; inspection fees;  
 6346 inspectors; etc.—

6347 (1) The board of county commissioners of each of the  
 6348 several counties of the state is authorized to enforce the  
 6349 Florida Building Code and the Florida Fire Prevention Code, as  
 6350 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,  
 6351 and, at its discretion, to adopt local technical amendments to  
 6352 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)  
 6353 and local technical amendments to the Florida Fire Prevention  
 6354 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe

6355 construction, erection, alteration, repair, securing, and  
6356 demolition of any building within its territory outside the  
6357 corporate limits of any municipality. Upon a determination to  
6358 consider amending the Florida Building Code or the Florida Fire  
6359 Prevention Code by a majority of the members of the board of  
6360 county commissioners of such county, the board shall call a  
6361 public hearing and comply with the public notice requirements of  
6362 s. 125.66(2). The board shall hear all interested parties at the  
6363 public hearing and may then amend the building code or the fire  
6364 code consistent with the terms and purposes of this act. Upon  
6365 adoption, an amendment to the code shall be in full force and  
6366 effect throughout the unincorporated area of such county until  
6367 otherwise notified by the Florida Building Commission pursuant  
6368 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202  
6369 ~~633.0215~~. Nothing herein contained shall be construed to prevent  
6370 the board of county commissioners from repealing such amendment  
6371 to the building code or the fire code at any regular meeting of  
6372 such board.

6373 Section 103. Subsection (2) of section 166.0446, Florida  
6374 Statutes, is amended to read:

6375 166.0446 Prohibition of fees for first responder  
6376 services.—

6377 (2) As used in this section, the term "first responder"  
6378 means a law enforcement officer as defined in s. 943.10, a  
6379 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency  
6380 medical technician or paramedic as defined in s. 401.23 who is  
6381 employed by the state or a local government. A volunteer law  
6382 enforcement officer, firefighter, or emergency medical

6383 technician or paramedic engaged by the state or a local  
 6384 government is also considered a first responder of the state or  
 6385 local government for purposes of this section.

6386 Section 104. Paragraph (a) of subsection (8) of section  
 6387 175.032, Florida Statutes, is amended to read:

6388 175.032 Definitions.—For any municipality, special fire  
 6389 control district, chapter plan, local law municipality, local  
 6390 law special fire control district, or local law plan under this  
 6391 chapter, the following words and phrases have the following  
 6392 meanings:

6393 (8) (a) "Firefighter" means any person employed solely by a  
 6394 constituted fire department of any municipality or special fire  
 6395 control district who is certified as a firefighter as a  
 6396 condition of employment in accordance with s. 633.408 ~~633.35~~ and  
 6397 whose duty it is to extinguish fires, to protect life, or to  
 6398 protect property. The term includes all certified, supervisory,  
 6399 and command personnel whose duties include, in whole or in part,  
 6400 the supervision, training, guidance, and management  
 6401 responsibilities of full-time firefighters, part-time  
 6402 firefighters, or auxiliary firefighters but does not include  
 6403 part-time firefighters or auxiliary firefighters. However, for  
 6404 purposes of this chapter only, the term also includes public  
 6405 safety officers who are responsible for performing both police  
 6406 and fire services, who are certified as police officers or  
 6407 firefighters, and who are certified by their employers to the  
 6408 Chief Financial Officer as participating in this chapter before  
 6409 October 1, 1979. Effective October 1, 1979, public safety  
 6410 officers who have not been certified as participating in this

6411 chapter are considered police officers for retirement purposes  
6412 and are eligible to participate in chapter 185. Any plan may  
6413 provide that the fire chief has an option to participate, or  
6414 not, in that plan.

6415 Section 105. Subsection (3) of section 175.121, Florida  
6416 Statutes, is amended to read:

6417 175.121 Department of Revenue and Division of Retirement  
6418 to keep accounts of deposits; disbursements.—For any  
6419 municipality or special fire control district having a chapter  
6420 or local law plan established pursuant to this chapter:

6421 (3) (a) All moneys not distributed to municipalities and  
6422 special fire control districts under this section as a result of  
6423 the limitation on disbursement contained in s. 175.122, or as a  
6424 result of any municipality or special fire control district not  
6425 having qualified in any given year, or portion thereof, shall be  
6426 transferred to the Firefighters' Supplemental Compensation Trust  
6427 Fund administered by the Department of Revenue, as provided in  
6428 s. 633.422 ~~633.382~~.

6429 (b)1. Moneys transferred under paragraph (a) but not  
6430 needed to support the supplemental compensation program in a  
6431 given year shall be redistributed pro rata to those  
6432 participating municipalities and special fire control districts  
6433 that transfer any portion of their funds to support the  
6434 supplemental compensation program in that year. Such additional  
6435 moneys shall be used to cover or offset costs of the retirement  
6436 plan.

6437 2. To assist the Department of Revenue, the division shall  
6438 identify those municipalities and special fire control districts

6439 that are eligible for redistribution as provided in s.  
 6440 633.422(3)(c)2. ~~633.382(4)(e)2.~~, by listing the municipalities  
 6441 and special fire control districts from which funds were  
 6442 transferred under paragraph (a) and specifying the amount  
 6443 transferred by each.

6444 Section 106. Paragraph (c) of subsection (6) of section  
 6445 196.081, Florida Statutes, is amended to read:

6446 196.081 Exemption for certain permanently and totally  
 6447 disabled veterans and for surviving spouses of veterans;  
 6448 exemption for surviving spouses of first responders who die in  
 6449 the line of duty.-

6450 (6) Any real estate that is owned and used as a homestead  
 6451 by the surviving spouse of a first responder who died in the  
 6452 line of duty while employed by the state or any political  
 6453 subdivision of the state, including authorities and special  
 6454 districts, and for whom a letter from the state or appropriate  
 6455 political subdivision of the state, or other authority or  
 6456 special district, has been issued which legally recognizes and  
 6457 certifies that the first responder died in the line of duty  
 6458 while employed as a first responder is exempt from taxation if  
 6459 the first responder and his or her surviving spouse were  
 6460 permanent residents of this state on January 1 of the year in  
 6461 which the first responder died.

6462 (c) As used in this subsection only, and not applicable to  
 6463 the payment of benefits under s. 112.19 or s. 112.191, the term:

6464 1. "First responder" means a law enforcement officer or  
 6465 correctional officer as defined in s. 943.10, a firefighter as  
 6466 defined in s. 633.102 ~~633.30~~, or an emergency medical technician

6467 or paramedic as defined in s. 401.23 who is a full-time paid  
6468 employee, part-time paid employee, or unpaid volunteer.

6469 2. "In the line of duty" means:

6470 a. While engaging in law enforcement;

6471 b. While performing an activity relating to fire  
6472 suppression and prevention;

6473 c. While responding to a hazardous material emergency;

6474 d. While performing rescue activity;

6475 e. While providing emergency medical services;

6476 f. While performing disaster relief activity;

6477 g. While otherwise engaging in emergency response  
6478 activity; or

6479 h. While engaging in a training exercise related to any of  
6480 the events or activities enumerated in this subparagraph if the  
6481 training has been authorized by the employing entity.

6482

6483 A heart attack or stroke that causes death or causes an injury  
6484 resulting in death must occur within 24 hours after an event or  
6485 activity enumerated in this subparagraph and must be directly  
6486 and proximately caused by the event or activity in order to be  
6487 considered as having occurred in the line of duty.

6488 Section 107. Paragraph (e) of subsection (1) of section  
6489 218.23, Florida Statutes, is amended to read:

6490 218.23 Revenue sharing with units of local government.—

6491 (1) To be eligible to participate in revenue sharing  
6492 beyond the minimum entitlement in any fiscal year, a unit of  
6493 local government is required to have:

6494 (e) Certified that persons in its employ as firefighters,



6495 as defined in s. 633.102(9) ~~633.30(1)~~, meet the qualification  
 6496 for employment as established by the Division of State Fire  
 6497 Marshal pursuant to the provisions of ss. 633.412 ~~633.34~~ and  
 6498 633.408 ~~633.35~~ and that the provisions of s. 633.422 ~~633.382~~  
 6499 have been met.

6500  
 6501 Additionally, to receive its share of revenue sharing funds, a  
 6502 unit of local government shall certify to the Department of  
 6503 Revenue that the requirements of s. 200.065, if applicable, were  
 6504 met. The certification shall be made annually within 30 days of  
 6505 adoption of an ordinance or resolution establishing a final  
 6506 property tax levy or, if no property tax is levied, not later  
 6507 than November 1. The portion of revenue sharing funds which,  
 6508 pursuant to this part, would otherwise be distributed to a unit  
 6509 of local government which has not certified compliance or has  
 6510 otherwise failed to meet the requirements of s. 200.065 shall be  
 6511 deposited in the General Revenue Fund for the 12 months  
 6512 following a determination of noncompliance by the department.

6513 Section 108. Paragraph (a) of subsection (3) of section  
 6514 252.515, Florida Statutes, is amended to read:

6515 252.515 Postdisaster Relief Assistance Act; immunity from  
 6516 civil liability.—

6517 (3) As used in this section, the term:

6518 (a) "Emergency first responder" means:

- 6519 1. A physician licensed under chapter 458.
- 6520 2. An osteopathic physician licensed under chapter 459.
- 6521 3. A chiropractic physician licensed under chapter 460.
- 6522 4. A podiatric physician licensed under chapter 461.

- 6523 5. A dentist licensed under chapter 466.
- 6524 6. An advanced registered nurse practitioner certified
- 6525 under s. 464.012.
- 6526 7. A physician assistant licensed under s. 458.347 or s.
- 6527 459.022.
- 6528 8. A worker employed by a public or private hospital in
- 6529 the state.
- 6530 9. A paramedic as defined in s. 401.23(17).
- 6531 10. An emergency medical technician as defined in s.
- 6532 401.23(11).
- 6533 11. A firefighter as defined in s. 633.102 ~~633.30~~.
- 6534 12. A law enforcement officer as defined in s. 943.10.
- 6535 13. A member of the Florida National Guard.
- 6536 14. Any other personnel designated as emergency personnel
- 6537 by the Governor pursuant to a declared emergency.

6538 Section 109. Section 255.45, Florida Statutes, is amended  
 6539 to read:

6540 255.45 Correction of firesafety violations in certain  
 6541 state-owned property.—The Department of Management Services is  
 6542 responsible for ensuring that firesafety violations that are  
 6543 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~  
 6544 are corrected as soon as practicable for all state-owned  
 6545 property which is leased from the Department of Management  
 6546 Services.

6547 Section 110. Subsection (4) of section 258.0145, Florida  
 6548 Statutes, is amended to read:

6549 258.0145 Military state park fee discounts.—The Division  
 6550 of Recreation and Parks shall provide the following discounts on

6551 park fees to persons who present written documentation  
6552 satisfactory to the division which evidences their eligibility  
6553 for the discounts:

6554 (4) The surviving spouse and parents of a law enforcement  
6555 officer, as defined in s. 943.10(1), or a firefighter, as  
6556 defined in s. 633.102(9) ~~633.30(1)~~, who has died in the line of  
6557 duty shall receive lifetime family annual entrance passes at no  
6558 charge.

6559 Section 111. Subsection (1) of section 281.02, Florida  
6560 Statutes, is amended to read:

6561 281.02 Powers and duties of the Department of Management  
6562 Services with respect to firesafety and security.—The Department  
6563 of Management Services has the following powers and duties with  
6564 respect to firesafety and security:

6565 (1) To assist the State Fire Marshal in maintaining the  
6566 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

6567 Section 112. Subsection (1) of section 384.287, Florida  
6568 Statutes, is amended to read:

6569 384.287 Screening for sexually transmissible disease.—

6570 (1) An officer as defined in s. 943.10(14); support  
6571 personnel as defined in s. 943.10(11) who are employed by the  
6572 Department of Law Enforcement, including, but not limited to,  
6573 any crime scene analyst, forensic technologist, or crime lab  
6574 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or  
6575 ambulance driver, paramedic, or emergency medical technician as  
6576 defined in s. 401.23, acting within the scope of employment, who  
6577 comes into contact with a person in such a way that significant  
6578 exposure, as defined in s. 381.004, has occurred may request

6579 | that the person be screened for a sexually transmissible disease  
6580 | that can be transmitted through a significant exposure.

6581 |       Section 113. Paragraph (a) of subsection (1) of section  
6582 | 395.0163, Florida Statutes, is amended to read:

6583 |       395.0163 Construction inspections; plan submission and  
6584 | approval; fees.—

6585 |       (1)(a) The design, construction, erection, alteration,  
6586 | modification, repair, and demolition of all public and private  
6587 | health care facilities are governed by the Florida Building Code  
6588 | and the Florida Fire Prevention Code under ss. 553.73 and  
6589 | 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79  
6590 | and 553.80, the agency shall review facility plans and survey  
6591 | the construction of any facility licensed under this chapter.  
6592 | The agency shall make, or cause to be made, such construction  
6593 | inspections and investigations as it deems necessary. The agency  
6594 | may prescribe by rule that any licensee or applicant desiring to  
6595 | make specified types of alterations or additions to its  
6596 | facilities or to construct new facilities shall, before  
6597 | commencing such alteration, addition, or new construction,  
6598 | submit plans and specifications therefor to the agency for  
6599 | preliminary inspection and approval or recommendation with  
6600 | respect to compliance with applicable provisions of the Florida  
6601 | Building Code or agency rules and standards. The agency shall  
6602 | approve or disapprove the plans and specifications within 60  
6603 | days after receipt of the fee for review of plans as required in  
6604 | subsection (2). The agency may be granted one 15-day extension  
6605 | for the review period if the director of the agency approves the  
6606 | extension. If the agency fails to act within the specified time,

6607 | it shall be deemed to have approved the plans and  
6608 | specifications. When the agency disapproves plans and  
6609 | specifications, it shall set forth in writing the reasons for  
6610 | its disapproval. Conferences and consultations may be provided  
6611 | as necessary.

6612 |       Section 114. Section 400.232, Florida Statutes, is amended  
6613 | to read:

6614 |       400.232 Review and approval of plans; fees and costs.—The  
6615 | design, construction, erection, alteration, modification,  
6616 | repair, and demolition of all public and private health care  
6617 | facilities are governed by the Florida Building Code and the  
6618 | Florida Fire Prevention Code under ss. 553.73 and 633.206  
6619 | ~~633.022~~. In addition to the requirements of ss. 553.79 and  
6620 | 553.80, the agency shall review the facility plans and survey  
6621 | the construction of facilities licensed under this chapter.

6622 |       (1) The agency shall approve or disapprove the plans and  
6623 | specifications within 60 days after receipt of the final plans  
6624 | and specifications. The agency may be granted one 15-day  
6625 | extension for the review period, if the director of the agency  
6626 | so approves. If the agency fails to act within the specified  
6627 | time, it shall be deemed to have approved the plans and  
6628 | specifications. When the agency disapproves plans and  
6629 | specifications, it shall set forth in writing the reasons for  
6630 | disapproval. Conferences and consultations may be provided as  
6631 | necessary.

6632 |       (2) The agency is authorized to charge an initial fee of  
6633 | \$2,000 for review of plans and construction on all projects, no  
6634 | part of which is refundable. The agency may also collect a fee,

6635 not to exceed 1 percent of the estimated construction cost or  
6636 the actual cost of review, whichever is less, for the portion of  
6637 the review which encompasses initial review through the initial  
6638 revised construction document review. The agency is further  
6639 authorized to collect its actual costs on all subsequent  
6640 portions of the review and construction inspections. Initial fee  
6641 payment shall accompany the initial submission of plans and  
6642 specifications. Any subsequent payment that is due is payable  
6643 upon receipt of the invoice from the agency. Notwithstanding any  
6644 other provisions of law to the contrary, all money received by  
6645 the agency pursuant to the provisions of this section shall be  
6646 deemed to be trust funds, to be held and applied solely for the  
6647 operations required under this section.

6648 Section 115. Subsection (2) of section 400.915, Florida  
6649 Statutes, is amended to read:

6650 400.915 Construction and renovation; requirements.—The  
6651 requirements for the construction or renovation of a PPEC center  
6652 shall comply with:

6653 (2) The provisions of s. 633.206 ~~633.022~~ and applicable  
6654 rules pertaining to physical standards for nonresidential child  
6655 care facilities; and

6656 Section 116. Paragraph (a) of subsection (1) of section  
6657 429.41, Florida Statutes, is amended to read:

6658 429.41 Rules establishing standards.—

6659 (1) It is the intent of the Legislature that rules  
6660 published and enforced pursuant to this section shall include  
6661 criteria by which a reasonable and consistent quality of  
6662 resident care and quality of life may be ensured and the results

6663 of such resident care may be demonstrated. Such rules shall also  
6664 ensure a safe and sanitary environment that is residential and  
6665 noninstitutional in design or nature. It is further intended  
6666 that reasonable efforts be made to accommodate the needs and  
6667 preferences of residents to enhance the quality of life in a  
6668 facility. The agency, in consultation with the department, may  
6669 adopt rules to administer the requirements of part II of chapter  
6670 408. In order to provide safe and sanitary facilities and the  
6671 highest quality of resident care accommodating the needs and  
6672 preferences of residents, the department, in consultation with  
6673 the agency, the Department of Children and Family Services, and  
6674 the Department of Health, shall adopt rules, policies, and  
6675 procedures to administer this part, which must include  
6676 reasonable and fair minimum standards in relation to:

6677 (a) The requirements for and maintenance of facilities,  
6678 not in conflict with the provisions of chapter 553, relating to  
6679 plumbing, heating, cooling, lighting, ventilation, living space,  
6680 and other housing conditions, which will ensure the health,  
6681 safety, and comfort of residents and protection from fire  
6682 hazard, including adequate provisions for fire alarm and other  
6683 fire protection suitable to the size of the structure. Uniform  
6684 firesafety standards shall be established and enforced by the  
6685 State Fire Marshal in cooperation with the agency, the  
6686 department, and the Department of Health.

6687 1. Evacuation capability determination.—

6688 a. The provisions of the National Fire Protection  
6689 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used  
6690 for determining the ability of the residents, with or without

6691 staff assistance, to relocate from or within a licensed facility  
6692 to a point of safety as provided in the fire codes adopted  
6693 herein. An evacuation capability evaluation for initial  
6694 licensure shall be conducted within 6 months after the date of  
6695 licensure. For existing licensed facilities that are not  
6696 equipped with an automatic fire sprinkler system, the  
6697 administrator shall evaluate the evacuation capability of  
6698 residents at least annually. The evacuation capability  
6699 evaluation for each facility not equipped with an automatic fire  
6700 sprinkler system shall be validated, without liability, by the  
6701 State Fire Marshal, by the local fire marshal, or by the local  
6702 authority having jurisdiction over firesafety, before the  
6703 license renewal date. If the State Fire Marshal, local fire  
6704 marshal, or local authority having jurisdiction over firesafety  
6705 has reason to believe that the evacuation capability of a  
6706 facility as reported by the administrator may have changed, it  
6707 may, with assistance from the facility administrator, reevaluate  
6708 the evacuation capability through timed exiting drills.  
6709 Translation of timed fire exiting drills to evacuation  
6710 capability may be determined:

6711 (I) Three minutes or less: prompt.

6712 (II) More than 3 minutes, but not more than 13 minutes:  
6713 slow.

6714 (III) More than 13 minutes: impractical.

6715 b. The Office of the State Fire Marshal shall provide or  
6716 cause the provision of training and education on the proper  
6717 application of Chapter 5, NFPA 101A, 1995 edition, to its  
6718 employees, to staff of the Agency for Health Care Administration



6719 | who are responsible for regulating facilities under this part,  
6720 | and to local governmental inspectors. The Office of the State  
6721 | Fire Marshal shall provide or cause the provision of this  
6722 | training within its existing budget, but may charge a fee for  
6723 | this training to offset its costs. The initial training must be  
6724 | delivered within 6 months after July 1, 1995, and as needed  
6725 | thereafter.

6726 |       c. The Office of the State Fire Marshal, in cooperation  
6727 | with provider associations, shall provide or cause the provision  
6728 | of a training program designed to inform facility operators on  
6729 | how to properly review bid documents relating to the  
6730 | installation of automatic fire sprinklers. The Office of the  
6731 | State Fire Marshal shall provide or cause the provision of this  
6732 | training within its existing budget, but may charge a fee for  
6733 | this training to offset its costs. The initial training must be  
6734 | delivered within 6 months after July 1, 1995, and as needed  
6735 | thereafter.

6736 |       d. The administrator of a licensed facility shall sign an  
6737 | affidavit verifying the number of residents occupying the  
6738 | facility at the time of the evacuation capability evaluation.

6739 |       2. Firesafety requirements.—

6740 |       a. Except for the special applications provided herein,  
6741 | effective January 1, 1996, the provisions of the National Fire  
6742 | Protection Association, Life Safety Code, NFPA 101, 1994  
6743 | edition, Chapter 22 for new facilities and Chapter 23 for  
6744 | existing facilities shall be the uniform fire code applied by  
6745 | the State Fire Marshal for assisted living facilities, pursuant  
6746 | to s. 633.206 ~~633.022~~.

6747 b. Any new facility, regardless of size, that applies for  
6748 a license on or after January 1, 1996, must be equipped with an  
6749 automatic fire sprinkler system. The exceptions as provided in  
6750 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply  
6751 to any new facility housing eight or fewer residents. On July 1,  
6752 1995, local governmental entities responsible for the issuance  
6753 of permits for construction shall inform, without liability, any  
6754 facility whose permit for construction is obtained prior to  
6755 January 1, 1996, of this automatic fire sprinkler requirement.  
6756 As used in this part, the term "a new facility" does not mean an  
6757 existing facility that has undergone change of ownership.

6758 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or  
6759 of the National Fire Protection Association, NFPA 101A, Chapter  
6760 5, 1995 edition, to the contrary, any existing facility housing  
6761 eight or fewer residents is not required to install an automatic  
6762 fire sprinkler system, nor to comply with any other requirement  
6763 in Chapter 23, NFPA 101, 1994 edition, that exceeds the  
6764 firesafety requirements of NFPA 101, 1988 edition, that applies  
6765 to this size facility, unless the facility has been classified  
6766 as impractical to evacuate. Any existing facility housing eight  
6767 or fewer residents that is classified as impractical to evacuate  
6768 must install an automatic fire sprinkler system within the  
6769 timeframes granted in this section.

6770 d. Any existing facility that is required to install an  
6771 automatic fire sprinkler system under this paragraph need not  
6772 meet other firesafety requirements of Chapter 23, NFPA 101, 1994  
6773 edition, which exceed the provisions of NFPA 101, 1988 edition.  
6774 The mandate contained in this paragraph which requires certain

6775 facilities to install an automatic fire sprinkler system  
6776 supersedes any other requirement.

6777 e. This paragraph does not supersede the exceptions  
6778 granted in NFPA 101, 1988 edition or 1994 edition.

6779 f. This paragraph does not exempt facilities from other  
6780 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local  
6781 building code requirements in effect before July 1, 1995.

6782 g. A local government may charge fees only in an amount  
6783 not to exceed the actual expenses incurred by local government  
6784 relating to the installation and maintenance of an automatic  
6785 fire sprinkler system in an existing and properly licensed  
6786 assisted living facility structure as of January 1, 1996.

6787 h. If a licensed facility undergoes major reconstruction  
6788 or addition to an existing building on or after January 1, 1996,  
6789 the entire building must be equipped with an automatic fire  
6790 sprinkler system. Major reconstruction of a building means  
6791 repair or restoration that costs in excess of 50 percent of the  
6792 value of the building as reported on the tax rolls, excluding  
6793 land, before reconstruction. Multiple reconstruction projects  
6794 within a 5-year period the total costs of which exceed 50  
6795 percent of the initial value of the building at the time the  
6796 first reconstruction project was permitted are to be considered  
6797 as major reconstruction. Application for a permit for an  
6798 automatic fire sprinkler system is required upon application for  
6799 a permit for a reconstruction project that creates costs that go  
6800 over the 50-percent threshold.

6801 i. Any facility licensed before January 1, 1996, that is  
6802 required to install an automatic fire sprinkler system shall

6803 ensure that the installation is completed within the following  
6804 timeframes based upon evacuation capability of the facility as  
6805 determined under subparagraph 1.:

6806 (I) Impractical evacuation capability, 24 months.

6807 (II) Slow evacuation capability, 48 months.

6808 (III) Prompt evacuation capability, 60 months.

6809

6810 The beginning date from which the deadline for the automatic  
6811 fire sprinkler installation requirement must be calculated is  
6812 upon receipt of written notice from the local fire official that  
6813 an automatic fire sprinkler system must be installed. The local  
6814 fire official shall send a copy of the document indicating the  
6815 requirement of a fire sprinkler system to the Agency for Health  
6816 Care Administration.

6817 j. It is recognized that the installation of an automatic  
6818 fire sprinkler system may create financial hardship for some  
6819 facilities. The appropriate local fire official shall, without  
6820 liability, grant two 1-year extensions to the timeframes for  
6821 installation established herein, if an automatic fire sprinkler  
6822 installation cost estimate and proof of denial from two  
6823 financial institutions for a construction loan to install the  
6824 automatic fire sprinkler system are submitted. However, for any  
6825 facility with a class I or class II, or a history of uncorrected  
6826 class III, firesafety deficiencies, an extension must not be  
6827 granted. The local fire official shall send a copy of the  
6828 document granting the time extension to the Agency for Health  
6829 Care Administration.

6830 k. A facility owner whose facility is required to be

6831 equipped with an automatic fire sprinkler system under Chapter  
6832 23, NFPA 101, 1994 edition, as adopted herein, must disclose to  
6833 any potential buyer of the facility that an installation of an  
6834 automatic fire sprinkler requirement exists. The sale of the  
6835 facility does not alter the timeframe for the installation of  
6836 the automatic fire sprinkler system.

6837       1. Existing facilities required to install an automatic  
6838 fire sprinkler system as a result of construction-type  
6839 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted  
6840 herein, or evacuation capability requirements shall be notified  
6841 by the local fire official in writing of the automatic fire  
6842 sprinkler requirement, as well as the appropriate date for final  
6843 compliance as provided in this subparagraph. The local fire  
6844 official shall send a copy of the document to the Agency for  
6845 Health Care Administration.

6846       m. Except in cases of life-threatening fire hazards, if an  
6847 existing facility experiences a change in the evacuation  
6848 capability, or if the local authority having jurisdiction  
6849 identifies a construction-type restriction, such that an  
6850 automatic fire sprinkler system is required, it shall be  
6851 afforded time for installation as provided in this subparagraph.

6852  
6853 Facilities that are fully sprinkled and in compliance with other  
6854 firesafety standards are not required to conduct more than one  
6855 of the required fire drills between the hours of 11 p.m. and 7  
6856 a.m., per year. In lieu of the remaining drills, staff  
6857 responsible for residents during such hours may be required to  
6858 participate in a mock drill that includes a review of evacuation

6859 | procedures. Such standards must be included or referenced in the  
6860 | rules adopted by the State Fire Marshal. Pursuant to s.  
6861 | 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final  
6862 | administrative authority for firesafety standards established  
6863 | and enforced pursuant to this section. All licensed facilities  
6864 | must have an annual fire inspection conducted by the local fire  
6865 | marshal or authority having jurisdiction.

6866 |         3. Resident elopement requirements.—Facilities are  
6867 | required to conduct a minimum of two resident elopement  
6868 | prevention and response drills per year. All administrators and  
6869 | direct care staff must participate in the drills which shall  
6870 | include a review of procedures to address resident elopement.  
6871 | Facilities must document the implementation of the drills and  
6872 | ensure that the drills are conducted in a manner consistent with  
6873 | the facility's resident elopement policies and procedures.

6874 |         Section 117. Subsection (1) of section 429.44, Florida  
6875 | Statutes, is amended to read:

6876 |             429.44 Construction and renovation; requirements.—

6877 |             (1) The requirements for the construction and renovation  
6878 | of a facility shall comply with the provisions of chapter 553  
6879 | which pertain to building construction standards, including  
6880 | plumbing, electrical code, glass, manufactured buildings,  
6881 | accessibility for persons with disabilities, and the state  
6882 | minimum building code and with the provisions of s. 633.206  
6883 | ~~633.022~~, which pertain to uniform firesafety standards.

6884 |         Section 118. Subsection (2) of section 429.73, Florida  
6885 | Statutes, is amended to read:

6886 |             429.73 Rules and standards relating to adult family-care

6887 homes.—

6888 (2) The department shall by rule provide minimum standards  
 6889 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,  
 6890 the State Fire Marshal, in consultation with the department and  
 6891 the agency, shall adopt uniform firesafety standards for adult  
 6892 family-care homes.

6893 Section 119. Paragraph (b) of subsection (4) of section  
 6894 447.203, Florida Statutes, is amended to read:

6895 447.203 Definitions.—As used in this part:

6896 (4) "Managerial employees" are those employees who:

6897 (b) Serve as police chiefs, fire chiefs, or directors of  
 6898 public safety of any police, fire, or public safety department.  
 6899 Other police officers, as defined in s. 943.10(1), and  
 6900 firefighters, as defined in s. 633.102(9) ~~633.30(1)~~, may be  
 6901 determined by the commission to be managerial employees of such  
 6902 departments. In making such determinations, the commission shall  
 6903 consider, in addition to the criteria established in paragraph  
 6904 (a), the paramilitary organizational structure of the department  
 6905 involved.

6906  
 6907 However, in determining whether an individual is a managerial  
 6908 employee pursuant to either paragraph (a) or paragraph (b),  
 6909 above, the commission may consider historic relationships of the  
 6910 employee to the public employer and to coemployees.

6911 Section 120. Subsection (1) of section 468.602, Florida  
 6912 Statutes, is amended to read:

6913 468.602 Exemptions.—This part does not apply to:

6914 (1) Persons who possess a valid certificate, issued

6915 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety  
6916 inspections, when conducting firesafety inspections.

6917 Section 121. Paragraph (c) of subsection (2) of section  
6918 468.609, Florida Statutes, is amended to read:

6919 468.609 Administration of this part; standards for  
6920 certification; additional categories of certification.—

6921 (2) A person may take the examination for certification as  
6922 a building code inspector or plans examiner pursuant to this  
6923 part if the person:

6924 (c) Meets eligibility requirements according to one of the  
6925 following criteria:

6926 1. Demonstrates 5 years' combined experience in the field  
6927 of construction or a related field, building code inspection, or  
6928 plans review corresponding to the certification category sought;

6929 2. Demonstrates a combination of postsecondary education  
6930 in the field of construction or a related field and experience  
6931 which totals 4 years, with at least 1 year of such total being  
6932 experience in construction, building code inspection, or plans  
6933 review;

6934 3. Demonstrates a combination of technical education in  
6935 the field of construction or a related field and experience  
6936 which totals 4 years, with at least 1 year of such total being  
6937 experience in construction, building code inspection, or plans  
6938 review;

6939 4. Currently holds a standard certificate as issued by the  
6940 board, or a fire safety inspector license issued pursuant to  
6941 chapter 633, has a minimum of 5 years' verifiable full-time  
6942 experience in inspection or plan review, and satisfactorily



6943 completes a building code inspector or plans examiner training  
 6944 program of not less than 200 hours in the certification category  
 6945 sought. The board shall establish by rule criteria for the  
 6946 development and implementation of the training programs; or

6947         5. Demonstrates a combination of the completion of an  
 6948 approved training program in the field of building code  
 6949 inspection or plan review and a minimum of 2 years' experience  
 6950 in the field of building code inspection, plan review, fire code  
 6951 inspections and fire plans review of new buildings as a  
 6952 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or  
 6953 construction. The approved training portion of this requirement  
 6954 shall include proof of satisfactory completion of a training  
 6955 program of not less than 300 hours which is approved by the  
 6956 board in the chosen category of building code inspection or plan  
 6957 review in the certification category sought with not less than  
 6958 20 hours of instruction in state laws, rules, and ethics  
 6959 relating to professional standards of practice, duties, and  
 6960 responsibilities of a certificateholder. The board shall  
 6961 coordinate with the Building Officials Association of Florida,  
 6962 Inc., to establish by rule the development and implementation of  
 6963 the training program.

6964         Section 122. Subsection (22) of section 489.103, Florida  
 6965 Statutes, is amended to read:

6966         489.103 Exemptions.—This part does not apply to:

6967         (22) A person licensed pursuant to s. 633.304(1)(d)  
 6968 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such  
 6969 license.

6970         Section 123. Paragraph (n) of subsection (3) of section

6971 489.105, Florida Statutes, is amended to read:

6972 489.105 Definitions.—As used in this part:

6973 (3) "Contractor" means the person who is qualified for,  
6974 and is only responsible for, the project contracted for and  
6975 means, except as exempted in this part, the person who, for  
6976 compensation, undertakes to, submits a bid to, or does himself  
6977 or herself or by others construct, repair, alter, remodel, add  
6978 to, demolish, subtract from, or improve any building or  
6979 structure, including related improvements to real estate, for  
6980 others or for resale to others; and whose job scope is  
6981 substantially similar to the job scope described in one of the  
6982 paragraphs of this subsection. For the purposes of regulation  
6983 under this part, the term "demolish" applies only to demolition  
6984 of steel tanks more than 50 feet in height; towers more than 50  
6985 feet in height; other structures more than 50 feet in height;  
6986 and all buildings or residences. Contractors are subdivided into  
6987 two divisions, Division I, consisting of those contractors  
6988 defined in paragraphs (a)-(c), and Division II, consisting of  
6989 those contractors defined in paragraphs (d)-(q):

6990 (n) "Underground utility and excavation contractor" means  
6991 a contractor whose services are limited to the construction,  
6992 installation, and repair, on public or private property, whether  
6993 accomplished through open excavations or through other means,  
6994 including, but not limited to, directional drilling, auger  
6995 boring, jacking and boring, trenchless technologies, wet and dry  
6996 taps, grouting, and slip lining, of main sanitary sewer  
6997 collection systems, main water distribution systems, storm sewer  
6998 collection systems, and the continuation of utility lines from

6999 the main systems to a point of termination up to and including  
 7000 the meter location for the individual occupancy, sewer  
 7001 collection systems at property line on residential or single-  
 7002 occupancy commercial properties, or on multioccupancy properties  
 7003 at manhole or wye lateral extended to an invert elevation as  
 7004 engineered to accommodate future building sewers, water  
 7005 distribution systems, or storm sewer collection systems at storm  
 7006 sewer structures. However, an underground utility and excavation  
 7007 contractor may install empty underground conduits in rights-of-  
 7008 way, easements, platted rights-of-way in new site development,  
 7009 and sleeves for parking lot crossings no smaller than 2 inches  
 7010 in diameter if each conduit system installed is designed by a  
 7011 licensed professional engineer or an authorized employee of a  
 7012 municipality, county, or public utility and the installation of  
 7013 such conduit does not include installation of any conductor  
 7014 wiring or connection to an energized electrical system. An  
 7015 underground utility and excavation contractor may not install  
 7016 piping that is an integral part of a fire protection system as  
 7017 defined in s. 633.102 ~~633.021~~ beginning at the point where the  
 7018 piping is used exclusively for such system.

7019 Section 124. Subsection (9) of section 496.404, Florida  
 7020 Statutes, is amended to read:

7021 496.404 Definitions.—As used in ss. 496.401-496.424:

7022 (9) "Emergency service employee" means any employee who is  
 7023 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance  
 7024 driver, emergency medical technician, or paramedic, as defined  
 7025 in s. 401.23.

7026 Section 125. Paragraph (a) of subsection (7) of section

7027 509.032, Florida Statutes, is amended to read:

7028 509.032 Duties.—

7029 (7) PREEMPTION AUTHORITY.—

7030 (a) The regulation of public lodging establishments and  
 7031 public food service establishments, including, but not limited  
 7032 to, sanitation standards, inspections, training and testing of  
 7033 personnel, and matters related to the nutritional content and  
 7034 marketing of foods offered in such establishments, is preempted  
 7035 to the state. This paragraph does not preempt the authority of a  
 7036 local government or local enforcement district to conduct  
 7037 inspections of public lodging and public food service  
 7038 establishments for compliance with the Florida Building Code and  
 7039 the Florida Fire Prevention Code, pursuant to ss. 553.80 and  
 7040 633.206 ~~633.022~~.

7041 Section 126. Section 513.05, Florida Statutes, is amended  
 7042 to read:

7043 513.05 Rules.—The department may adopt rules pertaining to  
 7044 the location, construction, modification, equipment, and  
 7045 operation of mobile home parks, lodging parks, recreational  
 7046 vehicle parks, and recreational camps, except as provided in s.  
 7047 633.206 ~~633.022~~, as necessary to administer this chapter. Such  
 7048 rules may include definitions of terms; requirements for plan  
 7049 reviews of proposed and existing parks and camps; plan reviews  
 7050 of parks that consolidate space or change space size; water  
 7051 supply; sewage collection and disposal; plumbing and backflow  
 7052 prevention; garbage and refuse storage, collection, and  
 7053 disposal; insect and rodent control; space requirements; heating  
 7054 facilities; food service; lighting; sanitary facilities;

7055 bedding; an occupancy equivalency to spaces for permits for  
 7056 recreational camps; sanitary facilities in recreational vehicle  
 7057 parks; and the owners' responsibilities at recreational vehicle  
 7058 parks and recreational camps.

7059 Section 127. Paragraph (d) of subsection (1) and paragraph  
 7060 (f) of subsection (11) of section 553.73, Florida Statutes, are  
 7061 amended to read:

7062 553.73 Florida Building Code.—

7063 (1)

7064 (d) Conflicting requirements between the Florida Building  
 7065 Code and the Florida Fire Prevention Code and Life Safety Code  
 7066 of the state established pursuant to ss. 633.206 ~~633.022~~ and  
 7067 633.208 ~~633.025~~ shall be resolved by agreement between the  
 7068 commission and the State Fire Marshal in favor of the  
 7069 requirement that offers the greatest degree of lifesafety or  
 7070 alternatives that would provide an equivalent degree of  
 7071 lifesafety and an equivalent method of construction. If the  
 7072 commission and State Fire Marshal are unable to agree on a  
 7073 resolution, the question shall be referred to a mediator,  
 7074 mutually agreeable to both parties, to resolve the conflict in  
 7075 favor of the provision that offers the greatest lifesafety, or  
 7076 alternatives that would provide an equivalent degree of  
 7077 lifesafety and an equivalent method of construction.

7078 (11)

7079 (f) All decisions of the local building official and local  
 7080 fire official and all decisions of the administrative board  
 7081 shall be in writing and shall be binding upon all persons but  
 7082 shall not limit the authority of the State Fire Marshal or the

7083 Florida Building Commission pursuant to paragraph (1)(d) and ss.  
 7084 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of general  
 7085 application shall be indexed by building and fire code sections  
 7086 and shall be available for inspection during normal business  
 7087 hours.

7088 Section 128. Paragraph (e) of subsection (1) of section  
 7089 553.77, Florida Statutes, is amended to read:

7090 553.77 Specific powers of the commission.—

7091 (1) The commission shall:

7092 (e) Participate with the Florida Fire Code Advisory  
 7093 Council created under s. 633.204 ~~633.72~~, to provide assistance  
 7094 and recommendations relating to firesafety code interpretations.  
 7095 The administrative staff of the commission shall attend meetings  
 7096 of the Florida Fire Code Advisory Council and coordinate efforts  
 7097 to provide consistency between the Florida Building Code and the  
 7098 Florida Fire Prevention Code and the Life Safety Code.

7099 Section 129. Subsections (2) and (12) of section 553.79,  
 7100 Florida Statutes, are amended to read:

7101 553.79 Permits; applications; issuance; inspections.—

7102 (2) Except as provided in subsection (6), an enforcing  
 7103 agency may not issue any permit for construction, erection,  
 7104 alteration, modification, repair, or demolition of any building  
 7105 or structure until the local building code administrator or  
 7106 inspector has reviewed the plans and specifications required by  
 7107 the Florida Building Code, or local amendment thereto, for such  
 7108 proposal and found the plans to be in compliance with the  
 7109 Florida Building Code. If the local building code administrator  
 7110 or inspector finds that the plans are not in compliance with the

7111 Florida Building Code, the local building code administrator or  
7112 inspector shall identify the specific plan features that do not  
7113 comply with the applicable codes, identify the specific code  
7114 chapters and sections upon which the finding is based, and  
7115 provide this information to the local enforcing agency. The  
7116 local enforcing agency shall provide this information to the  
7117 permit applicant. In addition, an enforcing agency may not issue  
7118 any permit for construction, erection, alteration, modification,  
7119 repair, or demolition of any building until the appropriate  
7120 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~  
7121 has reviewed the plans and specifications required by the  
7122 Florida Building Code, or local amendment thereto, for such  
7123 proposal and found that the plans comply with the Florida Fire  
7124 Prevention Code and the Life Safety Code. Any building or  
7125 structure which is not subject to a firesafety code shall not be  
7126 required to have its plans reviewed by the firesafety inspector.  
7127 Any building or structure that is exempt from the local building  
7128 permit process may not be required to have its plans reviewed by  
7129 the local building code administrator. Industrial construction  
7130 on sites where design, construction, and firesafety are  
7131 supervised by appropriate design and inspection professionals  
7132 and which contain adequate in-house fire departments and rescue  
7133 squads is exempt, subject to local government option, from  
7134 review of plans and inspections, providing owners certify that  
7135 applicable codes and standards have been met and supply  
7136 appropriate approved drawings to local building and firesafety  
7137 inspectors. The enforcing agency shall issue a permit to  
7138 construct, erect, alter, modify, repair, or demolish any

7139 building or structure when the plans and specifications for such  
 7140 proposal comply with the provisions of the Florida Building Code  
 7141 and the Florida Fire Prevention Code and the Life Safety Code as  
 7142 determined by the local authority in accordance with this  
 7143 chapter and chapter 633.

7144 (12) One-family and two-family detached residential  
 7145 dwelling units are not subject to plan review by the local fire  
 7146 official as described in this section or inspection by the local  
 7147 fire official as described in s. 633.216 ~~633.081~~, unless  
 7148 expressly made subject to said plan review or inspection by  
 7149 local ordinance.

7150 Section 130. Paragraph (d) of subsection (1) of section  
 7151 590.02, Florida Statutes, is amended to read:

7152 590.02 Florida Forest Service; powers, authority, and  
 7153 duties; liability; building structures; Florida Center for  
 7154 Wildfire and Forest Resources Management Training.—

7155 (1) The Florida Forest Service has the following powers,  
 7156 authority, and duties:

7157 (d) To appoint center managers, forest area supervisors,  
 7158 forestry program administrators, a forest protection bureau  
 7159 chief, a forest protection assistant bureau chief, a field  
 7160 operations bureau chief, deputy chiefs of field operations,  
 7161 district managers, forest operations administrators, senior  
 7162 forest rangers, investigators, forest rangers, firefighter  
 7163 rotorcraft pilots, and other employees who may, at the Florida  
 7164 Forest Service's discretion, be certified as forestry  
 7165 firefighters pursuant to s. 633.408(7) ~~633.35(4)~~. Other  
 7166 provisions of law notwithstanding, center managers, district



7167 managers, forest protection assistant bureau chief, and deputy  
7168 chiefs of field operations shall have Selected Exempt Service  
7169 status in the state personnel designation;

7170 Section 131. Subsection (10) of section 893.13, Florida  
7171 Statutes, is amended to read:

7172 893.13 Prohibited acts; penalties.—

7173 (10) If a person violates any provision of this chapter  
7174 and the violation results in a serious injury to a state or  
7175 local law enforcement officer as defined in s. 943.10,  
7176 firefighter as defined in s. 633.102 ~~633.30~~, emergency medical  
7177 technician as defined in s. 401.23, paramedic as defined in s.  
7178 401.23, employee of a public utility or an electric utility as  
7179 defined in s. 366.02, animal control officer as defined in s.  
7180 828.27, volunteer firefighter engaged by state or local  
7181 government, law enforcement officer employed by the Federal  
7182 Government, or any other local, state, or Federal Government  
7183 employee injured during the course and scope of his or her  
7184 employment, the person commits a felony of the third degree,  
7185 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
7186 If the injury sustained results in death or great bodily harm,  
7187 the person commits a felony of the second degree, punishable as  
7188 provided in s. 775.082, s. 775.083, or s. 775.084.

7189 Section 132. Paragraph (g) of subsection (2) of section  
7190 934.03, Florida Statutes, is amended to read:

7191 934.03 Interception and disclosure of wire, oral, or  
7192 electronic communications prohibited.—

7193 (2)

7194 (g) It is lawful under ss. 934.03–934.09 for an employee

7195 of:

7196 1. An ambulance service licensed pursuant to s. 401.25, a  
 7197 fire station employing firefighters as defined by s. 633.102  
 7198 ~~633.30~~, a public utility, a law enforcement agency as defined by  
 7199 s. 934.02(10), or any other entity with published emergency  
 7200 telephone numbers;

7201 2. An agency operating an emergency telephone number "911"  
 7202 system established pursuant to s. 365.171; or

7203 3. The central abuse hotline operated pursuant to s.  
 7204 39.201

7205

7206 to intercept and record incoming wire communications; however,  
 7207 such employee may intercept and record incoming wire  
 7208 communications on designated "911" telephone numbers and  
 7209 published nonemergency telephone numbers staffed by trained  
 7210 dispatchers at public safety answering points only. It is also  
 7211 lawful for such employee to intercept and record outgoing wire  
 7212 communications to the numbers from which such incoming wire  
 7213 communications were placed when necessary to obtain information  
 7214 required to provide the emergency services being requested. For  
 7215 the purpose of this paragraph, the term "public utility" has the  
 7216 same meaning as provided in s. 366.02 and includes a person,  
 7217 partnership, association, or corporation now or hereafter owning  
 7218 or operating equipment or facilities in the state for conveying  
 7219 or transmitting messages or communications by telephone or  
 7220 telegraph to the public for compensation.

7221 Section 133. Paragraph (b) of subsection (4) of section  
 7222 943.61, Florida Statutes, is amended to read:

7223 943.61 Powers and duties of the Capitol Police.—

7224 (4) The Capitol Police shall have the following  
7225 responsibilities, powers, and duties:

7226 (b) To provide and maintain the security of all property  
7227 located in the Capitol Complex in a manner consistent with the  
7228 security plans developed and approved under paragraph (a) and,  
7229 in consultation with the State Fire Marshal, to provide for  
7230 evacuations, information, and training required for firesafety  
7231 on such property in a manner consistent with s. 633.218 ~~633.085~~.

7232 Section 134. Paragraph (b) of subsection (18) of section  
7233 1002.33, Florida Statutes, is amended to read:

7234 1002.33 Charter schools.—

7235 (18) FACILITIES.—

7236 (b) A charter school shall utilize facilities that comply  
7237 with the Florida Fire Prevention Code, pursuant to s. 633.208  
7238 ~~633.025~~, as adopted by the authority in whose jurisdiction the  
7239 facility is located as provided in paragraph (a).

7240 Section 135. Subsection (9) of section 1002.34, Florida  
7241 Statutes, is amended to read:

7242 1002.34 Charter technical career centers.—

7243 (9) FACILITIES.—A center may be located in any suitable  
7244 location, including part of an existing public school or Florida  
7245 College System institution building, space provided on a public  
7246 worksite, or a public building. A center's facilities must  
7247 comply with the State Uniform Building Code for Public  
7248 Educational Facilities Construction adopted pursuant to s.  
7249 1013.37, or with applicable state minimum building codes  
7250 pursuant to chapter 553, and state minimum fire protection codes

7251 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in  
7252 whose jurisdiction the facility is located. If K-12 public  
7253 school funds are used for construction, the facility must remain  
7254 on the local school district's Florida Inventory of School  
7255 Houses (FISH) school building inventory of the district school  
7256 board and must revert to the district school board if the  
7257 consortium dissolves and the program is discontinued. If Florida  
7258 College System institution public school funds are used for  
7259 construction, the facility must remain on the local Florida  
7260 College System institution's facilities inventory and must  
7261 revert to the local Florida College System institution board of  
7262 trustees if the consortium dissolves and the program is  
7263 discontinued. The additional student capacity created by the  
7264 addition of the center to the local school district's FISH may  
7265 not be calculated in the permanent student capacity for the  
7266 purpose of determining need or eligibility for state capital  
7267 outlay funds while the facility is used as a center. If the  
7268 construction of the center is funded jointly by K-12 public  
7269 school funds and Florida College System institution funds, the  
7270 sponsoring entities must agree, before granting the charter, on  
7271 the appropriate owner and terms of transfer of the facility if  
7272 the charter is dissolved.

7273 Section 136. Subsection (1), paragraph (c) of subsection  
7274 (2), paragraphs (a) and (c) of subsection (6), and subsection  
7275 (8) of section 1013.12, Florida Statutes, are amended to read:

7276 1013.12 Casualty, safety, sanitation, and firesafety  
7277 standards and inspection of property.—

7278 (1) FIRESAFETY.—The State Board of Education shall adopt

7279 and administer rules prescribing standards for the safety and  
7280 health of occupants of educational and ancillary plants as a  
7281 part of State Requirements for Educational Facilities or the  
7282 Florida Building Code for educational facilities construction as  
7283 provided in s. 1013.37, except that the State Fire Marshal in  
7284 consultation with the Department of Education shall adopt  
7285 uniform firesafety standards for educational and ancillary  
7286 plants and educational facilities, as provided in s.  
7287 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system  
7288 to be used as an alternate firesafety inspection standard for  
7289 existing educational and ancillary plants and educational  
7290 facilities. The uniform firesafety standards and the alternate  
7291 firesafety evaluation system shall be administered and enforced  
7292 by fire officials certified by the State Fire Marshal under s.  
7293 633.216 ~~633.081~~. These standards must be used by all public  
7294 agencies when inspecting public educational and ancillary  
7295 plants, and the firesafety standards must be used by county,  
7296 municipal, or independent special fire control district  
7297 inspectors when performing firesafety inspections of public  
7298 educational and ancillary plants and educational facilities. In  
7299 accordance with such standards, each board shall prescribe  
7300 policies and procedures establishing a comprehensive program of  
7301 safety and sanitation for the protection of occupants of public  
7302 educational and ancillary plants. Such policies must contain  
7303 procedures for periodic inspections as prescribed in this  
7304 section or chapter 633 and for withdrawal of any educational and  
7305 ancillary plant, or portion thereof, from use until unsafe or  
7306 unsanitary conditions are corrected or removed.

7307 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
 7308 BOARDS.—  
 7309 (c) Under the direction of the fire official appointed by  
 7310 the board under s. 1013.371(2), firesafety inspections of each  
 7311 educational and ancillary plant located on property owned or  
 7312 leased by the board, or other educational facilities operated by  
 7313 the board, must be made no sooner than 1 year after issuance of  
 7314 a certificate of occupancy and annually thereafter. Such  
 7315 inspections shall be made by persons certified by the Division  
 7316 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct  
 7317 firesafety inspections in public educational and ancillary  
 7318 plants. The board shall submit a copy of the firesafety  
 7319 inspection report to the county, municipality, or independent  
 7320 special fire control district providing fire protection services  
 7321 to the school facility within 10 business days after the date of  
 7322 the inspection. Alternate schedules for delivery of reports may  
 7323 be agreed upon between the school district and the county,  
 7324 municipality, or independent special fire control district  
 7325 providing fire protection services to the site in cases in which  
 7326 delivery is impossible due to hurricanes or other natural  
 7327 disasters. Regardless, if immediate life-threatening  
 7328 deficiencies are noted in the report, the report shall be  
 7329 delivered immediately. In addition, the board and any other  
 7330 authority conducting the fire safety inspection shall certify to  
 7331 the State Fire Marshal that the annual inspection has been  
 7332 completed. The certification shall be made electronically or by  
 7333 such other means as directed by the State Fire Marshal.  
 7334 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION

7335 FACILITIES.—

7336 (a) Firesafety inspections of public college facilities,  
7337 including charter schools located on board-owned or board-leased  
7338 facilities or otherwise operated by public college boards, shall  
7339 be made in accordance with the Florida Fire Prevention Code, as  
7340 adopted by the State Fire Marshal. Notwithstanding s. 633.202  
7341 ~~633.0215~~, provisions of the code relating to inspections of such  
7342 facilities are not subject to any local amendments as provided  
7343 by s. 1013.371. Each public college facility shall be inspected  
7344 annually by persons certified under s. 633.216 ~~633.081~~.

7345 (c) Firesafety inspections of state universities shall  
7346 comply with the Florida Fire Prevention Code, as adopted by the  
7347 State Fire Marshal under s. 633.202 ~~633.0215~~.

7348 (8) ADDITIONAL STANDARDS.—In addition to any other rules  
7349 adopted under this section or s. 633.206 ~~633.022~~, the State Fire  
7350 Marshal in consultation with the Department of Education shall  
7351 adopt and administer rules prescribing the following standards  
7352 for the safety and health of occupants of educational and  
7353 ancillary plants:

7354 (a) The designation of serious life-safety hazards,  
7355 including, but not limited to, nonfunctional fire alarm systems,  
7356 nonfunctional fire sprinkler systems, doors with padlocks or  
7357 other locks or devices that preclude egress at any time,  
7358 inadequate exits, hazardous electrical system conditions,  
7359 potential structural failure, and storage conditions that create  
7360 a fire hazard.

7361 (b) The proper placement of functional smoke and heat  
7362 detectors and accessible, unexpired fire extinguishers.

7363 (c) The maintenance of fire doors without doorstops or  
7364 wedges improperly holding them open.

7365 Section 137. Paragraphs (a), (b), and (d) of subsection  
7366 (2) and paragraph (a) of subsection (4) of section 1013.38,  
7367 Florida Statutes, are amended to read:

7368 1013.38 Boards to ensure that facilities comply with  
7369 building codes and life safety codes.—

7370 (2) In addition to the submission of site plans, boards  
7371 may provide compliance as follows:

7372 (a) Boards or consortia may individually or cooperatively  
7373 provide review services under the insurance risk management  
7374 oversight through the use of board employees or consortia  
7375 employees registered pursuant to chapter 471, chapter 481, or  
7376 part XII of chapter 468 and firesafety inspectors certified  
7377 under s. 633.216 ~~633.081~~.

7378 (b) Boards may elect to review construction documents  
7379 using their own employees registered pursuant to chapter 471,  
7380 chapter 481, or part XII of chapter 468 and firesafety  
7381 inspectors certified under s. 633.216 ~~633.081~~.

7382 (d) Boards or consortia may contract for plan review  
7383 services directly with engineers and architects registered  
7384 pursuant to chapter 471 or chapter 481 and firesafety inspectors  
7385 certified under s. 633.216 ~~633.081~~.

7386 (4) (a) Before the commencement of any new construction,  
7387 renovation, or remodeling, the board shall:

7388 1. Approve or cause to be approved the construction  
7389 documents and evaluate such documents for compliance with the  
7390 Florida Building Code and the Florida Fire Prevention Code.



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7391           2. Ensure compliance with all applicable firesafety codes  
7392 and standards by contracting with a firesafety inspector  
7393 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.  
7394           Section 138. This act shall take effect July 1, 2013.