CS/SB 808 by **HP, Margolis**; (Identical to CS/H 0735) Needle and Syringe Exchange Pilot Program

SB 882 by **Gibson (CO-INTRODUCERS) Bullard, Braynon, Joyner, Soto**; (Identical to H 0947) Administering County and Municipal Delinquency Programs and Facilities

CS/SB 962 by **JU, Gardiner**; (Identical to CS/H 0953) Warrants

428334	A	S	WD	CJ, Altman	btw L.73 - 74:	04/15 12:02 PM

CS/SB 1368 by **HP, Ring**; (Similar to CS/H 1161) Clinical, Counseling, and Psychotherapy Services

374758	D	S	RCS	CJ, Bradley	Delete everything after	04/15 05:57 PM

CS/CS/SB 1410 by **CA, BI, Simmons**; (Similar to CS/CS/CS/H 0883) Fire Safety and Prevention

CS/SB 1442 by **RI, Lee**; (Similar to CS/CS/H 0973) Alarm Systems

673502	A	S	RCS	CJ, Bradley	Delete L.75:	04/15 05:57 PM
889286	A	S	RCS	CJ, Bradley	Delete L.164 - 165.	04/15 05:57 PM

SB 1834 by **CF**; (Similar to H 7103) Crossover Youth

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Smith, Vice Chair

MEETING DATE: Monday, April 15, 2013
TIME: 3:30 —5:30 p.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Office Building

MEMBERS: Senator Evers, Chair; Senator Smith, Vice Chair; Senators Altman, Bradley, Dean, Gibson, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 808** Health Policy / Margolis (Identical CS/H 735)	Needle and Syringe Exchange Pilot Program; Requiring the Department of Health to establish a needle and syringe exchange pilot program in Miami-Dade County; providing for administration of the pilot program by the department or a designee; providing that the distribution of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; providing conditions under which a pilot program staff member or participant may be prosecuted; providing for the pilot program to be funded through private grants and donations, etc. HP 04/09/2013 Fav/CS CJ 04/15/2013 Favorable	Favorable Yeas 5 Nays 2
2	**SB 882** Gibson (Identical H 947, Compare H 4021, S 506)	Administering County and Municipal Delinquency Programs and Facilities; Deleting language that required the Department of Juvenile Justice to charge, and the county or municipal government to pay, a monitoring fee to cover a portion of the direct operating costs of the juvenile detention facility; establishing criteria to demonstrate that the county or municipality is in compliance with standards for operating juvenile delinquency programs and detention facilities; deleting a provision providing that a sheriff who complies with the subsection is not subject to any additional training, procedures, or inspections, etc. CJ 04/15/2013 Favorable CA RC	Favorable Yeas 7 Nays 0
3	**CS/SB 962** Judiciary / Gardiner (Identical CS/H 953)	Warrants; Specifying when an arrest warrant may be issued; authorizing a judge to electronically sign an arrest warrant if certain conditions are met; providing that an arrest warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; authorizing a judge to electronically sign a search warrant if certain conditions are met, etc. JU 04/08/2013 Fav/CS CJ 04/15/2013 Favorable	Favorable Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/SB 1368** Health Policy / Ring (Similar CS/H 1161)	Clinical, Counseling, and Psychotherapy Services; Requiring registered interns to remain under supervision while maintaining registered intern status; revising the requirements for a clinical social worker license, a marriage and family therapist license, and a mental health counselor license; revising a provision providing that a psychotherapist who commits sexual misconduct with a client or former client commits a felony of the third degree; providing a presumption of good faith for the actions of a court-appointed mental health professional who develops a parenting plan recommendation, etc. HP 03/20/2013 Not Considered HP 04/02/2013 Not Considered HP 04/09/2013 Fav/CS CJ 04/15/2013 Fav/CS CF AP	Fav/CS Yeas 7 Nays 0
5	**CS/CS/SB 1410** Community Affairs / Banking and Insurance / Simmons (Similar CS/CS/CS/H 883)	Fire Safety and Prevention; Revising provisions relating to the authority of the State Fire Marshal; revising provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal; requiring the State Fire Marshal to investigate certain fires and explosions under certain circumstances; clarifying provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided; providing penalties for rendering a fire protection system required by statute or by rule inoperative, etc. BI 04/02/2013 Fav/CS CA 04/09/2013 Fav/CS CJ 04/15/2013 Favorable	Favorable Yeas 7 Nays 0
6	**CS/SB 1442** Regulated Industries / Lee (Similar CS/CS/H 973)	Alarm Systems; Exempting from licensure certain employees and sales representatives of alarm system contractors; requiring a local enforcement agency to offer for sale uniform basic permit labels to contractors; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; providing that a label is not required for the subsequent maintenance, inspection, or service of a permitted alarm system, etc. RI 04/09/2013 Fav/CS CJ 04/15/2013 Fav/CS	Fav/CS Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**SB 1834** Children, Families, and Elder Affairs (Similar H 7103)	Crossover Youth; Creating a pilot project to serve youth in common to the Department of Children and Families and the Department of Juvenile Justice; providing for selection of a county for the project; requiring the Secretary of Children and Families to seek proposals from interested providers; specifying elements to be included in the project, etc. CJ 04/15/2013 Favorable AP	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 808

INTRODUCER: Health Policy Committee and Senator Margolis

SUBJECT: Needle and Syringe Exchange Program

DATE: April 11, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McElheney	Stovall	HP	**Fav/CS**
2.	Erickson	Cannon	CJ	**Favorable**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 808 requires the Department of Health (DOH) to establish a needle and syringe exchange pilot program in Miami-Dade County to prevent the transmission of HIV, AIDS, viral hepatitis and other blood-borne diseases. The bill specifies the duties of the pilot program. The pilot program must be funded through private grants and donations.

A pilot program staff member, volunteer, or participant is immune from criminal prosecution for authorized program activity involving possession, distribution, or exchange of needles or syringes, but is subject to prosecution for acting outside the pilot program (as specified in the bill).

The pilot program expires on July 1, 2018, and requires the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature that includes data on the pilot program and a recommendation on whether the pilot program should continue.

This bill substantially amends section 381.0038 of the Florida Statutes.

II. Present Situation:

Florida Comprehensive Drug Abuse Prevention and Control Act

The term drug paraphernalia is defined in s. 893.145, F.S., as all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of ch. 893, F.S., or s. 877.111, F.S.[1]

Section 893.147, F.S., regulates the use or possession of drug paraphernalia. Currently, it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

- To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or
- To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this provision commits a first degree misdemeanor.[2]

This section of law also provides that it is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

- To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act, or
- To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this provision commits a third degree felony.[3]

A court, jury, or other authority, when determining in a criminal case whether an object constitutes drug paraphernalia, must consider specified facts surrounding the connection between the item and the individual arrested for possessing drug paraphernalia. A court or jury is required to consider a number of factors (in addition to other logically relevant factors) in determining whether an object is drug paraphernalia, such as proximity of the object in time and space to a controlled substance, the existence of residue of controlled substances on the object, and expert testimony concerning its use.[4]

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[1] Section 893.145, F.S.
[2] A first degree misdemeanor is punishable by up to one-year imprisonment in a county jail, a fine of up to $1,000, or both. *See* Section 775.082, F.S., and Section 775.083, F.S.
[3] A third degree felony is punishable by up to 5 years in state prison, a fine not to exceed $5,000, or both. *See* ss. 775.082 and 775.083, F.S.
[4] Section 893.146, F.S.

Intravenous Drug Use (IDU) in Florida

Geographically, the majority of Florida counties with high rates of persons living with HIV/AIDS (PLWHA) with an IDU-associated risk through 2011 are primarily in the southeast or central part of the state.[5] Researchers from the University of Miami recently estimated that there are more than 10,000 IDUs in Miami and that one in five of these IDUs are HIV positive and one in three are Hepatitis C Virus positive.[6] The chart below contains data from 2011 of eleven counties with the highest incidence of people living in Florida with HIV/AIDS with an IDU associated risk.[7]

County	Total PLWHA Cases	Total IDU	Percent IDU
Miami-Dade	25,381	2,608	10%
Broward	16,466	1,643	10%
Palm Beach	7,789	733	9%
Orange	7,012	1,027	15%
Hillsborough	5,889	828	14%
Duval	5,263	753	14%
Pinellas	3,529	584	17%
Lee	1,648	238	14%
St. Lucie	1,520	177	12%
Volusia	1,348	264	20%
Brevard	1,231	220	18%
STATE TOTAL*	97,174	13,037	13%

[8]

HIV/AIDS

HIV is a sexually transmitted infection. It can also be spread by contact with infected blood, or from mother to child during pregnancy, childbirth, or breast-feeding. It can take years before HIV weakens a person's immune system to the point that the person has AIDS. AIDS is a chronic, potentially life-threatening condition caused by the HIV. By damaging the body's immune system, HIV interferes with the body's ability to fight the organisms that cause disease. There is no cure for HIV/AIDS, but there are medications that can dramatically slow the progression of the disease.[9]

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[5] *HIV Infection among Those with an Injection Drug Use-Associated Risk, Florida, 2011* (PowerPoint slide), HIV/AIDS and Hepatitis Program, Florida Department of Health, revised 10/17/12, *available* at http://www.doh.state.fl.us/disease_ctrl/aids/updates/facts/11Facts/IDU_2011.ppt#370,17 (last visited on April 11, 2013). Injection Drug Use (IDU) data in this slide includes IDU and MSM/IDU case data as of June 31, 2012.

[6] Tookes, HE, Kral, AH, Wenger, LD, Cardenas, GA, Martinez, AN, Sherman, RL, Pereyra, M, Forrest, DW, LalLota, M, Metsch, LR. "A comparison of syringe disposal practices among injection drug users in a city with versus a city without needle and syringe programs." Drug and Alcohol Dependence, June 2012, Vol. 123, Issue 1, pp 255-259. Retrieved 4/07/13 from http://www.drugandalcoholdependence.com/article/S0376-8716(11)00522-9/fulltext.

[7] *Supra fn. 6.*

[8] *Supra fn.6.*

[9] HIV/AIDS by the Mayo Clinic Staff, *available* at: http://www.mayoclinic.com/health/hiv-aids/DS00005 (last visited April 11, 2013).

HIV can be transmitted through needles and syringes contaminated with infected blood. Sharing intravenous drug paraphernalia puts a person at high risk of HIV and other infectious diseases such as hepatitis. People who use intravenous drugs often share needles and syringes. This exposes them to droplets of other people's blood.[10]

Disposal of Sharps

According to the Food and Drug Administration (FDA), there are many people who use needles, syringes and lancets ("sharps") to manage their medical conditions at home. These conditions include: diabetes; allergies; infertility; arthritis; hepatitis; HIV; blood clotting disorders; migraines; and cancer. Sharps are also used to give medication to pets and farm animals. The haphazard disposal of these devices can put many other people, including waste-disposal workers, housekeepers, family members and children, at risk of injury and serious infections.

The Environmental Protection Agency estimates that 9 million people in the United States use sharps at home. This number equates to more than 3 billion disposable needles and syringes and 900 million lancets each year. Many sharps used outside of healthcare facilities are disposed of in household trashcans. This type of disposal is a hazard because a person who is accidentally pricked by a discarded sharp is at risk of exposure to blood-borne viruses such as hepatitis and HIV.[11]

Needle-collection programs exist in many Florida counties, but differ county to county. These programs help with the disposing of needles, syringes with needles, and lancets that have been used to treat, in a home, an allergy, acute illness, or chronic disease such as diabetes.[12]

National Data and Survey Results

According to the Centers for Disease Control and Prevention (CDC), Needle Syringe Exchange Programs (NSEP) can help prevent blood-borne pathogen transmission by increasing access to sterile syringes among IDUs and enabling safe disposal of used syringes. Further, these programs will often provide other public health services, such as HIV-testing, risk-reduction education, and referrals for substance-abuse treatment.[13]

In 2002, staff from the Beth Israel Medical Center in New York City and the North American Syringe Exchange Network mailed surveys asking the directors of 148 NSEPs about syringes exchanged and returned, services provided, budgets, and funding. The survey identified the number of NSEPs and localities with NSEPs, found that that public funding for NSEPs

[10] *Id.*
[11] *Improperly Discarded 'Sharps' Can Be Dangerous*, Food and Drug Administration, *available* at: http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm278763.htm (last visited April 11, 2013).
[12] Information from the Florida Department of Health, Local Florida County Sharps and Needle-Collection Program, *available* at : http://www.doh.state.fl.us/environment/community/biomedical/sharps.htm (last visited on April 11, 2013).
[13] *Update:Syringe Exchange Programs in US, 2002*, MMWR Weekly (,July 15, 2005 / 54(27);673-676), Centers for Disease Control, *available* at: http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5427a1.htm (last visited April 11, 2013).

decreased nationwide; however, the number of syringes exchanged and total budgets across all programs continued to increase.[14]

The survey identified the largest NSEPs: Chicago Recovery Alliance, Chicago, Illinois (2.7 million syringes); San Francisco AIDS Foundation HIV Prevention Project, San Francisco, California (2.5 million); Seattle-King County Department of Public Health Needle Exchange Program, Seattle, Washington (1.0 million); Harm Reduction Institute, Indianapolis, Indiana (1.0 million); Point Defiance AIDS Project, Tacoma, Washington (0.9 million); San Diego Clean Needle Exchange Program, San Diego, California (0.9 million); Street Outreach Services, Seattle, Washington (0.8 million); Prevention Point Philadelphia, Pennsylvania (0.7 million); HIV Education and Prevention Project of Alameda, Oakland, California (0.6 million); Needle Exchange Emergency Distribution, Berkeley, California (0.5 million); and one NSEP that wanted program information kept confidential.[15]

III. Effect of Proposed Changes:

Section 1 adds a new subsection to s. 381.0038, F.S., which requires the DOH to establish a sterile needle and syringe exchange pilot program in Miami-Dade County. The pilot program is provided to prevent the transmission of the HIV, AIDS, and other blood-borne diseases by offering free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes in a one-for-one exchange. The pilot program must be administered by the DOH or DOH's designee. The bill identifies the entities that the DOH is authorized to designate to operate the program at a fixed location or through a mobile health unit:

- a licensed hospital;
- a licensed health care clinic;
- a substance abuse treatment program;
- an HIV or AIDS service organization; or
- another nonprofit entity designated by the DOH.

The pilot program must offer the free exchange of clean unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring. The program must do all of the following:

- Provide for maximum security of exchange sites and equipment, including: an accounting of the number of needles and syringes in use and in storage; safe disposal of returned needles, and any other measure that may be required to control the use and dispersal of sterile needles and syringes.
- Strive for one-to-one exchange (one sterile needle and syringe unit for each used one).
- Make available the following: educational materials; HIV counseling and testing; referral services to provide education regarding HIV, AIDS, and viral hepatitis transmission; and drug use prevention and treatment.

[14] *Id.*
[15] *Id.*

The program must be funded through grants and donations from private resources and funds, without the use of state funds.

The possession, distribution, or exchange of needles or syringes as part of a pilot NSEP established by the DOH or the DOH's designee is not a violation of any part of chapter 893, F.S. or any other law. However, a NSEP staff member, volunteer, or participant is not immune from criminal prosecution for possessing needles or syringes that are not part of the exchange pilot program or for redistributing needles or syringes if acting outside the program.

The pilot program must collect data regarding the following: number of participants served; the number of needles and syringes exchanged and distributed; the number of participants entering drug counseling and treatment; the number of participants receiving HIV, AIDS, or viral hepatitis testing; and demographic profiles of participates served. However, no personal identifying information may be collected from a participant for any purpose.

The pilot program expires on July 1, 2018, and by January 1, 2018, the Office of Program Policy Analysis and Government Accountability (OPPAGA) must submit a report to the Legislature that includes the aforementioned data (and additional, specified data) and a recommendation on whether the pilot program should continue.

Section 2 adds a severability clause, which provides that if any provision of this act or its application to a person is invalid, the invalidity would not affect other provisions or applications of the act which can be given effect without the invalid provision, and the provisions of this act are severable.

Section 3 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private grants and donations will be needed to operate the pilot program.

C. Government Sector Impact:

The DOH has not completed an analysis of CS/SB 808. The bill specifies that state funds may not be used to *operate* the pilot program. The bill requires the DOH to administer the program. It is presently unknown if this administration would have any fiscal impact on the DOH, and if so, whether the DOH could absorb these costs within its existing budget.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on April 9, 2013:
The CS requires the DOH to establish a needle and syringe exchange pilot program in Miami-Dade County. The program is administered by the DOH or the DOH's designee and the DOH is authorized to designate any specified entity to operate the pilot program. Duties of the pilot program are specified. The pilot program expires on July 1, 2018, and the OPPAGA is directed to submit a report to the Legislature that includes data on the pilot program and a recommendation on whether the pilot program should continue. The pilot program must be funded through private grants and donations.

B. Amendments:

None.

By the Committee on Health Policy; and Senator Margolis

588-03986-13 2013808c1

A bill to be entitled

An act relating to a needle and syringe exchange pilot program; amending s. 381.0038, F.S.; requiring the Department of Health to establish a needle and syringe exchange pilot program in Miami-Dade County; providing for administration of the pilot program by the department or a designee; establishing pilot program criteria; providing that the distribution of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; providing conditions under which a pilot program staff member or participant may be prosecuted; prohibiting the collection of participant identifying information; providing for the pilot program to be funded through private grants and donations; providing for expiration of the pilot program; requiring a report to the Legislature; providing rulemaking authority; providing for severability; providing an effective date.

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

Section 1. Subsection (4) is added to section 381.0038, Florida Statutes, to read:

381.0038 Education; needle and syringe exchange pilot program.—The Department of Health shall establish a pilot program to educate the public about the threat of acquired immune deficiency syndrome.

(4) The department shall establish a sterile needle and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-03986-13 2013808c1

syringe exchange pilot program in Miami-Dade County. The pilot program shall be administered by the department or the department's designee. The department is authorized to designate one of the following entities to operate the pilot program at a fixed location or through a mobile health unit: a hospital licensed under chapter 395, a health care clinic licensed under part X of chapter 400, a substance abuse treatment program, an HIV or AIDS service organization, or another nonprofit entity designated by the department. The pilot program shall offer the free exchange of clean unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring.

(a) The pilot program shall:

1. Provide for maximum security of exchange sites and equipment, including an accounting of the number of needles and syringes in use, the number of needles and syringes in storage, safe disposal of returned needles, and any other measure that may be required to control the use and dispersal of sterile needles and syringes.

2. Strive for a one-to-one exchange, whereby the participant shall receive one sterile needle and syringe unit in exchange for each used one.

3. Make available educational materials; HIV counseling and testing; referral services to provide education regarding HIV, AIDS, and viral hepatitis transmission; and drug use prevention and treatment.

(b) Notwithstanding any other provision of law, the

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59 possession, distribution, or exchange of needles or syringes as
60 part of a needle and syringe exchange pilot program established
61 by the department or the department's designee is not a
62 violation of any part of chapter 893 or any other law.
63 (c) A needle and syringe exchange pilot program staff
64 member, volunteer, or participant is not immune from criminal
65 prosecution for:
66 1. The possession of needles or syringes that are not a
67 part of the exchange pilot program; or
68 2. Redistribution of needles or syringes in any form, if
69 acting outside the pilot program.
70 (d) The pilot program shall collect data for annual and
71 final reporting purposes, which shall include information on the
72 number of participants served, the number of needles and
73 syringes exchanged and distributed, the demographic profiles of
74 the participants served, the number of participants entering
75 drug counseling and treatment, the number of participants
76 receiving HIV, AIDS, or viral hepatitis testing, and other data
77 deemed necessary for the pilot program. However, no personal
78 identifying information may be collected from a participant for
79 any purpose.
80 (e) State funds may not be used to operate the pilot
81 program. The pilot program shall be funded through grants and
82 donations from private resources and funds.
83 (f) The pilot program shall expire July 1, 2018. Six months
84 before the pilot program expires, the Office of Program Policy
85 Analysis and Government Accountability shall submit a report to
86 the President of the Senate and the Speaker of the House of
87 Representatives that includes the data collection requirements

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88 established in this subsection; the rates of HIV, AIDS, viral
89 hepatitis, or other blood-borne diseases before the pilot
90 program began and every subsequent year thereafter; and a
91 recommendation on whether to continue the pilot program.
92 (g) The department has the authority to adopt and develop
93 rules to implement the provisions of this subsection.
94 Section 2. If any provision of this act or its application
95 to any person or circumstance is held invalid, the invalidity
96 does not affect other provisions or applications of the act that
97 can be given effect without the invalid provision or
98 application, and to this end the provisions of this act are
99 severable.
100 Section 3. This act shall take effect July 1, 2013.

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The Florida Senate

Committee Agenda Request

To: Senator Greg Evers, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: April 9, 2013

I respectfully request that **808**, relating to Needle and Syringe Exchange Program, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

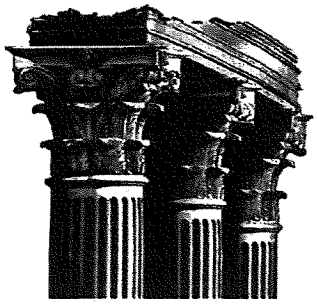
Senator Gwen Margolis

Senator Gwen Margolis
Florida Senate, District 35

File signed original with committee office

S-020 (03/2004)

CS/SB 808



the John Scott Dailey
FLORIDA INSTITUTE OF GOVERNMENT
at Florida State University

PROJECT ON ACCOUNTABLE JUSTICE

Policy and Practice Review: Needle Exchange Programs

Britain's "Iron Lady" has passed. History will remember Margaret Thatcher as one of the most controversial and influential leaders of our time. Among her contributions, in a move seemingly incongruous to her staunch conservatism, she launched the first national needle exchange program to prevent an epidemic of HIV/AIDS transmission among addicts. Her steely eye fell at least upon the data, if not the compassion.

Dispensing needles is illegal in Florida, even in the context of public health. But the Florida Legislature is currently rethinking this policy in a limited and deliberative fashion, and with solid research support. As resource to policy deliberations, the FSU Project on Accountable Justice has undertaken a brief review of the past 30 years' literature on Needle Exchange Programs and what, if any, potential such a program in Florida would have to advance or negatively impact public safety.

Across the board, we find overwhelming positive implications for public health and public safety.

But don't take our word for it.

As reported in a similar exercise by George Mason University, "every single medical, scientific and legal body ever to look at the data has come down in favor of it (needle exchange programs)." They are not alone, the following is a sampling of organizations whose research concludes positive effects from needle exchange programs: The Institute of Medicine, the National Institutes on Health, the Centers for Disease Control and Prevention, the American Bar Association, the American Medical Association, the American Psychological Association, the American Society on Addiction Medicine the American Public Health Association, the World Health Organization, Britain's Advisory Council on the Misuse of Drugs, the United Nations Office of Drug Control, the Joint United Nations Programme on HIV/AIDS the Office of

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Technology Assessment of the U.S. Congress and both President Bush's and President Clinton's AIDS Advisory Commissions, the Surgeon General and many others.[1]

Needle Exchange Programs Benefit Law Enforcement Safety & Reduce Public Risk

Exchange programs have been shown to increase the safe disposal of dirty needles, protecting law enforcement, healthcare workers, and the public from exposure of needle-stick incidents. Research by University of Miami students, the impetus for the Legislature's current attention, reveals Miami has eight times more needles littering the streets than does San Francisco. What's the difference? San Francisco is home to four programs that distribute clean injection supplies.[2]

Needle Exchange Programs save public dollars.

Florida is home to more than 90,000 injection drug users, 19% with HIV and at least 23,000 with Hepatitis-C. The expense in health costs for *lifetime* treatment for HIV is upwards of $600,000, for Hep-C, more than $300,000. And who pays but the public. Street addicts do not have health insurance. Research also estimates a savings of $3 dollars in averted costs for every $1 dollar invested.

Needle Exchanges are rational.

There is a natural tendency to look upon the dispensing of clean needles as an endorsement of drug use, and as not only immoral, but illegal. Research has yet to answer the question of morality, but the facts do not support that needle dispensing encourages drug use. Needle dispensing is simply a rational option, one of the best-studied, proven interventions in public health.

Drug addicts don't quit because their needle is dirty. In study after study after study, including in Florida, with 29% of users reusing their needle during their last injection, and 64%[3]

"Studies have searched for and found no convincing evidence of...unintended complications...: greater injection frequency, increased illicit drug use..." or other consequences, thus fulfilling the WHO criteria, "absence of negative consequences."

World Health Organization

[1] George Mason University, Stats Article, *Needle Injection and the New Drug Czar*, 2008. Accessed at http://stats.org/stories/2008/needle_exchange_drug_czar_dec03_08.html. Links to other reports hyperlinked on this document in electronic format.

[2] Tookes, H. E., Kral, A. H., Wenger, L. D., Cardenas, G. A., Martinez, A. N., Sherman, R. L., Pereyra, M., Forrest, D. W., LaLota, M., & Metsch, L. R. (2012). A Comparison of Syringe Disposal Practices Among Injection Drug Users in a City with Versus a City Without Needle and Syringe Programs. *Drug and Alcohol Dependence, 123*, 255-259.

[3] Florida Department of Health, Bureau of HIV/AIDS. 2012

reporting using needles previously used by someone else--they inject and contract and spread diseases with dirty needles. The U.S. General Accounting Office and others[4] have repeatedly shown, "strong evidence" that exchange programs do not increase drug use broadly, nor individually.[5]

As an integral component to comprehensive public health package, one that includes education, treatment, and counseling, exchange programs work and are often a lifeline to addicts who would otherwise not seek help.

Needle Exchange Programs work.

Reducing injecting risk behaviors by as much as 80% and HIV incidence among IV drug users by 30%, exchange programs can be found in 35 states, most countries in Europe, and Australia and New Zealand. One international study compared HIV rates in addicts in 99 cities around the globe. In cities with needle programs, HIV fell by 18.6%. In cities without, HIV grew 8.1%.[6]

One U.S. example is New York City, where HIV rates among addicts went from 50 percent in the mid-90s to 13% in 2005 after allowing exchange programs.

The political dynamics and economic realities of exchange programs were summed up by Texas Republican Sen. Bob Duell, in similar deliberations in our conservative sister state, "At one time, I was opposed, but I looked at the data...How could I argue with that?...It costs us a fortune to treat HIV and hepatitis C. It's breaking the budget."

Consider the public cost of lifetime treatment of a drug addict: hundreds of thousands of dollars. Now consider the cost of a clean needle: less than a dollar.

Sen. Duell notes an additional spiritual argument, "I look at it from a Christian viewpoint. What would Jesus do? ...[Addicts] are God's children, too...this puts them in touch with someone who might reach them. The very act of handing them clean needles says, Your life has value to me."

But don't take his word for it, or ours, for that matter.

Consider Prime Minister Thatcher's experiment.

---

[4] World Health Orgnization. *Effectiveness of Sterile Needle and Exchange Programming in Reducing HIV/AIDS Among Injecting Drug Users*. Evidence for Technical Papers. 2004.

[5] GAO. Needle Exchange Programs: Research Suggests Promise on AIDS Prevention Strategy. 1993.

[6] MacDonald M, Law M, Kaldor J, Hales J, Dore GJ. 2003. Effectiveness of needle and syringe programmes for preventing HIV transmission. *International Journal of Drug Policy Sterile Syringe Access for Injection Drug Users in the 21st Century: Progress and Prospects.* As reported by George Mason University, Stat Article at http://stats.org/stories/2008/needle_exchange_drug_czar_dec03_08.html.

In Great Britain, where Mrs. Thatcher's wild idea has stood the test of time, an HIV epidemic of needle users never reached more than 1% of HIV infected addicts, while we continue to struggle.[7]

This Project on Accountable Justice Review was conducted by Deborrah Brodsky, Director, under the guidance of Allison DeFoor, Chairman.

ABOUT FSU PROJECT ON ACCOUNTABLE JUSTICE: The mission of the Florida State University Project on Accountable Justice (PAJ) is to advance public safety through evidence-based practices and policies in Florida and beyond. PAJ is a collaborative public policy research laboratory determined to find answers through data and across a spectrum of academic disciplines for practical application in juvenile and criminal justice policy deliberations. With a distinguished Executive Committee guiding the operation, PAJ facilitates research, public education and dialogue to provide reform options that turn Florida and the nation from a trajectory of expensive and outmoded practices of mass incarceration and poor performance to stopping victimization, turning countless lives around, rebuilding families, saving billions of taxpayer dollars and, ultimately, enhancing safety and vitality in communities across our country.

PAJ is a partnership of Florida State University, Baylor University, St. Petersburg College, and Tallahassee Community College.

April 2013, FSU Project on Accountable Justice

iog.fsu.edu/paj

[7] George Mason University, Stats Article, *Needle Injection and the New Drug Czar*, 2008. Accessed at http://stats.org/stories/2008/needle_exchange_drug_czar_dec03_08.html.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15
Meeting Date

Topic: Needle Exchange Waives in support

Bill Number: 808 *(if applicable)*

Name: Jill Gran

Amendment Barcode: *(if applicable)*

Job Title:

Address: 2868 Mahan Dr
Street

Tallahassee FL 32308
City *State* *Zip*

Phone:

E-mail: jill@fadaa.org

Speaking: [X] For [ ] Against [ ] Information

Representing: FL Alcohol + Drug Abuse Assoc

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 15 2013
Meeting Date

Topic _____ Bill Number 808 *(if applicable)*

Name Ryan Fitzgerald Amendment Barcode _____ *(if applicable)*

Job Title Medical Student

Address _____ Phone _____
Street

_____ E-mail _____
City *State* *Zip*

Speaking: [X] For [ ] Against [ ] Information

Representing My self

Appearing at request of Chair: [ ] Yes [X] No Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic _____

Bill Number SB 808 *(if applicable)*

Name John Dudley

Amendment Barcode _____ *(if applicable)*

Job Title Medical Student

Address 2055 Thomasville Rd.
Street

Tallahassee FL
City *State* *Zip*

Phone _____

E-mail _____

Speaking: ☑ For ☐ Against ☐ Information

Representing myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic _____

Bill Number 808 *(if applicable)*

Name Robert Morris

Amendment Barcode _____ *(if applicable)*

Job Title Medical Student

Address 415 Chapel Dr
Street

_____
City *State* *Zip*

Phone _____

E-mail _____

Speaking: [✓] For [ ] Against [ ] Information

Representing Myself

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [ ] Yes [✓] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Needle Exchange Programs

Bill Number: SB 808 (if applicable)

Name: Jon Bowes

Amendment Barcode: _____ (if applicable)

Job Title: President: Students for Sensible Drug Policy

Address: 722 Dunn St.
Street

Tallahassee, FL 32304
City, State, Zip

Phone: 443-480-7470

E-mail: jon.e.bowes@gmail.com

Speaking: [x] For [ ] Against [ ] Information

Representing: _____

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Needle & Syringe Exchange

Bill Number: ~~SB 882~~ 808 *(if applicable)*

Name: Ron Bilbao

Amendment Barcode: *(if applicable)*

Job Title: Sr. Legislative Assoc.

Address: 4500 Biscayne Blvd, 340
Street

Miami FL 33137
City *State* *Zip*

Phone: 919-923-7288

E-mail: rbilbao@aclufl.org

Speaking: [x] For [ ] Against [ ] Information

Representing: ACLU of Florida

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-15-13
Meeting Date

Topic: Syringe & Needle Exchange Pilot Program

Bill Number: 808 *(if applicable)*

Name: Michelle Jacquis

Amendment Barcode: *(if applicable)*

Job Title: Director of Legislative Advocacy

Address: PO Box 10269
Street

Tallahassee, FL 32302
City *State* *Zip*

Phone: 850-251-2288

E-mail: Mjacquis@flmedical.org

Speaking: [X] For [ ] Against [ ] Information

Representing: Florida Medical Association

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

APR. 15, 2013
Meeting Date

Topic: Needle Exchange

Bill Number: CS-SB 808 *(if applicable)*

Name: PAUL ARONS

Amendment Barcode: _____ *(if applicable)*

Job Title: FORMER MEDICAL DIRECTOR DOH BUREAU OF HIV/AIDS/HEPATITIS

Address: 1706 Beechwood Circle N.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850-545-8997

E-mail: parons@embarqmail.com

Speaking: [X] For [ ] Against [ ] Information

Representing: PUBLIC HEALTH - NOT NECESSARILY THE DEPARTMENT

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

37-S
3:30pm

4-15-2013
Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

WAIVE IN SUPPORT

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic: NEEDLE EXCHANGE

Bill Number: SB 808 (if applicable)

Name: STEPHEN R. WINN

Amendment Barcode: _____ (if applicable)

Job Title: EXECUTIVE DIRECTOR

Address: 2007 APALACHEE PARKWAY
Street

TALLAHASSEE FL 32301
City State Zip

Phone: 878-7463

E-mail: _____

Speaking: [X] For [ ] Against [ ] Information

Representing: FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic _____

Bill Number 808 *(if applicable)*

Name Chris Nuland

Amendment Barcode _____ *(if applicable)*

Job Title _____

Address 1000 Riverside Ave #115
Street

Jacksonville, FL 32204
City *State* *Zip*

Phone 904-355-1555

E-mail nulandlaw@aol.com

Speaking: [x] For [ ] Against [ ] Information

Representing Florida Public Health Association

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 882

INTRODUCER: Senator Gibson and others

SUBJECT: Administering County & Municipal Juvenile Detention Facilities

DATE: April 9, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	**Favorable**
2.			CA	
3.			RC	
4.				
5.				
6.				

I. Summary:

This bill prescribes additional criteria and standards that must be satisfied by a county or municipal program to ensure that a county is in compliance with operating a secure juvenile detention facility for preadjudicated youth under s. 985.688, F.S.

This bill substantially amends section 985.688 of the Florida Statutes.

II. Present Situation:

A county or municipal government is authorized under s. 985.688, F.S., to establish and operate a juvenile detention facility if it is operated in compliance with this section.[1] Prior to July 1, 2011, subsection (9) of this section required such facility to be certified by the Department of Juvenile Justice (DJJ) to be in compliance with the department's rules prescribing the standards and requirements for operating a secure juvenile detention facility. The rules for certification of locally operated detention facilities were required to be consistent with the rules for certification of secure juvenile detention facilities operated by the department. Additionally, quarterly inspections and evaluations were required under the statute.[2]

During the 2011 Legislative Session, the Legislature passed a bill authorizing counties to establish and operate a secure juvenile detention facility for preadjudicated youth with no

[1] Section 985.688(9), F.S.
[2] Section 985.688(9)(a) and (b), F.S.

oversight by the DJJ.[3] Instead, the legislation required counties to do the following to be in compliance with the statute:

- Provide for the full cost of preadjudication detention for juveniles;
- Authorize the county sheriff, any other county jail operator, or contracted provider to provide preadjudication detention care for juveniles;
- Ensure that the county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association;
- Ensure that the facility is inspected annually and meets the Florida Model Jail Standards; and
- Ensure that the county sheriff or other county jail operator follows the federal regulations requiring sight and sound separation of juveniles from adult inmates.[4]

The bill also provided that a county or county sheriff that is in compliance with this new subsection is not subject to any additional training, procedures, or inspections required under ch. 985, F.S.[5]

There are three counties currently operating their own secure juvenile detention facilities, none of which are monitored by the DJJ.[6]

III. Effect of Proposed Changes:

The bill establishes additional statutory criteria and standards that must be satisfied by a county or municipal program to ensure that a county is in compliance with operating a secure juvenile detention facility for preadjudicated youth as follows:

- Prohibit personnel from carrying chemical and electric restraints on their person while in the presence of youth[7];
- Require chemical and electric restraints be locked away from direct-care staff, to be used only in exigent circumstances, with the approval of the facility director;
- Provide that chemical restraints must be weighed after all uses;
- Require direct-care staff be stationed inside the living areas where youth are housed at a staff-to-youth ratio of 1 adult to 8 youth during awaking hours, and 1 adult to 10 youth during sleeping hours;
- Limit the use of video or audio recording equipment as the sole method for monitoring youth;
- Use a positive behavior management system that tracks and specifies rewards and consequences for specific behavior;

[3] Chapter 2011-53, Laws of Florida. (Senate Bill 2112 originated as a committee bill by Budget, SPB 7124.)
[4] *Id.* These provisions were codified in s. 985.688(11)(a) and (c), F.S.
[5] *Id.* This provision was codified in s. 985.688(11)(d), F.S.
[6] The three counties are Marion, Polk, and Seminole. *Department of Juvenile Justice 2013 Legislative Session Bill Analysis for Senate Bill 882 and Senate Bill 506* (on file with the Senate Committee on Criminal Justice).
[7] Recently, the use of pepper spray by guards on juveniles being held in the juvenile detention facility in Polk County was called into question by a federal magistrate judge in the Middle District of Florida, Tampa Division, in *Hughes v. Judd*, case No. 8:12-cv-568-T-23MAP (March 27, 2013).

- Use programming, recreation, educational materials and activities that ensure youth are not confined to their cells except for sleeping; and
- Prohibit using isolation, solitary confinement, or cell confinement unless recommended by a licensed physician.

The bill also deletes the provision allowing a county sheriff who is in compliance with current requirements under s. 985.688(11), F.S.,[8] to be exempt from additional training, procedures, or inspections otherwise required by ch. 985, F.S.

Finally, the bill deletes the provision requiring the DJJ to charge (and the county or municipality to pay) a monitoring fee equal to 0.5 percent of the direct operating costs of the juvenile detention facility.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DJJ, this bill does not result in any fiscal impact to the department.[9]

[8] These requirements include providing for the full cost of preadjudication detention for juveniles, being authorized by the county to provide preadjudication detention care for juveniles, being accredited by the Florida Corrections Accreditation Commission or American Correctional Association, being inspected annually, meeting the Florida Model Jail Standards, and adhering to the federal regulations requiring sight and sound separation of juveniles from adult inmates.
[9] *Department of Juvenile Justice 2013 Legislative Session Bill Analysis for Senate Bill 882 and Senate Bill 506* (on file with the Senate Committee on Criminal Justice).

It may, however, have an impact upon those counties operating their own secure juvenile detention facility if the bill results in more personnel being required to meet the newly prescribed staff-to-youth ratio.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Gibson

9-01031C-13 2013882__

A bill to be entitled

An act relating to administering county and municipal delinquency programs and facilities; amending s. 985.688, F.S.; deleting language that required the Department of Juvenile Justice to charge, and the county or municipal government to pay, a monitoring fee to cover a portion of the direct operating costs of the juvenile detention facility; establishing criteria to demonstrate that the county or municipality is in compliance with standards for operating juvenile delinquency programs and detention facilities; deleting a provision providing that a sheriff who complies with the subsection is not subject to any additional training, procedures, or inspections; providing an effective date.

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

Section 1. Paragraph (b) of subsection (9) and subsection (11) of section 985.688, Florida Statutes, are amended to read:

985.688 Administering county and municipal delinquency programs and facilities.—

(9) A county or municipal government may establish and operate a juvenile detention facility in compliance with this section, if such facility is certified by the department.

(b) The department is required to conduct quarterly inspections and evaluations of each county or municipal government juvenile detention facility to determine whether the facility complies with the department's rules for continued

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-01031C-13 2013882__

operation. ~~The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the program.~~ The operation of a facility that ~~which~~ fails to pass the department's quarterly inspection and evaluation due to a~~, if the~~ deficiency that ~~causing the failure~~ is material shall~~, must~~ be terminated if the ~~such~~ deficiency is not corrected by the next quarterly inspection.

(11)(a) Notwithstanding the provisions of this section, a county is in compliance with this section if:

1. The county provides the full cost for preadjudication detention for juveniles;

2. The county authorizes the county sheriff, any other county jail operator, or a contracted provider located inside or outside the county to provide preadjudication detention care for juveniles;

3. The county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association; ~~and~~

4. The facility is inspected annually and meets the Florida Model Jail Standards;~~.~~

5. The county or municipal program prohibits program personnel from carrying chemical and electric restraints on their person while in the presence of children. If a facility has chemical and electric restraints on site, the restraints shall be locked away from direct-care staff, they may be used only in exigent circumstances, such as a riot, they may be used only with the approval of the facility director, and chemical restraints must be weighed after any and all uses;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 6. The direct-care staff are stationed inside the living
60 areas where children are housed at a staff-to-child ratio of 1
61 adult to 8 children during waking hours and a ratio of 1 adult
62 to 10 children when the children are asleep;
63 7. The program limits the use of video or audio recording
64 equipment as the sole method used to monitor children in the
65 program;
66 8. The program uses a positive behavior management system
67 that tracks each child and specifies rewards and consequences
68 for specific behavior;
69 9. The program uses programming, recreation, and
70 educational materials and activities that ensure that children
71 are not confined to their cells except for sleeping; and
72 10. The program does not use isolation, solitary
73 confinement, or cell confinement unless recommended by a
74 licensed physician.
75 (b) A county or county sheriff may form regional detention
76 facilities through an interlocal agreement in order to meet the
77 requirements of this section.
78 (c) Each county sheriff or other county jail operator shall
79 ~~must~~ follow the federal regulations that require sight and sound
80 separation of juvenile inmates from adult inmates.
81 ~~(d) A county or county sheriff that complies with this~~
82 ~~subsection is not subject to any additional training,~~
83 ~~procedures, or inspections required by this chapter.~~
84 Section 2. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR AUDREY GIBSON
9th District

COMMITTEES:
Military Affairs, Space, and Domestic Security, *Vice Chair*
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Communications, Energy, and Public Utilities
Criminal Justice
Regulated Industries

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

February 21, 2013

Senator Greg Evers, Chair
Committee on Criminal Justice
510 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Chair Evers:

I respectfully request that SB 882, relating to administering county and municipal delinquency programs and facilities, be placed on the next committee agenda.

SB 882, establishes additional safety criteria for counties or municipalities operating juvenile delinquency programs and detention facilities.

Thank you for your time and consideration.

Sincerely,

Audrey Gibson
State Senator
District 9

REPLY TO:
☐ 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553 FAX: (904) 359-2532
☐ 205 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DARREN SOTO
Deputy Democratic Whip
14th District

COMMITTEES:
Judiciary, *Vice Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on General Government
Community Affairs
Environmental Preservation and Conservation
Ethics and Elections

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

April 2, 2013

The Honorable Greg Evers
Committee on Criminal Justice
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Evers,

I, respectfully, request that you agenda Senate Bill 882 in the next Criminal Justice Committee meeting. This bill would apply protective standards for children in juvenile detention centers across Florida. As you are aware, a Federal ~~Judge~~ magistrate in Tampa recently ruled that children in the Polk County Jail are at serious risk of harm. As a member of the Polk County Delegation, I have grave concerns regarding this matter. This issue requires immediate attention. I am certain that this bill would provide protection for children in my district, as well as throughout the state.

If you have any questions or concerns, please do hesitate to contact me directly.

Sincerely,

Darren M. Soto
State Senator, District 14

Cc: Amanda Cannon, Staff Director
Sue Arnold, Committee Administrative Assistant

REPLY TO:
❒ 220 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 15/2013
Meeting Date

Topic _____ Bill Number 882 *(if applicable)*

Name BRIAN PITTS Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: County & Municipal Delinquency Pgms

Bill Number: SB 882 *(if applicable)*

Name: Ron Bilbao

Amendment Barcode: *(if applicable)*

Job Title: Sr. Legislative Assoc.

Address: 4500 Biscayne Blvd, 340
Street

Miami, FL 33137
City *State* *Zip*

Phone: 919-923-7288

E-mail: rbilbao@aclufl.org

Speaking: [x] For [ ] Against [ ] Information

Representing: ACLU of Florida

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/15/13
Meeting Date

Topic: Juvenile Justice

Bill Number: 882 *(if applicable)*

Name: ADRIANNA SEKULA

Amendment Barcode: *(if applicable)*

Job Title: Assoc. Director of Government Affairs

Address: *Street*

City *State* *Zip*

Phone: 904 553 7850

E-mail: adrianna.sekula@pacecenter.org

Speaking: ☑ For ☐ Against ☐ Information

Representing: PACE Center for Girls, Inc.

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Juvenile Justice

Bill Number: SB 882 *(if applicable)*

Name: Nanette Delage

Amendment Barcode: *(if applicable)*

Job Title: Member Families of Youth Incarcerated (FYI)

Address: 3379 Bowers Ln.
Street

Jacksonville, FL 32257
City *State* *Zip*

Phone: 904-588-5337

E-mail: ndelage@bellsouth.net

Speaking: [x] For [ ] Against [ ] Information

Representing: Self, FYI

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Juvenile Justice; SB 882

Bill Number: SB 882 (if applicable)

Name: NANCY M. NOONAN

Amendment Barcode: (if applicable)

Job Title: Co-Chair Awake Marion Juvenile Justice Project Team

Address: 12220 SE 178th Street
Street

SUMMERFIELD, FL 34491
City State Zip

Phone: 352-245-2152

E-mail: nncynoonan_1941@yahoo.com

Speaking: [X] For [ ] Against [ ] Information

Representing: Self & Project Team

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Juvenile justice

Bill Number: SB 992 *(if applicable)*

Name: David Utter

Amendment Barcode: *(if applicable)*

Job Title: Policy Director

Address: 4270 PO Box 370037
Street

Miami, FL 33137
City *State* *Zip*

Phone: 334-296-0727

E-mail: david.utter@splcenter.org

Speaking: [✓] For [ ] Against [ ] Information

Representing: Southern Poverty Law Center

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Juvenile Justice

Bill Number: SB 882 *(if applicable)*

Name: Earlene S. Wilks

Amendment Barcode: *(if applicable)*

Job Title: Earlene S. Wilks Consulting & Life Coaching

Address: 366 West North Ave
Street

Crestview, FL 32536
City *State* *Zip*

Phone: (850) 826-0443

E-mail: wilksce@gmail.com

Speaking: [x] For [ ] Against [ ] Information

Representing: Self

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/15/2013
Meeting Date

Topic: Administering County and Municipal Delinquency Programs and Facilities

Bill Number: SB 382 *(if applicable)*

Name: Elijah Armstrong

Amendment Barcode: _____ *(if applicable)*

Job Title: President

Address: _____
Street

_____
City *State* *Zip*

Phone: _____

E-mail: _____

Speaking: [✓] For [ ] Against [ ] Information

Representing: Dream Defenders

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/2013
Meeting Date

Topic: Juvenile Justice

Bill Number: 882 (if applicable)

Name: Dale R. Landry

Amendment Barcode: _____ (if applicable)

Job Title: Vice President, Florida NAACP

Address: 1940 Nautica Circle
Street

Tallahassee FL 32303
City State Zip

Phone: 850-514-4393

E-mail: DRLandry1@comcast.net

Speaking: [X] For [ ] Against [ ] Information

Representing: Florida State Conference NAACP

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Administering County and Municipal Deliquency

Bill Number: SB 882 *(if applicable)*

Name: Roy Miller

Amendment Barcode: _____ *(if applicable)*

Job Title: President

Address: _____
Street

_____
City *State* *Zip*

Phone: _____

E-mail: _____

Speaking: [✓] For [ ] Against [ ] Information

Representing: The Children's Campaign

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 962

INTRODUCER: Judiciary Committee and Senator Gardiner

SUBJECT: Warrants

DATE: April 11, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	**Fav/CS**
2.	Cellon	Cannon	CJ	**Favorable**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 962 provides that a judge may only issue an arrest warrant upon a finding of probable cause.

A judge may electronically sign an arrest or search warrant provided that an application:

- Is signed by an affiant, manually or electronically;
- Is supported by an oath or affirmation administered by the judge or other authorized person; and
- Is submitted through reliable electronic means if submitted electronically.

This bill considers a warrant to be electronically issued and signed by a judge when the judge electronically affixes his or her signature to the warrant.

This bill substantially amends sections 901.02 and 933.07, Florida Statutes.

II. Present Situation:

The Fourth Amendment of the United States Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article I, Section 12 of the State Constitution provides, in part:

> Searches and seizures.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures … shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court.

In *Steagald v. U.S.*, the U.S. Supreme Court explained that the purpose of the Fourth Amendment warrant requirement ". . . is to allow a neutral judicial officer to assess whether the police have probable cause to make an arrest or conduct a search."[1]

The probable cause standard is incapable of precise definition; however, generally, probable cause exists when a reasonable inquiry would cause a reasonable person to believe in the truth of a particular set of facts.[2]

Issuance of Arrest Warrants

There are exceptions to the arrest warrant requirement. For example, police generally do not need a warrant to make an arrest in a public place and can arrest a felony suspect when they have reasonable grounds to believe that a felony was committed and the arrestee is the suspect.[3]

Florida law allows law enforcement to make a warrantless arrest of a person who:

- Commits a felony or misdemeanor or violates a municipal or county ordinance in the officer's presence. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance must be made immediately or in fresh pursuit.
- Commits a felony if the officer has a reasonable belief that the person committed it.
- Violates ch. 316, F.S., the Florida Uniform Traffic Control Law, in the presence of the officer and the arrest is made immediately or in fresh pursuit.

---

[1] 451 U.S. 204, 212 (1981).
[2] *Maryland v. Pringle*, 540 U.S. 366 (2003).
[3] *U.S. v. Watson*, 423 U.S. 411 (1976).

- Commits certain enumerated crimes if the officer has probable cause to make an arrest.
- In all other instances a court must issue an arrest warrant before a person may be arrested. A judge may issue an arrest warrant upon a reasonable belief that the person in the complaint has committed a criminal offense within the jurisdiction of the trial court.[4]

A warrant is considered issued at the time the judge signs the warrant.[5] Section 901.02, F.S. is silent on the requirement of probable cause for an arrest warrant.

Issuance of Search Warrants

A search warrant is generally required when a person is considered to have a reasonable expectation of privacy in the property sought to be searched.[6] Likewise, courts will uphold warrantless searches, and admit evidence found in the search, if the defendant cannot establish a reasonable expectation of privacy. The court has found that a person has no reasonable expectation of privacy in a jail cell[7] or a police station.[8] In contrast, a person has the highest expectation of privacy in a person's private residence.[9]

A judge may issue a search warrant by signing the warrant upon a satisfactory showing of probable cause from the documents submitted. The search warrant is then issued to a law enforcement officer. The issuance of the search warrant acts as a command to a law enforcement officer to search the property described in the warrant and to bring the property specified and any person arrested in connection with the warrant before the court.[10]

Electronic Signatures for the Issuance of Warrants

The Florida Legislature adopted an electronic filing process for the courts in 2009.[11] As justification, the Legislature identified as benefits of e-filing reduced judicial costs, increased timeliness in the processing of cases, and improved judicial case management.[12]

An electronic signature refers to "any letters, characters, symbols, or process manifested by electronic or similar means and attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."[13]

Current law is silent as to whether a judge may sign arrest or search warrants with an electronic signature.

---

[4] Section 901.02(1), F.S.
[5] *Id*.
[6] *J.W. v. State*, 95 So. 3d 372, 376 (Fla. 3d DCA 2012).
[7] *Bolin v. State*, 2013 WL 627146, *7 (Fla. 2013).
[8] *Lundberg v. State*, 2012 WL 5870104, *8 (Fla. 4th DCA 2012).
[9] *Rowell v. State* 83 So. 3d 990, 994 (Fla. 4th DCA 2012).
[10] Section 933.07(1), F.S.
[11] Chapter 2009-61, L.O.F.
[12] Section 28.2205, F.S.
[13] Section 933.40(1)(d), F.S.

III. Effect of Proposed Changes:

The bill amends s. 901.02, F.S., to require that a judge may issue an arrest warrant only upon a finding of probable cause.

This bill allows a judge to electronically issue an arrest or search warrant provided that an application:

- Is signed by the affiant, either manually or electronically;
- Is supported by an oath or affirmation administered by the judge or other authorized person; and
- Is submitted through reliable electronic means if the application is submitted electronically.

This bill deems a warrant to be electronically issued and signed by a judge when the judge electronically affixes his or her electronic signature to the warrant.

Florida law does not currently authorize electronic issuance of warrants.

This bill provides an alternative means to the current process of paper issuance of arrest and search warrants.

The bill takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Office of State Courts Administrator expects a positive fiscal impact, if any, from the provisions of this bill. To the extent that the bill provides an alternative to judicial review and issuance of warrants by paper only, a more streamlined, efficient process may result.[14]

The Florida Sheriffs Association indicates that law enforcement agencies will experience a positive fiscal impact from this bill. For warrants to search property, a law enforcement officer will not need to remain at a potential crime scene while another officer physically travels to obtain a search warrant. For arrest warrants, this bill could reduce the time it currently takes for a law enforcement officer to arrest an offender. [15]

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Florida Sheriffs Association indicates that in 2012, various entities convened a workgroup on the feasibility of expanding the court's electronic filing process to include electronic signatures on warrants. Participants included the Florida Department of Law Enforcement, the National Center for State Courts, the Police Chief's Association, the Florida Court Technology Commission, circuit judges, sheriff's offices, state attorney's offices, and the clerks of court.[16]

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on April 8, 2013:
This committee substitute:

- Requires that a judge may only issue an arrest warrant for probable cause.
- Authorizes a judge to issue an arrest or search warrant electronically if signed by a law enforcement officer electronically as well as manually.

B. Amendments:

None.

[14] Office of the State Courts Administrator, 2013 Judicial Impact Statement, Senate Bill 962 (March 18, 2013) (on file with the Senate Committee on Judiciary).
[15] Florida Sheriffs Association, *Position Paper on Electronic Filing of Warrants* (on file with the Senate Committee on Judiciary).
[16] *Id*.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/15/2013	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Altman) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 73 and 74
4 insert:
5 Section 3. Location informational tracking; prohibited
6 search and seizure.-
7 (1) FINDINGS.-The Legislature finds that existing law
8 authorizes a court to issue a warrant for the search of a place
9 and the seizure of property or things identified in the warrant
10 when there is probable cause to believe that specified grounds
11 exist. The Legislature also finds that existing law provides for
12 a judicial procedure for the acquisition of stored

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13 communications in the possession of a provider of electronic
14 communication service or a remote computing service.
15 (2) INTENT.-It is the intent of the Legislature to prohibit
16 a governmental entity from obtaining the location information of
17 an electronic device without a valid court order issued by a
18 duly authorized judicial officer unless certain exceptions
19 apply, including in an emergency or when requested by the owner
20 of the device. However, it is also the intent of the Legislature
21 that this act, with certain exceptions, prohibits the use of
22 information obtained in violation of this section in a civil or
23 administrative hearing.
24 (3) DEFINITIONS.-As used in this section, the term:
25 (a) "Electronic communication service" means a service that
26 provides to its users the ability to send or receive wire or
27 electronic communications.
28 (b) "Governmental entity" means a state or local agency,
29 including, but not limited to, a law enforcement entity or any
30 other investigative entity, agency, department, division,
31 bureau, board, or commission, or an individual acting or
32 purporting to act for or on behalf of a state or local agency.
33 (c) "Location information" means information, concerning
34 the location of an electronic device, including both the current
35 location and any previous location of the device, which, in
36 whole or in part, is generated, derived from, or obtained by the
37 operation of an electronic device.
38 (d) "Location information service" means the provision of a
39 global positioning service or other mapping, locational, or
40 directional information service.
41 (e) "Owner" means the person or entity recognized by the

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42 law as having the legal title, claim, or right to an electronic
43 device.
44 (f) "Portable electronic device" means an object capable of
45 being easily transported or conveyed by a person which is
46 capable of creating, receiving, accessing, or storing electronic
47 data or communications and communicates by any means with
48 another entity or individual.
49 (g) "Remote computing service" means the provision of
50 computer storage or processing services by means of an
51 electronic communications system.
52 (h) "User" means a person or entity that uses an electronic
53 device.
54 (4) PROHIBITED ACTS.-
55 (a) A law enforcement agency or other governmental entity
56 may not obtain the location information of an electronic device
57 without a valid court order issued by a duly authorized judicial
58 officer using the procedure set forth in this section.
59 (b) An investigative or law enforcement officer may make
60 application to a judge of competent jurisdiction for an order
61 authorizing or approving the search for and seizure of the
62 location information related to a specific electronic device or
63 any electronic device used by a particular person.
64 (c) The application must include:
65 1. A statement of the identity of the applicant and the
66 identity of the law enforcement agency conducting the
67 investigation.
68 2. A certification by the applicant that the information
69 likely to be obtained is relevant to an ongoing criminal
70 investigation being conducted by the investigating agency, or a

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71 non-criminal investigation being conducted to prevent harm to a
72 person.
73 3. A statement of the offense to which the information
74 likely to be obtained relates, if applicable.
75 4. A statement as to whether it may be necessary to monitor
76 the electronic device outside the jurisdiction of the court from
77 which authorization is being sought.
78 (d) If the court finds that the required certification and
79 statements have been made in the application, the court shall
80 enter an ex parte order authorizing the monitoring of a specific
81 electronic device or authorize the monitoring of any device
82 being used by a specific person during the time period for which
83 an order may be issued under this section. Such order may
84 authorize the monitoring of the device within the jurisdiction
85 of the court and outside that jurisdiction, but within this
86 state.
87 (e) A court may not require greater specificity or
88 additional information beyond that which is required by this
89 section as a requisite for issuing an order.
90 (f) A court order may not be issued for the location of an
91 electronic device pursuant to this section for a period of time
92 longer than is necessary to achieve the objective of the
93 authorization, and in any event no longer than 30 days,
94 commencing on the day the order is issued, or 10 days after the
95 location information is initially obtained, whichever comes
96 first.
97 (g) Extensions of an order may be granted, but only upon a
98 judge finding that the extension is necessary to achieve the
99 objective of the original authorization. Each extension granted

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100 for an order pursuant to this section may not exceed the time
101 period that the authorizing judge deems necessary to achieve the
102 purposes for which the order was originally granted, but in any
103 event, each extension may not exceed 60 days.
104 (5) EXCEPTIONS.—Notwithstanding subsection (4), a
105 governmental entity may obtain location information without a
106 court order if disclosure of the location information is not
107 prohibited by federal law and any of the following circumstances
108 exists:
109 (a) Transponders used for the purpose of assessing or
110 collecting tolls.
111 (b) Reliance by a law enforcement agency or other
112 governmental entity on lawful exceptions to the warrant
113 requirement.
114 (c) A high risk of a terrorist attack by a specific
115 individual or organization if the United States Secretary of
116 Homeland Security determines that credible intelligence
117 indicates that there is such a risk.
118 (d) Cases of a search for a missing endangered person, as
119 defined in s. 937.0201.
120 (e) In order to respond to any user's call for emergency
121 services.
122 (f) With the informed, affirmative consent of the owner or
123 user of the electronic device; however the owner or user may not
124 consent to the disclosure of location information if the device
125 is known or believed to be in the possession of, or attached to
126 a possession of, a third party known to the owner or user and to
127 whom the owner or user has intentionally provided electronic
128 device, unless the third party is under 18 years of age. The

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129 informed, affirmative consent of the owner or user of the
130 electronic device may not be used as consent to disclose the
131 location information of another portable electronic device that
132 may be remotely linked or connected to the owner or user of the
133 subject portable electronic device.
134 (g) With the informed, affirmative consent of the legal
135 guardian or next of kin of the electronic device's owner or
136 user, if the owner or user is believed to be deceased or has
137 been reported missing and unable to be contacted.
138 (h) If the governmental entity reasonably believes that an
139 emergency involving immediate danger of death or serious
140 physical injury to a person requires the disclosure, without
141 delay, of location information concerning a specific person or
142 persons and that a court order cannot be obtained in time to
143 prevent the identified danger and the possessor of the location
144 information, in good faith, believes that an emergency involving
145 danger of death or serious physical injury to a person requires
146 the disclosure without delay.
147 (6) REMEDY.—
148 (a) Any aggrieved person in a trial, hearing, or proceeding
149 in or before a court, department, officer, agency, regulatory
150 body, or other authority may move to suppress the contents of
151 information contained in a portable electronic device or
152 evidence derived therefrom, on the grounds that:
153 1. The information was unlawfully obtained;
154 2. The order of authorization or approval under which it
155 was obtained is insufficient on its face; or
156 3. The information was not obtained in conformity with the
157 order of authorization or approval.

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158
159 Such motion shall be made before the trial, hearing, or
160 proceeding unless there was no opportunity to make such motion
161 or the person was not aware of the grounds of the motion. If the
162 motion is granted, the information or evidence derived therefrom
163 shall be suppressed. The judge, upon the filing of such motion
164 by the aggrieved person, may make available to the aggrieved
165 person or his or her counsel for inspection such portions of the
166 information or evidence derived therefrom as the judge
167 determines to be in the interest of justice.
168 (b) In addition to any other right to appeal, the state has
169 the right to appeal from an order granting a motion to suppress
170 made under paragraph (a) or the denial of an application for an
171 order of approval if the attorney certifies to the judge or
172 other official granting such motion or denying such application
173 that the appeal is not taken for purposes of delay. Such appeal
174 shall be taken within 30 days after the date the order was
175 entered and shall be diligently prosecuted.
176 (c) The remedies and sanctions described herein with
177 respect to the information contained in a portable electronic
178 device are the only judicial remedies and sanctions for
179 violations of those sections involving such information.
180 (7) CAUSE OF ACTION.—This section does not create a cause
181 of action against any foreign or Florida private entity, its
182 officers, employees, agents, or other specified persons for
183 providing location information.
184
185 ========== T I T L E A M E N D M E N T ==========
186 And the title is amended as follows:

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187 Delete line 15
188 and insert:
189 “electronic signature”; prohibiting location
190 informational tracking; providing legislative findings
191 and intent; defining terms; prohibiting a governmental
192 entity from obtaining the location information of an
193 electronic device without a valid court order issued
194 by a duly authorized judicial officer; providing that
195 a court order may not be issued for the location of an
196 electronic device for a period of time longer than is
197 necessary to achieve the objective of the court order;
198 providing time periods for the validity of a court
199 order; providing criteria by which a court order for
200 location information may be extended; providing
201 exceptions to the requirement that a court order be
202 obtained for location information; providing a remedy;
203 providing applicability; providing an effective date.

By the Committee on Judiciary; and Senator Gardiner

590-03891-13 2013962c1

A bill to be entitled

An act relating to warrants; amending s. 901.02, F.S.; specifying when an arrest warrant may be issued; authorizing a judge to electronically sign an arrest warrant if certain conditions are met; providing that an arrest warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term "electronic signature"; amending s. 933.07, F.S.; authorizing a judge to electronically sign a search warrant if certain conditions are met; providing that a search warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term "electronic signature"; providing an effective date.

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

Section 1. Section 901.02, Florida Statutes, is amended to read:

901.02 Issuance of arrest warrants ~~When warrant of arrest to be issued~~.—

(1) A judge, upon examination of the complaint and proofs submitted, if satisfied that probable cause exists for the issuance of an arrest warrant for any crime committed within the judge's jurisdiction, shall thereupon issue an arrest warrant signed by the judge with the judge's name of office ~~warrant may be issued for the arrest of the person complained against if the trial court judge, from the examination of the complainant and other witnesses, reasonably believes that the person complained against has committed an offense within the trial court judge's jurisdiction. A warrant is issued at the time it is signed by the trial court judge~~.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-03891-13 2013962c1

(2) The court may issue a warrant for the defendant's arrest when all of the following circumstances apply:

(a) A complaint has been filed charging the commission of a misdemeanor only.;

(b) The summons issued to the defendant has been returned unserved.~~; and~~

(c) The conditions of subsection (1) are met.

(3) A judge may electronically sign an arrest warrant if the requirements of subsection (1) or subsection (2) are met and the judge, based on an examination of the complaint and proofs submitted, determines that the complaint:

(a) Bears the affiant's signature, or electronic signature if the complaint was submitted electronically.

(b) Is supported by an oath or affirmation administered by the judge or other person authorized by law to administer oaths.

(c) If submitted electronically, is submitted by reliable electronic means.

(4) An arrest warrant shall be deemed to be issued by a judge at the time the judge affixes the judge's signature or electronic signature to the warrant. As used in this section, the term "electronic signature" has the same meaning as provided in s. 933.40.

Section 2. Subsections (3) and (4) are added to section 933.07, Florida Statutes, to read:

933.07 Issuance of search warrants.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 (3) A judge may electronically sign a search warrant if the
60 requirements of subsection (1) or subsection (2) are met and the
61 judge, based on an examination of the application and proofs
62 submitted, determines that the application:
63 (a) Bears the affiant's signature, or electronic signature
64 if the application was submitted electronically.
65 (b) Is supported by an oath or affirmation administered by
66 the judge or other person authorized by law to administer oaths.
67 (c) If submitted electronically, is submitted by reliable
68 electronic means.
69 (4) A search warrant shall be deemed to be issued by a
70 judge at the time the judge affixes the judge's signature or
71 electronic signature to the warrant. As used in this section,
72 the term "electronic signature" has the same meaning as provided
73 in s. 933.40.
74 Section 3. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ANDY GARDINER
13th District

COMMITTEES:
Appropriations Subcommittee on Transportation, Tourism, and Economic Development, *Chair*
Appropriations
Appropriations Subcommittee on Finance and Tax
Environmental Preservation and Conservation
Ethics and Elections
Gaming
Judiciary
Military Affairs, Space, and Domestic Security
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

April 8, 2013

The Honorable Greg Evers, Chair
Committee on Criminal Justice
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Evers,

Senate Bill 962 Warrants has been referred to your committee. This legislation provides that arrest and search warrants are deemed electronically issued and signed by a judge. I respectfully request that Senate Bill 962 be heard before your committee.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,

Senator Andy Gardiner

AG:gh

Cc: Ms. Amanda Cannon, Staff Director

REPLY TO:
❒ 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
❒ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 15 /2013
Meeting Date

Topic _____ Bill Number 962 *(if applicable)*

Name BRIAN PITTS Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Warrants

Bill Number: 962 (if applicable)

Name: Keri Rayborn

Amendment Barcode: _____ (if applicable)

Job Title: _____

Address: PO Box 1565
Street

Tallahassee, FL 32302
City State Zip

Phone: 850-524-2394

E-mail: keri@rayborncontsultants.com

Speaking: ☐ For ☐ Against ☐ Information

Representing: Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Warrants

Bill Number: 962 *(if applicable)*

Name: Eric Maclure

Amendment Barcode: *(if applicable)*

Job Title: Intergov. Relations, Office of State Courts Administrator

Address: 500 South Duval St.
Street

Tallahassee, FL 32399
City *State* *Zip*

Phone: 850-922-5692

E-mail: maclureе@flcourts.org

Speaking: [✓] For [ ] Against [ ] Information
(waive in support)

Representing: State Courts System

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/CS/SB 1368

INTRODUCER: Criminal Justice Committee; Health Policy Committee; and Senator Ring

SUBJECT: Clinical, Counseling, and Psychotherapy Services

DATE: April 15, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McElheney	Stovall	HP	**Fav/CS**
2.	Clodfelter	Cannon	CJ	**Fav/CS**
3.			CF	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/CS/SB 1368 updates and revises ch. 491, F.S., which regulates clinical social workers, marriage and family therapists, and mental health counselors. The bill:

- Requires registered interns to remain under supervision.
- Limits intern registration to 5 years, without renewal. Licenses for interns registered on or before June 30, 2011, will expire on July 1, 2016, and licenses issued after June 30, 2011, will expire 60 months after the date of issuance.
- Prohibits a person who has held a provisional license from applying for an intern registration in the same profession, and conversely, prohibits a person who has held an intern registration from applying for a provisional license in the same profession. It also ensures that interns could not continually re-register without completing all requirements.
- Revises the requirements for licensure as a clinical social worker, marriage and family therapist, or mental health counselor.
- Provides for future repeal of the statute that allows dual licensure as a marriage and family therapist and a clinical social worker, mental health counselor, advanced registered nurse practitioner, or psychologist.

- Eases requirements for an applicant seeking a license or certification by endorsement by eliminating the requirement that the applicant have actively engaged in the profession during 3 of the last 5 years immediately preceding application.

This bill substantially amends sections 491.004, 491.0045, 491.0046, 491.005, 491.0057, 491.006, and 491.007 of the Florida Statutes.

II. Present Situation:

Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling is created within the DOH and is responsible for licensing and regulating the practice of clinical social work, marriage and family therapy, and mental health counseling pursuant to ch. 491, F.S.[1]

The practice of clinical social work uses scientific and applied knowledge, theories, and methods for the purpose of describing, preventing, evaluating, and treating individual, couple, marital, family, or group behavior. The purpose of such services is the prevention and treatment of undesired behavior and enhancement of mental health. The practice of clinical social work includes methods of a psychological nature used to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, and substance abuse. The practice of clinical social work includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.[2]

The practice of marriage and family therapy is the use of scientific and applied marriage and family theories, methods, and procedures for the purpose of describing, evaluating, and modifying marital, family, and individual behavior, within the context of marital and family systems, including the context of marital formation and dissolution, and is based on marriage and family systems theory, marriage and family development, human development, normal and abnormal behavior, psychopathology, human sexuality, psychotherapeutic and marriage and family therapy theories and techniques. The practice of marriage and family therapy includes methods of a psychological nature used to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders or dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, and substance abuse. The practice of marriage and family therapy includes, but is not limited to, marriage and family therapy, psychotherapy, including behavioral family therapy, hypnotherapy, and sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.[3]

---

[1] The Department has jurisdiction with respect to the regulation of certified master social workers. *See* s. 491.015, F.S.
[2] *See* s. 491.003(7), F.S.
[3] *See* s. 491.003(8), F.S.

The practice of mental health counseling is the use of scientific and applied behavioral science theories, methods, and techniques for the purpose of describing, preventing, and treating undesired behavior and enhancing mental health and human development and is based on the person-in-situation perspectives derived from research and theory in personality, family, group, and organizational dynamics and development, career planning, cultural diversity, human growth and development, human sexuality, normal and abnormal behavior, psychopathology, psychotherapy, and rehabilitation. The practice of mental health counseling includes methods of a psychological nature used to evaluate, assess, diagnose, and treat emotional and mental dysfunctions or disorders (whether cognitive, affective, or behavioral), behavioral disorders, interpersonal relationships, sexual dysfunction, alcoholism, and substance abuse. The practice of mental health counseling includes, but is not limited to, psychotherapy, hypnotherapy, sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.[4]

Internships

An individual who intends to practice in Florida to satisfy the postgraduate or post master's level experience requirements or to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, must register as an intern in the profession for which he or she is seeking licensure. This must be done prior to commencing the post-master's experience, practicum, internship, or field experience. To become an intern the applicant must complete the application form and submit a nonrefundable application fee not exceeding $200 as set by the Board. The applicant must also have completed the necessary education requirements, submitted an acceptable supervision plan, and identified a qualified supervisor.[5]

Currently, an intern may renew his or her license every biennium, with no time limit, by payment of a renewal fee. No continuing education is required for interns. There are 2,708 clinical social work interns, 726 marriage and family therapy interns, and 3,394 mental health counseling interns. Of this total, 697 interns have been renewing their registered intern license for over 10 years, and 151 of them have been renewing since the inception of this law in 1998.[6]

Disciplinary cases have shown that those who have held intern licenses for many years are no longer remaining under supervision as is required by law, and many are in private practice without meeting minimum competency standards such as passing the national examination.[7]

Provisional License

A provisional license permits an individual applying by endorsement or examination, who has satisfied the clinical experience requirements, to practice under supervision while completing all licensure requirements. Provisional licenses expire 24 months after the date issued and may not be renewed or reissued.[8]

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[4] *See* s. 491.003(9), F.S.
[5] Section 491.0045, F.S.
[6] DOH Bill Analysis for SB 1368, dated March 4, 2013, on file with the Senate Health Policy Committee.
[7] *Id.*
[8] Section 491.0046, F.S.

Licensure Requirements

Clinical Social Work:

- An applicant seeking a Clinical Social Work license must submit the application, pay the appropriate fee, and have received a doctoral degree in social work from an accredited graduate school of social work.
- The applicant's graduate program must have emphasized direct clinical patient or client health care services and include specific coursework related to the field. Each applicant must have had no less than 2 years of specific clinical experience under a qualified supervisor.
- The applicant must also pass a theory and practice examination provided by the DOH and demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Marriage and Family Therapy:

- An applicant seeking a Marriage and Family Therapy license must submit the application, pay the appropriate fee, and have at least a master's degree with major emphasis in marriage and family therapy, or a closely related field, and have completed all of the specific semester hour requirements.
- The required master's degree must be from an accredited institution of higher education. The applicant must have had no less than 2 years of specific clinical experience under a qualified supervisor.
- The applicant must pass a theory and practice examination provided by the DOH and demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Mental Health Counseling:

- An applicant seeking a Mental Health Counseling license must submit the application, pay the appropriate fee, and have at least a master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs. The education and training must be received in an accredited institution of higher education recognized by the Commission on Recognition of Postsecondary Accreditation.
- The applicant must have had no less than 2 years of specific clinical experience in mental health counseling, post masters, and under a specific qualified supervisor.
- The applicant must pass a theory and practice examination provided by the DOH and demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling[9]

[9] Section 491.005, F.S.

Dual Licensure

The Board is authorized[10] to issue a dual license as a marriage and family therapist if the applicant:

- Holds a valid, active license as a psychologist, a clinical social worker, mental health counselor, or is a certified advanced registered nurse practitioner.
- Has held a valid, active license for at least 3 years.
- Has passed the examination provided by the DOH for marriage and family therapy.

III. Effect of Proposed Changes:

In addition to substantive changes, changes are made throughout the bill to remove obsolete language and make grammatical and conforming changes.

Section 1 amends s. 491.004, F.S., to delete obsolete timeframes for Governor appointments to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling. Also, unnecessary verbiage is deleted.

Section 2 amends s. 491.0045, F.S., to require registered interns to remain under supervision and limits intern registration to 5 years. Licenses for interns registered on or before June 30, 2011, will expire on July 1, 2016, and licenses issued on or after July 1, 2011, will expire 60 months after the date of issuance. Any subsequent intern registration will be at the board's discretion. A person who has held a provisional license may not apply for an intern registration in the same profession. It also ensures that interns may not continually re-register without completing all requirements.

Section 3 amends s. 491.0046, F.S., to prohibit a person who has previously held an intern registration from applying for a provisional license.

Section 4 amends s. 491.005, F.S., to clarify that a licensed mental health professional must be on the premises when clinical services are provided by a registered intern in clinical social work, marriage and family therapy, or mental health counseling in a private practice setting, and that a registered intern may not engage in his or her own independent private practice.

The bill amends subsection (3) relating to licensure of a marriage and family therapist to require that the master's degree must be from one of several specified accredited programs[11] or from a program accepted by the Board. The number of graduate-level coursework hours is increased from 36 to 60 semester hours or from 48 to 80 quarter hours and additional course subjects are added to the statute. The supervised clinical practicum or field experience is increased from 180 to 400 direct client contact hours of marriage and family therapy.

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[10] Section 491.0057, F.S.

[11] The bill requires that the degree must be from a university in Florida if the program is a mental health counseling program with a marriage and family track from a university accredited by the Council for the Accreditation of Counseling and Related Educational Programs.

Authority for the DOH to issue dual licensure as a marriage and family therapist and one of the following health care professionals will expire on July 1, 2020: advanced registered nurse practitioner, clinical social worker, mental health counselor, or psychologist. See section 5 of the bill also.

The bill amends subsection (4) relating to licensure of mental health counselors to update the licensure examinations and course subjects. Coursework in legal, ethical, and professional standards issues in the practice of mental health counseling replaces counseling in community settings. The bill reduces the hours of university-sponsored supervised clinical practicum, internship, or field experience from 1,000 to 700 hours which must include at least 280 hours of direct client services. This will make the requirement for all graduates the same regardless of whether they have graduated from a Council for Accreditation of Counseling and Related Educational Programs (CACREP) or non-CACREP approved program.[12]

Effective July 1, 2020, all applicants for a mental health counselors' license are required to have a master's degree accredited by the CACREP consisting of at least 60 semester hours or 80 quarter hours.

Section 5 amends s. 491.0057, F.S., to provide for future repeal of provisions authorizing dual licensure as a marriage and family therapist and a clinical social worker, mental health counselor, advanced registered nurse practitioner, or psychologist on July 1, 2020. Currently, there are 12 advanced registered nurse practitioners, 8 clinical social workers, 48 mental health counselors, and no psychologists dually licensed.[13]

Section 6 amends s. 491.006, F.S., to ease requirements for an applicant seeking a license or certification by endorsement by eliminating the requirement that the applicant have actively practiced the profession for which licensure is sought in another state for 3 of the last 5 years immediately preceding licensure.

Section 7 amends s. 491.007, F.S., to delete the rulemaking authority for biennial renewal of an intern registration. The bill transfers an exemption from continuing education requirements for the first renewal of a certified master social worker certificate to s. 491.0145, F.S., in section 11 of the bill.

Section 8 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[12] *Supra* note 6.
[13] *Id*.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Although CS/SB 1368 provides a period of time for interns and applicants to complete full licensure requirements, some interns and applicants may be adversely affected by the changes in the bill.

C. Government Sector Impact:

The Board will experience a decrease in renewal funds from the 2,000 interns who have been licensed over 5 years and will be required to relinquish their intern license. However, these interns may complete their requirements and become fully licensed, therefore the fiscal impact is expected to be minimal. Any additional workload from the bill can be handled within existing resources.[14]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Criminal Justice on April 15, 2013:

- Provides that any intern license issued on or before June 30, 2011, will expire on July 1, 2016, and that intern licenses issued after June 30, 2011, will expire 60 months after issuance. The bill provided for all licenses to expire 60 months after issue.
- Removes a section of the bill that would have corrected disciplinary jurisdiction of the Department of Health (DOH) and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) over certain professionals.

[14] *Id.*

- Removes a section of the bill that would have amended a statute concerning sexual misconduct with a former client.
- Removes a section of the bill that would have prohibited a person from using the title "mental health counselor coach" without a valid mental health counselor license.
- Removes a section of the bill that would have required the use of applicable professional titles by mental health professionals on social media and other specified advertising materials.
- Removes a section of the bill that would have created a presumption of good faith and other provisions relating to the actions of a court-appointed mental health professional who develops a parenting plan recommendation.

CS by Health Policy on April 9, 2013:
The CS makes the following changes:

- Adds the Council for Accreditation of Counseling and Related Educational Program as an entity that may accredit a supplemental training program for marriage and family therapy licensure.
- Clarifies that intern registrations will expire after 5 years and cannot be renewed without approval by the Board.
- Extends the date from July 1, 2013, to July 1, 2016, for implementation of the 5-year intern license expiration provision.
- Adds the word reissued to ensure that interns could not continually re-register without completing all requirements.
- Deletes duplicative material regarding clinical social work minimum graduate level course requirements.
- Makes other technical and conforming changes.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2013	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (3) through (7) of section 491.004, Florida Statutes, are amended to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

~~(3) No later than January 1, 1988, the Governor shall appoint nine members of the board as follows:~~

~~(a) Three members for terms of 2 years each.~~

~~(b) Three members for terms of 3 years each.~~

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13 ~~(c) Three members for terms of 4 years each.~~
14 (3) ~~(4)~~ As the terms of the ~~initial~~ members expire, the
15 Governor shall appoint successors for terms of 4 years; and
16 those members shall serve until their successors are appointed.
17 (4) ~~(5)~~ The board shall adopt rules ~~pursuant to ss.~~
18 ~~120.536(1) and 120.54~~ to implement and enforce the provisions of
19 this chapter.
20 (5) ~~(6)~~ All applicable provisions of chapter 456 relating to
21 activities of regulatory boards shall apply to the board.
22 (6) ~~(7)~~ The board shall maintain its official headquarters
23 in the City of Tallahassee.
24 Section 2. Section 491.0045, Florida Statutes, is amended
25 to read:
26 491.0045 Intern registration; requirements.—
27 (1) ~~Effective January 1, 1998,~~ An individual who has not
28 satisfied ~~intends to practice in Florida to satisfy~~ the
29 postgraduate or post-master's level experience requirements, as
30 specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register
31 as an intern in the profession for which he or she is seeking
32 licensure before ~~prior to~~ commencing the post-master's
33 experience requirement. ~~or~~ An individual who intends to satisfy
34 part of the required graduate-level practicum, internship, or
35 field experience, outside the academic arena for any profession,
36 must register as an intern in the profession for which he or she
37 is seeking licensure before ~~prior to~~ commencing the practicum,
38 internship, or field experience.
39 (2) The department shall register as a clinical social
40 worker intern, marriage and family therapist intern, or mental
41 health counselor intern each applicant who the board certifies

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42 has:
43 (a) Completed the application form and remitted a
44 nonrefundable application fee not to exceed $200, as set by
45 board rule;
46 (b)1. Completed the education requirements as specified in
47 s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which
48 he or she is applying for licensure, if needed; and
49 2. Submitted an acceptable supervision plan, as determined
50 by the board, for meeting the practicum, internship, or field
51 work required for licensure that was not satisfied in his or her
52 graduate program.
53 (c) Identified a qualified supervisor.
54 (3) An individual registered under this section must remain
55 under supervision while practicing under registered intern
56 status ~~until he or she is in receipt of a license or a letter~~
57 ~~from the department stating that he or she is licensed to~~
58 ~~practice the profession for which he or she applied~~.
59 ~~(4) An individual who has applied for intern registration~~
60 ~~on or before December 31, 2001, and has satisfied the education~~
61 ~~requirements of s. 491.005 that are in effect through December~~
62 ~~31, 2000, will have met the educational requirements for~~
63 ~~licensure for the profession for which he or she has applied.~~
64 (4) ~~(5) Individuals who have commenced the experience~~
65 ~~requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c)~~
66 ~~but failed to register as required by subsection (1) shall~~
67 ~~register with the department before January 1, 2000.~~ Individuals
68 who fail to comply with this section ~~subsection~~ shall not be
69 granted a license under this chapter, and any time spent by the
70 individual completing the experience requirement as specified in

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71 s. 491.005(1)(c), (3)(c), or (4)(c) before ~~prior to~~ registering
72 as an intern shall not count toward completion of the ~~such~~
73 requirement.
74 (5) Intern registration shall be valid for 5 years. Any
75 subsequent intern registration shall be as a result of applying
76 for and meeting all requirements imposed on an applicant for
77 initial registration.
78 (6) A registration issued on or before June 30, 2011,
79 expires on July 1, 2016, and may not be renewed or reissued. A
80 registration issued after June 30, 2011, expires 60 months after
81 the date it was issued. Any subsequent intern registration shall
82 be issued at the discretion of the board.
83 (7) A person who has held a provisional license issued by
84 the board may not apply for an intern registration in the same
85 profession.
86 Section 3. Paragraph (c) of subsection (2) of section
87 491.0046, Florida Statutes, is amended, and subsection (5) is
88 added to that section, to read:
89 491.0046 Provisional license; requirements.—
90 (2) The department shall issue a provisional clinical
91 social worker license, provisional marriage and family therapist
92 license, or provisional mental health counselor license to each
93 applicant who the board certifies has:
94 (c) Has met the following minimum coursework requirements:
95 1. For clinical social work, a minimum of 15 semester hours
96 or 22 quarter hours of the coursework required by s.
97 491.005(1)(b)2.b.
98 2. For marriage and family therapy, 10 of the courses
99 required by s. 491.005(3)(b)1.a. ~~491.005(3)(b)1.a.-c.~~, as

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100 determined by the board, and at least 6 semester hours or 9
101 quarter hours of the course credits must have been completed in
102 the area of marriage and family systems, theories, or
103 techniques.
104 3. For mental health counseling, a minimum of seven of the
105 courses required under s. 491.005(4)(b)1.a. ~~491.005(b)1.a.-c.~~
106 (5) A person who has held an intern registration issued by
107 the board may not apply for a provisional license in the same
108 profession.
109 Section 4. Section 491.005, Florida Statutes, is amended to
110 read:
111 491.005 Licensure by examination.—
112 (1) CLINICAL SOCIAL WORK.—Upon verification of
113 documentation and payment of a fee not to exceed $200, as set by
114 board rule, plus the actual per applicant cost to the department
115 for purchase of the examination from the American Association of
116 State Social Worker's Boards or a similar national organization,
117 the department shall issue a license as a clinical social worker
118 to an applicant who the board certifies:
119 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
120 appropriate fee.
121 (b)1. Has received a doctoral degree in social work from a
122 graduate school of social work which at the time the applicant
123 graduated was accredited by an accrediting agency recognized by
124 the United States Department of Education or has received a
125 master's degree in social work from a graduate school of social
126 work which at the time the applicant graduated:
127 a. Was accredited by the Council on Social Work Education;
128 b. Was accredited by the Canadian Association of Schools of

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129 Social Work; or
130 c. Has been determined to have been a program equivalent to
131 programs approved by the Council on Social Work Education by the
132 Foreign Equivalency Determination Service of the Council on
133 Social Work Education. An applicant who graduated from a program
134 at a university or college outside of the United States or
135 Canada must present documentation of the equivalency
136 determination from the council in order to qualify.
137 2. The applicant’s graduate program must have emphasized
138 direct clinical patient or client health care services,
139 including, but not limited to, coursework in clinical social
140 work, psychiatric social work, medical social work, social
141 casework, psychotherapy, or group therapy. The applicant’s
142 graduate program must have included all of the following
143 coursework:
144 a. A supervised field placement which was part of the
145 applicant’s advanced concentration in direct practice, during
146 which the applicant provided clinical services directly to
147 clients.
148 b. Completion of 24 semester hours or 32 quarter hours in
149 theory of human behavior and practice methods as courses in
150 clinically oriented services, including a minimum of one course
151 in psychopathology, and no more than one course in research,
152 taken in a school of social work accredited or approved pursuant
153 to subparagraph 1.
154 3. If the course title which appears on the applicant’s
155 transcript does not clearly identify the content of the
156 coursework, the applicant shall be required to provide
157 additional documentation, including, but not limited to, a

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158 syllabus or catalog description published for the course.
159 (c) Has had at least ~~not less than~~ 2 years of clinical
160 social work experience, which took place subsequent to
161 completion of a graduate degree in social work at an institution
162 meeting the accreditation requirements of this section, under
163 the supervision of a licensed clinical social worker or the
164 equivalent who is a qualified supervisor as determined by the
165 board. An individual who intends to practice in Florida to
166 satisfy clinical experience requirements must register pursuant
167 to s. 491.0045 before ~~prior to~~ commencing practice. If the
168 applicant's graduate program was not a program which emphasized
169 direct clinical patient or client health care services as
170 described in subparagraph (b)2., the supervised experience
171 requirement must take place after the applicant has completed a
172 minimum of 15 semester hours or 22 quarter hours of the
173 coursework required. A doctoral internship may be applied toward
174 the clinical social work experience requirement. A licensed
175 mental health professional must be on the premises when clinical
176 services are provided by a registered intern in a private
177 practice setting. A registered intern may not engage in his or
178 her own independent private practice. ~~The experience requirement~~
179 ~~may be met by work performed on or off the premises of the~~
180 ~~supervising clinical social worker or the equivalent, provided~~
181 ~~the off-premises work is not the independent private practice~~
182 ~~rendering of clinical social work that does not have a licensed~~
183 ~~mental health professional, as determined by the board, on the~~
184 ~~premises at the same time the intern is providing services.~~
185 (d) Has passed a theory and practice examination provided
186 by the department for this purpose.

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187 (e) Has demonstrated, in a manner designated by rule of the
188 board, knowledge of the laws and rules governing the practice of
189 clinical social work, marriage and family therapy, and mental
190 health counseling.
191 (2) CLINICAL SOCIAL WORK.—
192 (a) Notwithstanding the provisions of paragraph (1)(b),
193 coursework which was taken at a baccalaureate level shall not be
194 considered toward completion of education requirements for
195 licensure unless an official of the graduate program certifies
196 in writing on the graduate school's stationery that a specific
197 course, which students enrolled in the same graduate program
198 were ordinarily required to complete at the graduate level, was
199 waived or exempted based on completion of a similar course at
200 the baccalaureate level. If this condition is met, the board
201 shall apply the baccalaureate course named toward the education
202 requirements.
203 (b) An applicant from a master's or doctoral program in
204 social work which did not emphasize direct patient or client
205 services may complete the clinical curriculum content
206 requirement by returning to a graduate program accredited by the
207 Council on Social Work Education or the Canadian Association of
208 Schools of Social Work, or to a clinical social work graduate
209 program with comparable standards, in order to complete the
210 education requirements for examination. However, a maximum of 6
211 semester or 9 quarter hours of the clinical curriculum content
212 requirement may be completed by credit awarded for independent
213 study coursework as defined by board rule.
214 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
215 documentation and payment of a fee not to exceed $200, as set by

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216 board rule, plus the actual cost to the department for the
217 purchase of the examination from the Association of Marital and
218 Family Therapy Regulatory Board, or its successor ~~similar~~
219 ~~national organization~~, the department shall issue a license as a
220 marriage and family therapist to an applicant who the board
221 certifies:
222 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
223 appropriate fee.
224 (b)1. Has a minimum of a master's degree from a program
225 accredited by the Commission on Accreditation for Marriage and
226 Family Therapy Education, from a mental health counseling
227 program with a marriage and family track from a university in
228 this state accredited by the Council for the Accreditation of
229 Counseling and Related Educational Programs, from a program
230 accepted by the board as meeting these coursework requirements
231 ~~with major emphasis in marriage and family therapy~~, or a program
232 in a closely related field as determined by the board, and has
233 completed all of the following requirements:
234 a. Sixty ~~Thirty-six~~ semester hours or 80 ~~48~~ quarter hours
235 ~~of graduate coursework, which must include a minimum of 3~~
236 ~~semester hours or 4 quarter hours~~ of graduate-level coursework
237 ~~course credits~~ in ~~each of~~ the following ~~nine~~ areas: dynamics of
238 marriage and family systems; marriage therapy and counseling
239 theory and techniques; family therapy and counseling theory and
240 techniques; individual human development theories throughout the
241 life cycle; personality theory or general counseling theory and
242 techniques; psychopathology; human sexuality theory and
243 counseling techniques; psychosocial theory; ~~and~~ substance abuse
244 theory and counseling techniques; legal, ethical, and

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245 professional standards issues in the practice of marriage and
246 family therapy; individual evaluation, assessment, and testing;
247 and behavioral research which focuses on the interpretation and
248 application of research data as it applies to clinical practice.
249 ~~Courses in research, evaluation, appraisal, assessment, or~~
250 ~~testing theories and procedures; thesis or dissertation work; or~~
251 ~~practicums, internships, or fieldwork may not be applied toward~~
252 ~~this requirement.~~
253 b. ~~A minimum of one graduate-level course of 3 semester~~
254 ~~hours or 4 quarter hours in legal, ethical, and professional~~
255 ~~standards issues in the practice of marriage and family therapy~~
256 ~~or a course determined by the board to be equivalent.~~
257 ~~c. A minimum of one graduate-level course of 3 semester~~
258 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
259 ~~and testing for individual or interpersonal disorder or~~
260 ~~dysfunction; and a minimum of one 3-semester-hour or 4-quarter-~~
261 ~~hour graduate-level course in behavioral research which focuses~~
262 ~~on the interpretation and application of research data as it~~
263 ~~applies to clinical practice. Credit for thesis or dissertation~~
264 ~~work, practicums, internships, or fieldwork may not be applied~~
265 ~~toward this requirement.~~
266 ~~d.~~ A minimum of one supervised clinical practicum,
267 internship, or field experience in a marriage and family
268 counseling setting, during which the student provided 400 ~~180~~
269 direct client contact hours of marriage and family therapy
270 services under the supervision of an individual who met the
271 requirements for supervision under paragraph (c). This
272 requirement may be met by a supervised practice experience which
273 took place outside the academic arena, but which is certified as

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274 equivalent to a graduate-level practicum or internship program
275 which required a minimum of 400 ~~180~~ direct client contact hours
276 of marriage and family therapy services currently offered within
277 an academic program of a college or university accredited by an
278 accrediting agency approved by the United States Department of
279 Education, or an institution which is publicly recognized as a
280 member in good standing with the Association of Universities and
281 Colleges of Canada or a training institution accredited by the
282 Commission on Accreditation for Marriage and Family Therapy
283 Education ~~recognized by the United States Department of~~
284 ~~Education~~. Certification shall be required from an official of
285 such college, university, or training institution.
286 2. If the course title which appears on the applicant's
287 transcript does not clearly identify the content of the
288 coursework, the applicant shall be required to provide
289 additional documentation, including, but not limited to, a
290 syllabus or catalog description published for the course.
291
292 The required master's degree must have been received in an
293 institution of higher education which at the time the applicant
294 graduated was: fully accredited by a regional accrediting body
295 recognized by the Commission on Recognition of Postsecondary
296 Accreditation; publicly recognized as a member in good standing
297 with the Association of Universities and Colleges of Canada; or
298 an institution of higher education located outside the United
299 States and Canada, which at the time the applicant was enrolled
300 and at the time the applicant graduated maintained a standard of
301 training substantially equivalent to the standards of training
302 of those institutions in the United States which are accredited

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303 by a regional accrediting body recognized by the Commission on
304 Recognition of Postsecondary Accreditation. Such foreign
305 education and training must have been received in an institution
306 or program of higher education officially recognized by the
307 government of the country in which it is located as an
308 institution or program to train students to practice as
309 professional marriage and family therapists or psychotherapists.
310 The burden of establishing that the requirements of this
311 provision have been met shall be upon the applicant, and the
312 board shall require documentation, such as, but not limited to,
313 an evaluation by a foreign equivalency determination service, as
314 evidence that the applicant's graduate degree program and
315 education were equivalent to an accredited program in this
316 country. An applicant with a master's degree from a program
317 which did not emphasize marriage and family therapy may complete
318 the coursework requirement in a training institution fully
319 accredited by the Commission on Accreditation for Marriage and
320 Family Therapy Education or the Council for Accreditation of
321 Counseling and Related Educational Programs ~~recognized by the~~
322 ~~United States Department of Education~~.
323 (c) Has had at least ~~not less than~~ 2 years of clinical
324 experience during which 50 percent of the applicant's clients
325 were receiving marriage and family therapy services, which must
326 be at the post-master's level under the supervision of a
327 licensed marriage and family therapist with at least 5 years of
328 experience, or the equivalent, who is a qualified supervisor as
329 determined by the board. An individual who intends to practice
330 in Florida to satisfy the clinical experience requirements must
331 register pursuant to s. 491.0045 before ~~prior to~~ commencing

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332 practice. If a graduate has a master's degree with a major
333 emphasis in marriage and family therapy or a closely related
334 field that did not include all the coursework required under
335 sub-subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, credit
336 for the post-master's level clinical experience shall not
337 commence until the applicant has completed coursework in at
338 least ~~a minimum of~~ 10 of the areas ~~courses~~ required under sub-
339 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, as determined
340 by the board, and at least 6 semester hours or 9 quarter hours
341 of the course credits must have been completed in the area of
342 marriage and family systems, theories, or techniques. Within the
343 2 ~~3~~ years of required experience, the applicant shall provide
344 direct individual, group, or family therapy and counseling, to
345 include the following categories of cases: unmarried dyads,
346 married couples, separating and divorcing couples, and family
347 groups including children. A doctoral internship may be applied
348 toward the clinical experience requirement. A licensed mental
349 health professional must be on the premises when clinical
350 services are provided by a registered intern in a private
351 practice setting. A registered intern may not engage in his or
352 her own independent private practice ~~The clinical experience~~
353 ~~requirement may be met by work performed on or off the premises~~
354 ~~of the supervising marriage and family therapist or the~~
355 ~~equivalent, provided the off-premises work is not the~~
356 ~~independent private practice rendering of marriage and family~~
357 ~~therapy services that does not have a licensed mental health~~
358 ~~professional, as determined by the board, on the premises at the~~
359 ~~same time the intern is providing services~~.
360 (d) Has passed a theory and practice examination designated

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361 ~~provided~~ by the board ~~department~~ for this purpose.
362 (e) Has demonstrated~~, in a manner designated by rule of the~~
363 ~~board,~~ knowledge of the laws and rules governing the practice of
364 clinical social work, marriage and family therapy, and mental
365 health counseling as determined by the board.
366 (f) For the purposes of dual licensure, the department
367 shall license as a marriage and family therapist any person who
368 meets the requirements of s. 491.0057. Fees for dual licensure
369 shall not exceed those stated in this subsection. This paragraph
370 expires July 1, 2020.
371 (4) MENTAL HEALTH COUNSELING.—Upon verification of
372 documentation and payment of a fee not to exceed $200, as set by
373 board rule, plus the actual per applicant cost to the department
374 for purchase of the National Clinical Mental Health Counselor
375 Examination ~~from the Professional Examination Service for the~~
376 ~~National Academy of Certified Clinical Mental Health Counselors~~
377 ~~or a similar national organization~~, an examination managed by
378 the National Board of Certified Counselors or its successor, the
379 department shall issue a license as a mental health counselor to
380 an applicant who the board certifies:
381 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
382 appropriate fee.
383 (b)1. Has a minimum of an earned master's degree from a
384 mental health counseling program accredited by the Council for
385 the Accreditation of Counseling and Related Educational Programs
386 that consists of at least 60 semester hours or 80 quarter hours
387 of clinical and didactic instruction, including a course in
388 human sexuality and a course in substance abuse. If the master's
389 degree is earned from a program related to the practice of

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390 mental health counseling that is not accredited by the Council
391 for the Accreditation of Counseling and Related Educational
392 Programs, then the coursework and practicum, internship, or
393 fieldwork must consist of at least 60 semester hours or 80
394 quarter hours and meet the following requirements:
395 a. Thirty-three semester hours or 44 quarter hours of
396 graduate coursework, which must include a minimum of 3 semester
397 hours or 4 quarter hours of graduate-level coursework in each of
398 the following 11 content areas: counseling theories and
399 practice; human growth and development; diagnosis and treatment
400 of psychopathology; human sexuality; group theories and
401 practice; individual evaluation and assessment; career and
402 lifestyle assessment; research and program evaluation; social
403 and cultural foundations; ~~counseling in community settings; and~~
404 substance abuse; and legal, ethical, and professional standards
405 issues in the practice of mental health counseling. Courses in
406 research, thesis or dissertation work, practicums, internships,
407 or fieldwork may not be applied toward this requirement.
408 b. ~~A minimum of 3 semester hours or 4 quarter hours of~~
409 ~~graduate-level coursework in legal, ethical, and professional~~
410 ~~standards issues in the practice of mental health counseling,~~
411 ~~which includes goals, objectives, and practices of professional~~
412 ~~counseling organizations, codes of ethics, legal considerations,~~
413 ~~standards of preparation, certifications and licensing, and the~~
414 ~~role identity and professional obligations of mental health~~
415 ~~counselors. Courses in research, thesis or dissertation work,~~
416 ~~practicums, internships, or fieldwork may not be applied toward~~
417 ~~this requirement~~.
418 ~~c.~~ The equivalent, as determined by the board, of at least

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419 700 ~~1,000~~ hours of university-sponsored supervised clinical
420 practicum, internship, or field experience that includes at
421 least 280 hours of direct client services, as required in the
422 accrediting standards of the Council for Accreditation of
423 Counseling and Related Educational Programs for mental health
424 counseling programs. This experience may not be used to satisfy
425 the post-master's clinical experience requirement.
426 2. If the course title which appears on the applicant's
427 transcript does not clearly identify the content of the
428 coursework, the applicant shall be required to provide
429 additional documentation, including, but not limited to, a
430 syllabus or catalog description published for the course.
431
432 Education and training in mental health counseling must have
433 been received in an institution of higher education which at the
434 time the applicant graduated was: fully accredited by a regional
435 accrediting body recognized by the Council for Higher Education
436 or its successor ~~Commission on Recognition of Postsecondary~~
437 ~~Accreditation~~; publicly recognized as a member in good standing
438 with the Association of Universities and Colleges of Canada; or
439 an institution of higher education located outside the United
440 States and Canada, which at the time the applicant was enrolled
441 and at the time the applicant graduated maintained a standard of
442 training substantially equivalent to the standards of training
443 of those institutions in the United States which are accredited
444 by a regional accrediting body recognized by the Council for
445 Higher Education or its successor ~~Commission on Recognition of~~
446 ~~Postsecondary Accreditation~~. Such foreign education and training
447 must have been received in an institution or program of higher

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448 education officially recognized by the government of the country
449 in which it is located as an institution or program to train
450 students to practice as mental health counselors. The burden of
451 establishing that the requirements of this provision have been
452 met shall be upon the applicant, and the board shall require
453 documentation, such as, but not limited to, an evaluation by a
454 foreign equivalency determination service, as evidence that the
455 applicant's graduate degree program and education were
456 equivalent to an accredited program in this country. Effective
457 July 1, 2020, an applicant must have a master's degree
458 accredited by the Council for Accreditation of Counseling and
459 Related Educational Programs consisting of at least 60 semester
460 hours or 80 quarter hours to apply for licensure under this
461 subsection. The applicant's graduate program must have
462 emphasized the common core curricular experience to include at
463 least 3 semester hours or 4 quarter hours of coursework
464 specifically addressing the diagnostic process, including
465 differential diagnosis and the use of the current diagnostic
466 tools, such as the current edition of the Diagnostic and
467 Statistical Manual of Mental Disorders.
468 (c) Has had at least ~~not less than~~ 2 years of clinical
469 experience in mental health counseling, which must be at the
470 post-master's level under the supervision of a licensed mental
471 health counselor or the equivalent who is a qualified supervisor
472 as determined by the board. An individual who intends to
473 practice in Florida to satisfy the clinical experience
474 requirements must register pursuant to s. 491.0045 before ~~prior~~
475 ~~to~~ commencing practice. If a graduate has a master's degree in
476 ~~with a major related to the practice of~~ mental health counseling

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477 or a closely related field that did not include all the
478 coursework required under sub-subparagraph (b)1.a. ~~sub-~~
479 ~~subparagraphs (b)1.a.-b.~~, credit for the post-master's level
480 clinical experience shall not commence until the applicant has
481 completed a minimum of seven of the courses required under sub-
482 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-b., as determined~~
483 ~~by the board, one of which must be a course in psychopathology~~
484 ~~or abnormal psychology~~. A doctoral internship may be applied
485 toward the clinical experience requirement. A licensed mental
486 health professional must be on the premises when clinical
487 services are provided by a registered intern in a private
488 practice setting. No registered intern may engage in his or her
489 own independent private practice ~~The clinical experience~~
490 ~~requirement may be met by work performed on or off the premises~~
491 ~~of the supervising mental health counselor or the equivalent,~~
492 ~~provided the off-premises work is not the independent private~~
493 ~~practice rendering of services that does not have a licensed~~
494 ~~mental health professional, as determined by the board, on the~~
495 ~~premises at the same time the intern is providing services~~.
496 (d) Has passed a theory and practice examination designated
497 ~~provided~~ by the department ~~for this purpose~~.
498 (e) Has demonstrated~~, in a manner designated by rule of the~~
499 ~~board,~~ knowledge of the laws and rules governing the practice of
500 clinical social work, marriage and family therapy, and mental
501 health counseling as determined by the board.
502 ~~(5) INTERNSHIP.—An individual who is registered as an~~
503 ~~intern and has satisfied all of the educational requirements for~~
504 ~~the profession for which the applicant seeks licensure shall be~~
505 ~~certified as having met the educational requirements for~~

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506 ~~licensure under this section.~~
507 (5) ~~(6)~~ RULES.—The board may adopt rules necessary to
508 implement any education or experience requirement of this
509 section for licensure as a clinical social worker, marriage and
510 family therapist, or mental health counselor.
511 Section 5. Section 491.0057, Florida Statutes, is amended
512 to read:
513 491.0057 Dual licensure as a marriage and family
514 therapist.—
515 (1) The department shall license as a marriage and family
516 therapist a ~~any~~ person who demonstrates to the board that he or
517 she:
518 (a) ~~(1)~~ Holds a valid, active license as a psychologist
519 under chapter 490 or as a clinical social worker or mental
520 health counselor under this chapter, or is certified under s.
521 464.012 as an advanced registered nurse practitioner who has
522 been determined by the Board of Nursing as a specialist in
523 psychiatric mental health.
524 (b) ~~(2)~~ Has held a valid, active license for at least 3
525 years.
526 (c) ~~(3)~~ Has passed the examination provided by the
527 department for marriage and family therapy.
528 (2) This section is repealed July 1, 2020.
529 Section 6. Subsection (1) of section 491.006, Florida
530 Statutes, is amended to read:
531 491.006 Licensure or certification by endorsement.—
532 (1) The department shall license or grant a certificate to
533 a person in a profession regulated by this chapter who, upon
534 applying to the department and remitting the appropriate fee,

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535 demonstrates to the board that he or she:
536 (a) Has demonstrated~~, in a manner designated by rule of the~~
537 ~~board,~~ knowledge of the laws and rules governing the practice of
538 clinical social work, marriage and family therapy, and mental
539 health counseling as defined by rule of the board.
540 (b)1. Holds an active valid license to practice in the
541 profession for which the applicant seeks licensure ~~and has~~
542 ~~actively practiced the profession for which licensure is applied~~
543 ~~in another state for 3 of the last 5 years immediately preceding~~
544 ~~licensure~~.
545 2. Meets the education requirements of this chapter for the
546 profession for which licensure is applied or has demonstrated
547 proof of substantially equivalent education as defined by rule
548 of the board.
549 3. Has passed the licensure examination designated by the
550 board or has passed a substantially equivalent licensing
551 examination in another state for the profession which the
552 applicant seeks licensure ~~a substantially equivalent licensing~~
553 ~~examination in another state or has passed the licensure~~
554 ~~examination in this state in the profession for which the~~
555 ~~applicant seeks licensure~~.
556 4. Holds a license in good standing, is not under
557 investigation for an act that would constitute a violation of
558 this chapter, and has not been found to have committed any act
559 that would constitute a violation of this chapter. ~~The fees paid~~
560 ~~by any applicant for certification as a master social worker~~
561 ~~under this section are nonrefundable.~~
562 Section 7. Subsections (2) and (3) of section 491.007,
563 Florida Statutes, are amended to read:

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564 491.007 Renewal of license, registration, or certificate.—
565 (2) Each applicant for renewal shall present satisfactory
566 evidence that, in the period since the license or certificate
567 was issued, the applicant has completed continuing education
568 requirements set by rule of the board or department. The board
569 may not require ~~Not~~ more than 25 classroom hours of continuing
570 education per year ~~shall be required~~. ~~A certified master social~~
571 ~~worker is exempt from the continuing education requirements for~~
572 ~~the first renewal of the certificate.~~
573 ~~(3) The board or department shall prescribe by rule a~~
574 ~~method for the biennial renewal of an intern registration at a~~
575 ~~fee set by rule, not to exceed $100.~~
576 Section 8. This act shall take effect July 1, 2013.
577
578 ========== T I T L E A M E N D M E N T ==========
579 And the title is amended as follows:
580 Delete everything before the enacting clause
581 and insert:
582 A bill to be entitled
583 An act relating to clinical, counseling, and
584 psychotherapy services; amending s. 491.004, F.S.;
585 deleting an obsolete provision; conforming provisions;
586 amending s. 491.0045, F.S.; requiring registered
587 interns to remain under supervision while maintaining
588 registered intern status; providing for noncompliance;
589 providing for the expiration of intern registrations
590 and registered intern licenses; prohibiting specified
591 persons from applying for an intern registration;
592 amending s. 491.0046, F.S.; correcting cross-

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593 references; prohibiting specified persons from
594 applying for a provisional license; amending s.
595 491.005, F.S.; revising the requirements for a
596 clinical social worker license, a marriage and family
597 therapist license, and a mental health counselor
598 license; deleting a provision requiring certain
599 registered interns to be certified as having met
600 specified licensure requirements; amending s.
601 491.0057, F.S.; providing for future repeal of
602 provisions providing for dual licensure as a marriage
603 and family therapist; amending s. 491.006, F.S.;
604 revising requirements of licensure or certification by
605 endorsement; amending s. 491.007, F.S.; deleting a
606 provision providing certified master social workers a
607 limited exemption from continuing education
608 requirements; deleting a provision requiring the Board
609 of Clinical Social Work, Marriage and Family Therapy,
610 and Mental Health Counseling to establish a procedure
611 for the biennial renewal of intern registrations;
612 providing an effective date.

By the Committee on Health Policy; and Senator Ring

588-03964-13 20131368c1

A bill to be entitled

An act relating to clinical, counseling, and psychotherapy services; amending s. 491.004, F.S.; deleting an obsolete provision; conforming provisions; amending s. 491.0045, F.S.; requiring registered interns to remain under supervision while maintaining registered intern status; providing for noncompliance; providing for the expiration of intern registrations and registered intern licenses; prohibiting specified persons from applying for an intern registration; amending s. 491.0046, F.S.; correcting cross-references; prohibiting specified persons from applying for a provisional license; amending s. 491.005, F.S.; revising the requirements for a clinical social worker license, a marriage and family therapist license, and a mental health counselor license; deleting a provision requiring certain registered interns to be certified as having met specified licensure requirements; amending s. 491.0057, F.S.; providing for future repeal of provisions providing for dual licensure as a marriage and family therapist; amending s. 491.006, F.S.; revising requirements of licensure or certification by endorsement; amending s. 491.007, F.S.; deleting a provision providing certified master social workers a limited exemption from continuing education requirements; deleting a provision requiring the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to establish a procedure

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-03964-13 20131368c1

for the biennial renewal of intern registrations; amending s. 491.009, F.S.; revising acts constituting grounds for the denial of a license or disciplinary action; authorizing the board and the Department of Health to deny licensure or impose specified penalties against an applicant or licensee for certain violations; amending s. 491.0112, F.S.; revising a provision providing that a psychotherapist who commits sexual misconduct with a client or former client commits a felony of the third degree; amending s. 491.012, F.S.; prohibiting a person from using the title “mental health counselor coach” without a valid mental health counselor license; deleting an obsolete provision; amending s. 491.0145, F.S.; providing certified master social workers a limited exemption from continuing education requirements; amending s. 491.0149, F.S.; requiring the use of applicable professional titles by licensees, provisional licensees, and registrants on social media and other specified materials; creating s. 491.017, F.S.; providing a presumption of good faith for the actions of a court-appointed mental health professional who develops a parenting plan recommendation; prohibiting anonymous complaints; providing prerequisites for a parent to bring a suit against a mental health professional; providing for the awarding of attorney fees and court costs; providing an effective date.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Section 1. Subsections (3) through (7) of section 491.004, Florida Statutes, are amended to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

~~(3) No later than January 1, 1988, the Governor shall appoint nine members of the board as follows:~~

~~(a) Three members for terms of 2 years each.~~

~~(b) Three members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the ~~initial~~ members expire, the Governor shall appoint successors for terms of 4 years; and those members shall serve until their successors are appointed.

(4)~~(5)~~ The board shall adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement and enforce the provisions of this chapter.

(5)~~(6)~~ All applicable provisions of chapter 456 relating to activities of regulatory boards shall apply to the board.

(6)~~(7)~~ The board shall maintain its official headquarters in the City of Tallahassee.

Section 2. Section 491.0045, Florida Statutes, is amended to read:

491.0045 Intern registration; requirements.—

(1) ~~Effective January 1, 1998,~~ An individual who has not satisfied ~~intends to practice in Florida to satisfy~~ the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register as an intern in the profession for which he or she is seeking licensure before ~~prior to~~ commencing the post-master's

experience requirement. ~~or~~ An individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, must register as an intern in the profession for which he or she is seeking licensure before ~~prior to~~ commencing the practicum, internship, or field experience.

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $200, as set by board rule;

(b)1. Completed the education requirements as specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which he or she is applying for licensure, if needed; and

2. Submitted an acceptable supervision plan, as determined by the board, for meeting the practicum, internship, or field work required for licensure that was not satisfied in his or her graduate program.

(c) Identified a qualified supervisor.

(3) An individual registered under this section must remain under supervision while practicing under registered intern status ~~until he or she is in receipt of a license or a letter from the department stating that he or she is licensed to practice the profession for which he or she applied~~.

~~(4) An individual who has applied for intern registration on or before December 31, 2001, and has satisfied the education requirements of s. 491.005 that are in effect through December~~

~~31, 2000, will have met the educational requirements for licensure for the profession for which he or she has applied.~~

(4) ~~(5) Individuals who have commenced the experience requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c) but failed to register as required by subsection (1) shall register with the department before January 1, 2000.~~ Individuals who fail to comply with this section ~~subsection~~ shall not be granted a license under this chapter, and any time spent by the individual completing the experience requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c) before ~~prior to~~ registering as an intern shall not count toward completion of the ~~such~~ requirement.

(5) Intern registration shall be valid for 5 years. Any subsequent intern registration shall be as a result of applying for and meeting all requirements imposed on an applicant for initial registration.

(6) A registered intern license issued before July 1, 2016, shall expire 60 months after the date it was issued and may not be renewed or reissued. Any subsequent intern registration shall be issued at the discretion of the board.

(7) A person who has held a provisional license issued by the board may not apply for an intern registration in the same profession.

Section 3. Paragraph (c) of subsection (2) of section 491.0046, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

491.0046 Provisional license; requirements.—

(2) The department shall issue a provisional clinical social worker license, provisional marriage and family therapist

license, or provisional mental health counselor license to each applicant who the board certifies has:

(c) Has met the following minimum coursework requirements:

1. For clinical social work, a minimum of 15 semester hours or 22 quarter hours of the coursework required by s. 491.005(1)(b)2.b.

2. For marriage and family therapy, 10 of the courses required by s. 491.005(3)(b)1.a. ~~491.005(3)(b)1.a. c.~~, as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques.

3. For mental health counseling, a minimum of seven of the courses required under s. 491.005(4)(b)1.a. ~~491.005(b)1.a. c.~~

(5) A person who has held an intern registration issued by the board may not apply for a provisional license in the same profession.

Section 4. Section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.—

(1) CLINICAL SOCIAL WORK.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization, the department shall issue a license as a clinical social worker to an applicant who the board certifies:

(a) Has submitted an ~~made~~ application ~~therefor~~ and paid the appropriate fee.

175 (b)1. Has received a doctoral degree in social work from a
176 graduate school of social work which at the time the applicant
177 graduated was accredited by an accrediting agency recognized by
178 the United States Department of Education or has received a
179 master's degree in social work from a graduate school of social
180 work which at the time the applicant graduated:
181 a. Was accredited by the Council on Social Work Education;
182 b. Was accredited by the Canadian Association of Schools of
183 Social Work; or
184 c. Has been determined to have been a program equivalent to
185 programs approved by the Council on Social Work Education by the
186 Foreign Equivalency Determination Service of the Council on
187 Social Work Education. An applicant who graduated from a program
188 at a university or college outside of the United States or
189 Canada must present documentation of the equivalency
190 determination from the council in order to qualify.
191 2. The applicant's graduate program must have emphasized
192 direct clinical patient or client health care services,
193 including, but not limited to, coursework in clinical social
194 work, psychiatric social work, medical social work, social
195 casework, psychotherapy, or group therapy. The applicant's
196 graduate program must have included all of the following
197 coursework:
198 a. A supervised field placement which was part of the
199 applicant's advanced concentration in direct practice, during
200 which the applicant provided clinical services directly to
201 clients.
202 b. Completion of 24 semester hours or 32 quarter hours in
203 theory of human behavior and practice methods as courses in

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204 clinically oriented services, including a minimum of one course
205 in psychopathology, and no more than one course in research,
206 taken in a school of social work accredited or approved pursuant
207 to subparagraph 1.
208 3. If the course title which appears on the applicant's
209 transcript does not clearly identify the content of the
210 coursework, the applicant shall be required to provide
211 additional documentation, including, but not limited to, a
212 syllabus or catalog description published for the course.
213 (c) Has had at least ~~not less than~~ 2 years of clinical
214 social work experience, which took place subsequent to
215 completion of a graduate degree in social work at an institution
216 meeting the accreditation requirements of this section, under
217 the supervision of a licensed clinical social worker or the
218 equivalent who is a qualified supervisor as determined by the
219 board. An individual who intends to practice in Florida to
220 satisfy clinical experience requirements must register pursuant
221 to s. 491.0045 before ~~prior to~~ commencing practice. If the
222 applicant's graduate program was not a program which emphasized
223 direct clinical patient or client health care services as
224 described in subparagraph (b)2., the supervised experience
225 requirement must take place after the applicant has completed a
226 minimum of 15 semester hours or 22 quarter hours of the
227 coursework required. A doctoral internship may be applied toward
228 the clinical social work experience requirement. A licensed
229 mental health professional must be on the premises when clinical
230 services are provided by a registered intern in a private
231 practice setting. A registered intern may not engage in his or
232 her own independent private practice. ~~The experience requirement~~

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233 ~~may be met by work performed on or off the premises of the~~
234 ~~supervising clinical social worker or the equivalent, provided~~
235 ~~the off premises work is not the independent private practice~~
236 ~~rendering of clinical social work that does not have a licensed~~
237 ~~mental health professional, as determined by the board, on the~~
238 ~~premises at the same time the intern is providing services.~~
239 (d) Has passed a theory and practice examination provided
240 by the department for this purpose.
241 (e) Has demonstrated, in a manner designated by rule of the
242 board, knowledge of the laws and rules governing the practice of
243 clinical social work, marriage and family therapy, and mental
244 health counseling.
245 (2) CLINICAL SOCIAL WORK.—
246 (a) Notwithstanding the provisions of paragraph (1)(b),
247 coursework which was taken at a baccalaureate level shall not be
248 considered toward completion of education requirements for
249 licensure unless an official of the graduate program certifies
250 in writing on the graduate school's stationery that a specific
251 course, which students enrolled in the same graduate program
252 were ordinarily required to complete at the graduate level, was
253 waived or exempted based on completion of a similar course at
254 the baccalaureate level. If this condition is met, the board
255 shall apply the baccalaureate course named toward the education
256 requirements.
257 (b) An applicant from a master's or doctoral program in
258 social work which did not emphasize direct patient or client
259 services may complete the clinical curriculum content
260 requirement by returning to a graduate program accredited by the
261 Council on Social Work Education or the Canadian Association of

262 Schools of Social Work, or to a clinical social work graduate
263 program with comparable standards, in order to complete the
264 education requirements for examination. However, a maximum of 6
265 semester or 9 quarter hours of the clinical curriculum content
266 requirement may be completed by credit awarded for independent
267 study coursework as defined by board rule.
268 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
269 documentation and payment of a fee not to exceed $200, as set by
270 board rule, plus the actual cost to the department for the
271 purchase of the examination from the Association of Marital and
272 Family Therapy Regulatory Board, or its successor ~~similar~~
273 ~~national organization~~, the department shall issue a license as a
274 marriage and family therapist to an applicant who the board
275 certifies:
276 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
277 appropriate fee.
278 (b)1. Has a minimum of a master's degree from a program
279 accredited by the Commission on Accreditation for Marriage and
280 Family Therapy Education, from a mental health counseling
281 program with a marriage and family track from a university in
282 this state accredited by the Council for the Accreditation of
283 Counseling and Related Educational Programs, from a program
284 accepted by the board as meeting these coursework requirements
285 ~~with major emphasis in marriage and family therapy~~, or a program
286 in a closely related field as determined by the board, and has
287 completed all of the following requirements:
288 a. Sixty ~~Thirty six~~ semester hours or 80 ~~48~~ quarter hours
289 ~~of graduate coursework, which must include a minimum of 3~~
290 ~~semester hours or 4 quarter hours~~ of graduate-level coursework

291 ~~course credits~~ in ~~each of~~ the following ~~nine~~ areas: dynamics of
292 marriage and family systems; marriage therapy and counseling
293 theory and techniques; family therapy and counseling theory and
294 techniques; individual human development theories throughout the
295 life cycle; personality theory or general counseling theory and
296 techniques; psychopathology; human sexuality theory and
297 counseling techniques; psychosocial theory; ~~and~~ substance abuse
298 theory and counseling techniques; legal, ethical, and
299 professional standards issues in the practice of marriage and
300 family therapy; individual evaluation, assessment, and testing;
301 and behavioral research which focuses on the interpretation and
302 application of research data as it applies to clinical practice.
303 ~~Courses in research, evaluation, appraisal, assessment, or~~
304 ~~testing theories and procedures; thesis or dissertation work; or~~
305 ~~practicums, internships, or fieldwork may not be applied toward~~
306 ~~this requirement.~~
307 b. ~~A minimum of one graduate-level course of 3 semester~~
308 ~~hours or 4 quarter hours in legal, ethical, and professional~~
309 ~~standards issues in the practice of marriage and family therapy~~
310 ~~or a course determined by the board to be equivalent.~~
311 ~~c. A minimum of one graduate-level course of 3 semester~~
312 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
313 ~~and testing for individual or interpersonal disorder or~~
314 ~~dysfunction; and a minimum of one 3 semester hour or 4 quarter-~~
315 ~~hour graduate level course in behavioral research which focuses~~
316 ~~on the interpretation and application of research data as it~~
317 ~~applies to clinical practice. Credit for thesis or dissertation~~
318 ~~work, practicums, internships, or fieldwork may not be applied~~
319 ~~toward this requirement.~~

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320 ~~d.~~ A minimum of one supervised clinical practicum,
321 internship, or field experience in a marriage and family
322 counseling setting, during which the student provided 400 ~~180~~
323 direct client contact hours of marriage and family therapy
324 services under the supervision of an individual who met the
325 requirements for supervision under paragraph (c). This
326 requirement may be met by a supervised practice experience which
327 took place outside the academic arena, but which is certified as
328 equivalent to a graduate-level practicum or internship program
329 which required a minimum of 400 ~~180~~ direct client contact hours
330 of marriage and family therapy services currently offered within
331 an academic program of a college or university accredited by an
332 accrediting agency approved by the United States Department of
333 Education, or an institution which is publicly recognized as a
334 member in good standing with the Association of Universities and
335 Colleges of Canada or a training institution accredited by the
336 Commission on Accreditation for Marriage and Family Therapy
337 Education ~~recognized by the United States Department of~~
338 ~~Education~~. Certification shall be required from an official of
339 such college, university, or training institution.
340 2. If the course title which appears on the applicant's
341 transcript does not clearly identify the content of the
342 coursework, the applicant shall be required to provide
343 additional documentation, including, but not limited to, a
344 syllabus or catalog description published for the course.
345
346 The required master's degree must have been received in an
347 institution of higher education which at the time the applicant
348 graduated was: fully accredited by a regional accrediting body

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349 recognized by the Commission on Recognition of Postsecondary
350 Accreditation; publicly recognized as a member in good standing
351 with the Association of Universities and Colleges of Canada; or
352 an institution of higher education located outside the United
353 States and Canada, which at the time the applicant was enrolled
354 and at the time the applicant graduated maintained a standard of
355 training substantially equivalent to the standards of training
356 of those institutions in the United States which are accredited
357 by a regional accrediting body recognized by the Commission on
358 Recognition of Postsecondary Accreditation. Such foreign
359 education and training must have been received in an institution
360 or program of higher education officially recognized by the
361 government of the country in which it is located as an
362 institution or program to train students to practice as
363 professional marriage and family therapists or psychotherapists.
364 The burden of establishing that the requirements of this
365 provision have been met shall be upon the applicant, and the
366 board shall require documentation, such as, but not limited to,
367 an evaluation by a foreign equivalency determination service, as
368 evidence that the applicant's graduate degree program and
369 education were equivalent to an accredited program in this
370 country. An applicant with a master's degree from a program
371 which did not emphasize marriage and family therapy may complete
372 the coursework requirement in a training institution fully
373 accredited by the Commission on Accreditation for Marriage and
374 Family Therapy Education or the Council for Accreditation of
375 Counseling and Related Educational Programs ~~recognized by the~~
376 ~~United States Department of Education~~.
377 (c) Has had at least ~~not less than~~ 2 years of clinical

378 experience during which 50 percent of the applicant's clients
379 were receiving marriage and family therapy services, which must
380 be at the post-master's level under the supervision of a
381 licensed marriage and family therapist with at least 5 years of
382 experience, or the equivalent, who is a qualified supervisor as
383 determined by the board. An individual who intends to practice
384 in Florida to satisfy the clinical experience requirements must
385 register pursuant to s. 491.0045 before ~~prior to~~ commencing
386 practice. If a graduate has a master's degree with a major
387 emphasis in marriage and family therapy or a closely related
388 field that did not include all the coursework required under
389 sub-subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, credit
390 for the post-master's level clinical experience shall not
391 commence until the applicant has completed coursework in at
392 least ~~a minimum of~~ 10 of the areas ~~courses~~ required under sub-
393 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, as determined
394 by the board, and at least 6 semester hours or 9 quarter hours
395 of the course credits must have been completed in the area of
396 marriage and family systems, theories, or techniques. Within the
397 2 ~~3~~ years of required experience, the applicant shall provide
398 direct individual, group, or family therapy and counseling, to
399 include the following categories of cases: unmarried dyads,
400 married couples, separating and divorcing couples, and family
401 groups including children. A doctoral internship may be applied
402 toward the clinical experience requirement. A licensed mental
403 health professional must be on the premises when clinical
404 services are provided by a registered intern in a private
405 practice setting. A registered intern may not engage in his or
406 her own independent private practice ~~The clinical experience~~

407 ~~requirement may be met by work performed on or off the premises~~
408 ~~of the supervising marriage and family therapist or the~~
409 ~~equivalent, provided the off-premises work is not the~~
410 ~~independent private practice rendering of marriage and family~~
411 ~~therapy services that does not have a licensed mental health~~
412 ~~professional, as determined by the board, on the premises at the~~
413 ~~same time the intern is providing services~~.
414 (d) Has passed a theory and practice examination designated
415 ~~provided~~ by the board ~~department~~ for this purpose.
416 (e) Has demonstrated~~, in a manner designated by rule of the~~
417 ~~board,~~ knowledge of the laws and rules governing the practice of
418 clinical social work, marriage and family therapy, and mental
419 health counseling as determined by the board.
420 (f) For the purposes of dual licensure, the department
421 shall license as a marriage and family therapist any person who
422 meets the requirements of s. 491.0057. Fees for dual licensure
423 shall not exceed those stated in this subsection. This paragraph
424 expires July 1, 2020.
425 (4) MENTAL HEALTH COUNSELING.—Upon verification of
426 documentation and payment of a fee not to exceed $200, as set by
427 board rule, plus the actual per applicant cost to the department
428 for purchase of the National Clinical Mental Health Counselor
429 Examination ~~from the Professional Examination Service for the~~
430 ~~National Academy of Certified Clinical Mental Health Counselors~~
431 ~~or a similar national organization~~, an examination managed by
432 the National Board of Certified Counselors or its successor, the
433 department shall issue a license as a mental health counselor to
434 an applicant who the board certifies:
435 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the

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436 appropriate fee.
437 (b)1. Has a minimum of an earned master's degree from a
438 mental health counseling program accredited by the Council for
439 the Accreditation of Counseling and Related Educational Programs
440 that consists of at least 60 semester hours or 80 quarter hours
441 of clinical and didactic instruction, including a course in
442 human sexuality and a course in substance abuse. If the master's
443 degree is earned from a program related to the practice of
444 mental health counseling that is not accredited by the Council
445 for the Accreditation of Counseling and Related Educational
446 Programs, then the coursework and practicum, internship, or
447 fieldwork must consist of at least 60 semester hours or 80
448 quarter hours and meet the following requirements:
449 a. Thirty-three semester hours or 44 quarter hours of
450 graduate coursework, which must include a minimum of 3 semester
451 hours or 4 quarter hours of graduate-level coursework in each of
452 the following 11 content areas: counseling theories and
453 practice; human growth and development; diagnosis and treatment
454 of psychopathology; human sexuality; group theories and
455 practice; individual evaluation and assessment; career and
456 lifestyle assessment; research and program evaluation; social
457 and cultural foundations; ~~counseling in community settings; and~~
458 substance abuse; and legal, ethical, and professional standards
459 issues in the practice of mental health counseling. Courses in
460 research, thesis or dissertation work, practicums, internships,
461 or fieldwork may not be applied toward this requirement.
462 b. ~~A minimum of 3 semester hours or 4 quarter hours of~~
463 ~~graduate level coursework in legal, ethical, and professional~~
464 ~~standards issues in the practice of mental health counseling,~~

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465 ~~which includes goals, objectives, and practices of professional~~
466 ~~counseling organizations, codes of ethics, legal considerations,~~
467 ~~standards of preparation, certifications and licensing, and the~~
468 ~~role identity and professional obligations of mental health~~
469 ~~counselors. Courses in research, thesis or dissertation work,~~
470 ~~practicums, internships, or fieldwork may not be applied toward~~
471 ~~this requirement~~.
472 ~~c.~~ The equivalent, as determined by the board, of at least
473 700 ~~1,000~~ hours of university-sponsored supervised clinical
474 practicum, internship, or field experience that includes at
475 least 280 hours of direct client services, as required in the
476 accrediting standards of the Council for Accreditation of
477 Counseling and Related Educational Programs for mental health
478 counseling programs. This experience may not be used to satisfy
479 the post-master's clinical experience requirement.
480 2. If the course title which appears on the applicant's
481 transcript does not clearly identify the content of the
482 coursework, the applicant shall be required to provide
483 additional documentation, including, but not limited to, a
484 syllabus or catalog description published for the course.
485
486 Education and training in mental health counseling must have
487 been received in an institution of higher education which at the
488 time the applicant graduated was: fully accredited by a regional
489 accrediting body recognized by the Council for Higher Education
490 or its successor ~~Commission on Recognition of Postsecondary~~
491 ~~Accreditation~~; publicly recognized as a member in good standing
492 with the Association of Universities and Colleges of Canada; or
493 an institution of higher education located outside the United

494 States and Canada, which at the time the applicant was enrolled
495 and at the time the applicant graduated maintained a standard of
496 training substantially equivalent to the standards of training
497 of those institutions in the United States which are accredited
498 by a regional accrediting body recognized by the Council for
499 Higher Education or its successor ~~Commission on Recognition of~~
500 ~~Postsecondary Accreditation~~. Such foreign education and training
501 must have been received in an institution or program of higher
502 education officially recognized by the government of the country
503 in which it is located as an institution or program to train
504 students to practice as mental health counselors. The burden of
505 establishing that the requirements of this provision have been
506 met shall be upon the applicant, and the board shall require
507 documentation, such as, but not limited to, an evaluation by a
508 foreign equivalency determination service, as evidence that the
509 applicant's graduate degree program and education were
510 equivalent to an accredited program in this country. Effective
511 July 1, 2020, an applicant must have a master's degree
512 accredited by the Council for Accreditation of Counseling and
513 Related Educational Programs consisting of at least 60 semester
514 hours or 80 quarter hours to apply for licensure under this
515 subsection. The applicant's graduate program must have
516 emphasized the common core curricular experience to include at
517 least 3 semester hours or 4 quarter hours of coursework
518 specifically addressing the diagnostic process, including
519 differential diagnosis and the use of the current diagnostic
520 tools, such as the current edition of the Diagnostic and
521 Statistical Manual of Mental Disorders.
522 (c) Has had at least ~~not less than~~ 2 years of clinical

523 experience in mental health counseling, which must be at the
524 post-master's level under the supervision of a licensed mental
525 health counselor or the equivalent who is a qualified supervisor
526 as determined by the board. An individual who intends to
527 practice in Florida to satisfy the clinical experience
528 requirements must register pursuant to s. 491.0045 before ~~prior~~
529 ~~to~~ commencing practice. If a graduate has a master's degree in
530 ~~with a major related to the practice of~~ mental health counseling
531 or a closely related field that did not include all the
532 coursework required under sub-subparagraph (b)1.a. ~~sub-~~
533 ~~subparagraphs (b)1.a. b.~~, credit for the post-master's level
534 clinical experience shall not commence until the applicant has
535 completed a minimum of seven of the courses required under sub-
536 subparagraph (b)1.a. ~~sub subparagraphs (b)1.a. b., as determined~~
537 ~~by the board, one of which must be a course in psychopathology~~
538 ~~or abnormal psychology~~. A doctoral internship may be applied
539 toward the clinical experience requirement. A licensed mental
540 health professional must be on the premises when clinical
541 services are provided by a registered intern in a private
542 practice setting. No registered intern may engage in his or her
543 own independent private practice ~~The clinical experience~~
544 ~~requirement may be met by work performed on or off the premises~~
545 ~~of the supervising mental health counselor or the equivalent,~~
546 ~~provided the off premises work is not the independent private~~
547 ~~practice rendering of services that does not have a licensed~~
548 ~~mental health professional, as determined by the board, on the~~
549 ~~premises at the same time the intern is providing services~~.
550 (d) Has passed a theory and practice examination designated
551 ~~provided~~ by the department ~~for this purpose~~.

552 (e) Has demonstrated~~, in a manner designated by rule of the~~
553 ~~board,~~ knowledge of the laws and rules governing the practice of
554 clinical social work, marriage and family therapy, and mental
555 health counseling as determined by the board.
556 ~~(5) INTERNSHIP. An individual who is registered as an~~
557 ~~intern and has satisfied all of the educational requirements for~~
558 ~~the profession for which the applicant seeks licensure shall be~~
559 ~~certified as having met the educational requirements for~~
560 ~~licensure under this section.~~
561 (5) ~~(6)~~ RULES.—The board may adopt rules necessary to
562 implement any education or experience requirement of this
563 section for licensure as a clinical social worker, marriage and
564 family therapist, or mental health counselor.
565 Section 5. Section 491.0057, Florida Statutes, is amended
566 to read:
567 491.0057 Dual licensure as a marriage and family
568 therapist.—
569 (1) The department shall license as a marriage and family
570 therapist a ~~any~~ person who demonstrates to the board that he or
571 she:
572 (a) ~~(1)~~ Holds a valid, active license as a psychologist
573 under chapter 490 or as a clinical social worker or mental
574 health counselor under this chapter, or is certified under s.
575 464.012 as an advanced registered nurse practitioner who has
576 been determined by the Board of Nursing as a specialist in
577 psychiatric mental health.
578 (b) ~~(2)~~ Has held a valid, active license for at least 3
579 years.
580 (c) ~~(3)~~ Has passed the examination provided by the

581 department for marriage and family therapy.
582 (2) This section is repealed July 1, 2020.
583 Section 6. Subsection (1) of section 491.006, Florida
584 Statutes, is amended to read:
585 491.006 Licensure or certification by endorsement.—
586 (1) The department shall license or grant a certificate to
587 a person in a profession regulated by this chapter who, upon
588 applying to the department and remitting the appropriate fee,
589 demonstrates to the board that he or she:
590 (a) Has demonstrated~~, in a manner designated by rule of the~~
591 ~~board,~~ knowledge of the laws and rules governing the practice of
592 clinical social work, marriage and family therapy, and mental
593 health counseling as defined by rule of the board.
594 (b)1. Holds an active valid license to practice in the
595 profession for which the applicant seeks licensure ~~and has~~
596 ~~actively practiced the profession for which licensure is applied~~
597 ~~in another state for 3 of the last 5 years immediately preceding~~
598 ~~licensure~~.
599 2. Meets the education requirements of this chapter for the
600 profession for which licensure is applied or has demonstrated
601 proof of substantially equivalent education as defined by rule
602 of the board.
603 3. Has passed the licensure examination designated by the
604 board or has passed a substantially equivalent licensing
605 examination in another state for the profession which the
606 applicant seeks licensure ~~a substantially equivalent licensing~~
607 ~~examination in another state or has passed the licensure~~
608 ~~examination in this state in the profession for which the~~
609 ~~applicant seeks licensure~~.

610 4. Holds a license in good standing, is not under
611 investigation for an act that would constitute a violation of
612 this chapter, and has not been found to have committed any act
613 that would constitute a violation of this chapter. ~~The fees paid~~
614 ~~by any applicant for certification as a master social worker~~
615 ~~under this section are nonrefundable.~~
616 Section 7. Subsections (2) and (3) of section 491.007,
617 Florida Statutes, are amended to read:
618 491.007 Renewal of license, registration, or certificate.—
619 (2) Each applicant for renewal shall present satisfactory
620 evidence that, in the period since the license or certificate
621 was issued, the applicant has completed continuing education
622 requirements set by rule of the board or department. The board
623 may not require ~~Not~~ more than 25 classroom hours of continuing
624 education per year ~~shall be required~~. ~~A certified master social~~
625 ~~worker is exempt from the continuing education requirements for~~
626 ~~the first renewal of the certificate.~~
627 ~~(3) The board or department shall prescribe by rule a~~
628 ~~method for the biennial renewal of an intern registration at a~~
629 ~~fee set by rule, not to exceed $100.~~
630 Section 8. Paragraph (c) of subsection (1) and subsection
631 (2) of section 491.009, Florida Statutes, are amended to read:
632 491.009 Discipline.—
633 (1) The following acts constitute grounds for denial of a
634 license or disciplinary action, as specified in s. 456.072(2):
635 (c) Being convicted or found guilty of, or entering
636 ~~regardless of adjudication, or having entered~~ a plea of nolo
637 contendere to, a crime in any jurisdiction which directly
638 relates to the practice of his or her profession or the ability

639 to practice his or her profession, regardless of adjudication.
640 ~~However, in the case of a plea of nolo contendere, the board~~
641 ~~shall allow the person who is the subject of the disciplinary~~
642 ~~proceeding to present evidence in mitigation relevant to the~~
643 ~~underlying charges and circumstances surrounding the plea.~~
644 (2) The board ~~department~~, or, in the case of certified
645 master social workers ~~psychologists~~, the department ~~board~~, may
646 enter an order denying licensure or imposing any of the
647 penalties in s. 456.072(2) against any applicant for licensure
648 or licensee who is found guilty of violating any provision of
649 subsection (1) of this section or who is found guilty of
650 violating any provision of s. 456.072(1).
651 Section 9. Subsection (1) of section 491.0112, Florida
652 Statutes, is amended to read:
653 491.0112 Sexual misconduct by a psychotherapist;
654 penalties.—
655 (1) Any psychotherapist who commits sexual misconduct with
656 a client~~,~~ or former client ~~when the professional relationship~~
657 ~~was terminated primarily for the purpose of engaging in sexual~~
658 ~~contact,~~ commits a felony of the third degree, punishable as
659 provided in s. 775.082 or s. 775.083; however, a second or
660 subsequent offense is a felony of the second degree, punishable
661 as provided in s. 775.082, s. 775.083, or s. 775.084.
662 Section 10. Paragraphs (c) and (n) of subsection (1) of
663 section 491.012, Florida Statutes, are amended to read:
664 491.012 Violations; penalty; injunction.—
665 (1) It is unlawful and a violation of this chapter for any
666 person to:
667 (c) Use the following titles or any combination thereof,

668 unless she or he holds a valid, active license as a mental
669 health counselor issued pursuant to this chapter:
670 1. "Licensed mental health counselor."
671 2. "Mental health counselor."
672 3. "Mental health therapist."
673 4. "Mental health consultant."
674 5. "Mental health counselor coach."
675 (n) ~~Effective October 1, 2000,~~ Practice juvenile sexual
676 offender therapy in this state, as the practice is defined in s.
677 491.0144, for compensation, unless the person holds an active
678 license issued under this chapter and meets the requirements to
679 practice juvenile sexual offender therapy. An unlicensed person
680 may be employed by a program operated by or under contract with
681 the Department of Juvenile Justice or the Department of Children
682 and Families ~~Family Services~~ if the program employs a
683 professional who is licensed under chapter 458, chapter 459, s.
684 490.0145, or s. 491.0144 who manages or supervises the treatment
685 services.
686 Section 11. Section 491.0145, Florida Statutes, is amended
687 to read:
688 491.0145 Certified master social worker.—
689 (1) The department may certify an applicant for a
690 designation as a certified master social worker upon the
691 following conditions:
692 (a) ~~(1)~~ The applicant completes an application to be
693 provided by the department and pays a nonrefundable fee not to
694 exceed $250 to be established by rule of the department. The
695 completed application must be received by the department at
696 least 60 days before the date of the examination in order for

697 the applicant to qualify to take the scheduled exam.
698 (b)~~(2)~~ The applicant submits proof satisfactory to the
699 department that the applicant has received a doctoral degree in
700 social work, or a master's degree with a major emphasis or
701 specialty in clinical practice or administration, including, but
702 not limited to, agency administration and supervision, program
703 planning and evaluation, staff development, research, community
704 organization, community services, social planning, and human
705 service advocacy. Doctoral degrees must have been received from
706 a graduate school of social work which at the time the applicant
707 was enrolled and graduated was accredited by an accrediting
708 agency approved by the United States Department of Education.
709 Master's degrees must have been received from a graduate school
710 of social work which at the time the applicant was enrolled and
711 graduated was accredited by the Council on Social Work Education
712 or the Canadian Association of Schools of Social Work or by one
713 that meets comparable standards.
714 (c)~~(3)~~ The applicant has had at least 3 years' experience,
715 as defined by rule, including, but not limited to, clinical
716 services or administrative activities as defined in paragraph
717 (b) ~~subsection (2)~~, 2 years of which must be at the post-
718 master's level under the supervision of a person who meets the
719 education and experience requirements for certification as a
720 certified master social worker, as defined by rule, or licensure
721 as a clinical social worker under this chapter. A doctoral
722 internship may be applied toward the supervision requirement.
723 (d)~~(4)~~ Any person who holds a master's degree in social
724 work from an institution ~~institutions~~ outside the United States
725 may apply to the department for certification if the academic

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

726 training in social work has been evaluated as equivalent to a
727 degree from a school accredited by the Council on Social Work
728 Education. Any such person shall submit a copy of the academic
729 training from the Foreign Equivalency Determination Service of
730 the Council on Social Work Education.
731 (e)~~(5)~~ The applicant has passed an examination required by
732 the department for this purpose. The nonrefundable fee for such
733 examination may not exceed $250 as set by department rule.
734 (2) A certified master social worker is exempt from the
735 continuing education requirements for the first renewal of the
736 certificate.
737 (3)~~(6)~~ ~~Nothing in~~ This chapter does not ~~shall be construed~~
738 ~~to~~ authorize a certified master social worker to provide
739 clinical social work services.
740 Section 12. Section 491.0149, Florida Statutes, is amended
741 to read:
742 491.0149 Display of license; use of professional title ~~on~~
743 ~~promotional materials~~.~~—~~
744 (1)(a) A person licensed under this chapter as a clinical
745 social worker, marriage and family therapist, or mental health
746 counselor, or certified as a master social worker shall
747 conspicuously display the valid license issued by the department
748 or a true copy thereof at each location at which the licensee
749 practices his or her profession.
750 (b)1. A licensed clinical social worker shall include the
751 words "licensed clinical social worker" or the letters "LCSW" on
752 all promotional materials, including cards, brochures,
753 stationery, advertisements, ~~and~~ signs, and social media, naming
754 the licensee.

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755 2. A licensed marriage and family therapist shall include
756 the words "licensed marriage and family therapist" or the
757 letters "LMFT" on all promotional materials, including cards,
758 brochures, stationery, advertisements, ~~and~~ signs, and social
759 media, naming the licensee.
760 3. A licensed mental health counselor shall include the
761 words "licensed mental health counselor" or the letters "LMHC"
762 on all promotional materials, including cards, brochures,
763 stationery, advertisements, ~~and~~ signs, and social media, naming
764 the licensee.
765 (2)(a) A person registered under this chapter as a clinical
766 social worker intern, marriage and family therapist intern, or
767 mental health counselor intern shall conspicuously display the
768 valid registration issued by the department or a true copy
769 thereof at each location at which the registered intern is
770 completing the experience requirements.
771 (b) A registered clinical social worker intern shall
772 include the words "registered clinical social worker intern," a
773 registered marriage and family therapist intern shall include
774 the words "registered marriage and family therapist intern," and
775 a registered mental health counselor intern shall include the
776 words "registered mental health counselor intern" on all
777 records, reports, and promotional materials, including cards,
778 brochures, stationery, advertisements, ~~and~~ signs, and social
779 media, naming the registered intern.
780 (3)(a) A person provisionally licensed under this chapter
781 as a provisional clinical social worker licensee, provisional
782 marriage and family therapist licensee, or provisional mental
783 health counselor licensee shall conspicuously display the valid

784 provisional license issued by the department or a true copy
785 thereof at each location at which the provisional licensee is
786 providing services.
787 (b) A provisional clinical social worker licensee shall
788 include the words "provisional clinical social worker licensee,"
789 a provisional marriage and family therapist licensee shall
790 include the words "provisional marriage and family therapist
791 licensee," and a provisional mental health counselor licensee
792 shall include the words "provisional mental health counselor
793 licensee" on all promotional materials, including cards,
794 brochures, stationery, advertisements, ~~and~~ signs, and social
795 media, naming the provisional licensee.
796 Section 13. Section 491.017, Florida Statutes, is created
797 to read:
798 491.017 Parenting plan recommendation; presumption of good
799 faith; prerequisite to parent's filing suit; award of fees,
800 costs, reimbursement.—
801 (1) A mental health professional licensed under this
802 chapter who has been appointed by the court to develop a
803 parenting plan recommendation in a dissolution of marriage, a
804 case of domestic violence, or a paternity matter involving the
805 relationship of a child and a parent, including time-sharing of
806 children, is presumed to be acting in good faith if the mental
807 health professional's recommendation has been reached under
808 standards that a reasonable mental health professional would use
809 to develop a parenting plan recommendation.
810 (2) An administrative complaint against a court-appointed
811 mental health professional which relates to a parenting plan
812 recommendation developed by the mental health professional may

813 not be filed anonymously. The individual who files an
814 administrative complaint must include in the complaint his or
815 her name, address, and telephone number.
816 (3) A parent who desires to file a legal action against a
817 court-appointed mental health professional who has acted in good
818 faith in developing a parenting plan recommendation must
819 petition the judge who presided over the dissolution of
820 marriage, case of domestic violence, or paternity matter
821 involving the relationship of a child and a parent, including
822 time-sharing of children, to appoint another mental health
823 professional. Upon the parent's showing of good cause, the court
824 shall appoint another mental health professional. The court
825 shall determine who is responsible for all court costs and
826 attorney fees associated with making such an appointment.
827 (4) If a legal action, whether it be a civil action, a
828 criminal action, or an administrative proceeding, is filed
829 against a court-appointed mental health professional in a
830 dissolution of marriage, case of domestic violence, or paternity
831 matter involving the relationship of a child and a parent,
832 including time-sharing of children, the claimant is responsible
833 for all reasonable costs and reasonable attorney fees associated
834 with the action for both parties if the mental health
835 professional is held not liable. If the mental health
836 professional is held liable in civil court, the mental health
837 professional must pay all reasonable costs and reasonable
838 attorney fees for the claimant.
839 Section 14. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-15-13
Meeting Date

Topic _____

Bill Number 1368 *(if applicable)*

Name JIM AKIN

Amendment Barcode _____ *(if applicable)*

Job Title EXECUTIVE DIRECTOR

Address 1931 DELLWOOD DR
Street

TALLAHASSEE FL 32303
City *State* *Zip*

Phone 224-2400

E-mail jim@naswfl.org

Speaking: [✓] For [ ] Against [ ] Information

Representing NASW - NATIONAL ASSN. OF SOCIAL WORKERS - FLORIDA

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [ ] Yes [✓] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-15-2013
Meeting Date

Topic: Clinical Counseling & Psych Services

Bill Number: 1368 *(if applicable)*

Name: Melinda Piller

Amendment Barcode: *(if applicable)*

Job Title: Gov. Relations Director

Address: 3907 Dunleer Ct
Street

Tall, FL 32309
City, State, Zip

Phone: (850) 545-8484

E-mail: melindapiller@aol.com

Speaking: [✓] For [ ] Against [ ] Information – * Waive & support BILL

Representing: FL Assoc. for Marriage & Family Therapy

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Clinical Counseling

Bill Number: ~~#~~ 1368 *(if applicable)*

Name: Corinne Mixon

Amendment Barcode: *(if applicable)*

Job Title: Govt. Consultant

Address: 119 E. Park Ave
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: (850) 766-5795

E-mail: corinne@mixon and associates.com

Speaking: [X] For [ ] Against [ ] Information

Representing: Florida Mental Health ~~Counselors~~ Counselors Association

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/CS/SB 1410

INTRODUCER: Community Affairs Committee; Banking and Insurance Committee; and Senator Simmons

SUBJECT: Fire Safety and Prevention

DATE: April 10, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow/Burgess	Burgess	BI	**Fav/CS**
2.	Toman	Yeatman	CA	**Fav/CS**
3.	Clodfelter	Cannon	CJ	**Favorable**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/CS/SB 1410 makes changes to Chapter 633, F.S., Fire Prevention and Control, which is administered by the Division of State Fire Marshal within the Florida Department of Financial Services. The bill:

- Revises provisions relating to the authority of the State Fire Marshal.
- Removes references to the Life Safety Code.
- Revises the renewal period for firesafety inspector certification from 3 years to 4.
- Revises provisions relating to the disciplinary authority of the State Fire Marshal.
- Authorizes the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons.
- Provides terms and conditions of probation.
- Revises provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal.
- Requires the State Fire Marshal, upon the request of certain local fire or local government officials, to investigate and keep records on all fires or explosions in the state. The local entity shall make an initial investigation of the incident.

- Revises provisions relating to the authority of agents of the State Fire Marshal.
- Clarifies provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided.
- Provides penalties for rendering a fire protection system inoperative.
- Provides penalties for using a certificate issued to another person.
- Defines the term "consultant."
- Revises provisions to include investigation of explosions in fraudulent insurance claim investigations.
- Authorizes the State Fire Marshal to adopt rules to implement provisions relating to an insurance company's investigation of a suspected explosion by intentional means.
- Clarifies and revises the powers and duties of the Division of State Fire Marshal (division).
- Requires the division to establish by rule uniform minimum standards for the employment and training of firefighters and volunteer firefighters.
- Requires the division to establish by rule minimum curriculum requirements and criteria for the approval of education or training providers.
- Requires the division to specify by rule standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters.
- Requires the division to specify by rule standards for the certification, denial of certification, probation, and revocation of certification for instructors.
- Requires the division to establish by rule minimum training qualifications for persons serving as specified firesafety coordinators.
- Requires the division to issue specified licenses, certificates, and permits.
- Requires notification for change of address of a licensee, permittee, or certificateholder.
- Requires notification of any felony actions against, a licensee, permittee, or certificateholder.
- Revises applicability of uniform firesafety standards and removes obsolete provisions.
- Revises how alternate members of the nonbinding Fire Code Interpretation Committee present interpretations and extends the length of time for providing an interpretation.
- Revises terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations by the division regarding the Florida Fire Prevention Code.
- Provides that a special district may enact any ordinance relating to firesafety codes that is identical to ch. 633, F.S., or any state law, except as to penalties.
- Clarifies persons authorized to inspect buildings and structures.
- Revises requirements of persons conducting firesafety inspections.
- Increases from 3 to 4 the number of years a fire safety inspector certificate is valid.
- Increases the continuing education requirements for a fire safety inspector certificate from 40 hours to 54 hours.
- Requires repeat training for firesafety inspectors whose certification has lapsed for 8 years.
- Revises grounds for denial, refusal to renew, suspension, or revocation of a firesafety inspector certificate.
- Requires the department to provide by rule for the certification of Fire Code Administrators.
- Make changes relating to inspection of state buildings and premises.
- Defines the terms "high-hazard occupancy" and "state-owned building."
- Provides for the identification of state-owned buildings or state-leased buildings or space.

- Authorizes, rather than requires, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis.
- Requires the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually.
- Requires that all new construction or renovation, alteration, or change of occupancy of any existing, state-owned building or state-leased building or space comply with uniform firesafety standards.
- Authorizes the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy or during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards.
- Requires the division to issue orders to cease construction, renovation, or alteration, or to preclude occupancy, of a state-owned or state-leased building or space for noncompliance.
- Authorizes the Florida Fire Safety Board to review complaints and make recommendations.
- Provides for the election of officers, quorum, and compensation of the board and requires the board to adopt a seal.
- Revises the provisions relating to fire equipment dealers who wish to withdraw a previously filed halon equipment exemption affidavit.
- Provides conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection.
- Provides for the adoption of rules with respect to the establishment and calculation of inspection costs.
- Revises and clarifies provisions that exclude from licensure, for a specified period, applicants having a previous criminal conviction and defines the term "convicted."
- Provides conditions under which a licensed fire equipment dealer may apply to convert the license currently held to a higher or lower licensing category.
- Provides a procedure for an applicant who passes an examination for licensure or permit but fails to meet remaining qualifications within 1 year after the application date.
- Revises provisions that authorize the State Fire Marshal to suspend a fire protection system contractor's or permittee's certificate.
- Deletes provisions authorizing revocation of a certificate for no more than 5 years.
- Provides for an additional member of the Firefighters Employment, Standards, and Training council to be added from the Florida Forest Service.
- Provides for organization of the council, meetings, quorum, compensation, and adoption of a seal.
- Provides for special powers of the council in connection with the employment and training of firefighters.
- Specifies classes of certification awarded by the division and authorizes the division to establish specified additional certificates by rule.
- Revises provisions relating to firefighter and volunteer firefighter training and certification.
- Requires the division to establish by rule specified courses and course examinations.
- Provides that courses may only be administered by specified education or training providers and taught by certified instructors.

- Revises provisions with respect to payment of training costs and payment of tuition for attendance at approved courses.
- Provides requirements for issuance by the division of a firefighter and volunteer firefighter certificate of compliance.
- Authorizes the division to issue a Special Certificate of Compliance and provides requirements and limitations with respect thereto.
- Provides procedures and requirements for reexamination after failure of an examination.
- Increases the required number of hours of the structural fire training program from 40 to 54 hours.
- Provides for a Forestry Certificate of Compliance and prescribes the rights, privileges, and benefits thereof.
- Revises provisions relating to disqualifying offenses and provides requirements of the division with respect to suspension or revocation of a firefighter certificate.
- Revises provisions relating to retention of certification as a firefighter and defines the term "active."
- Prohibits a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification.
- Requires a fire service provider to make a diligent effort to determine possession of required certification prior to employing or retaining an individual for specified services.
- Defines the terms "diligent effort" and "employ."
- Requires a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements.
- Authorizes the division to conduct site visits to fire departments to monitor compliance.
- Requires the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals.
- Specifies that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider.
- Specifies that policy guidelines be adopted by rule, classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division.
- Provides conditions for permanent revocation of certification, prospective application of such provisions, and retroactive application with respect to specified convictions.
- Revises provisions relating to revocation of certification.
- Provides requirements with respect to application for certification.
- Revises definitions of "firefighter employee," "firefighter employer," and "firefighter place of employment."
- Revises provisions that require the division to make studies, investigations, inspections, and inquiries with respect to firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment.
- Authorizes the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers and further authorizes the division to enter premises to investigate compliance; also provides criminal penalties.
- Revises definitions of the terms "safe" and "safety."

- Revises provisions relating to required safety inspections and clarifies that the division may not assess penalties as a result of such inspections.
- Requires firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule.
- Provides procedure if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented.
- Provides for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining.
- Provides for compensation of the workplace safety committee.
- Authorizes the cancellation of an insurance plan due to noncompliance.
- Prescribes additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S., and provides for location of hearings.
- Clarifies requirements from which private firefighter employers are exempt.
- Eliminates a prerequisite to exemption for specified firefighter employers.
- Requires reinspection after specified noncompliance.
- Removes provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction.
- Revises provisions relating to adjustments in payments of accidental death benefits for firefighters.
- Repeals the retrofit of existing nursing homes through the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.
- Repeals the State Fire Marshal Scholarship Grant Program.

The bill substantially amends and or renumbers the following sections of the Florida Statutes: 112.011, 112.1815, 112.191, 112.81, 119.071, 120.541, 120.80, 121.0515, 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121, 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44, 429.73, 447.203, 468.602, 468.609, 489.103, 489.105, 496.404, 509.032, 513.05, 553.73, 553.77, 553.79, 590.02, 627.4107, 633.01, 633.02, 633.021, 633.0215, 633.022, 633.025, 633.026, 633.027, 633.042, 633.052, 633.061, 633.065, 633.071, 633.081, 633.082, 633.083, 633.085, 633.101, 633.111, 633.115, 633.121, 633.14, 633.15, 633.151, 633.161, 633.162, 633.163, 633.171, 633.175, 633.31, 633.34, 633.35, 633.351, 633.352, 633.353, 633.38, 633.382, 633.39, 633.41, 633.42, 633.43, 633.44, 633.45, 633.46, 633.461, 633.47, 633.48, 633.49, 633.50, 633.511, 633.521, 633.527, 633.531, 633.534, 633.537, 633.539, 633.541, 633.547, 633.549, 633.551, 633.554, 633.557, 633.60, 633.70, 633.701, 633.702, 633.72, 633.801, 633.802, 633.803, 633.805, 633.806, 633.807, 633.809, 633.811, 633.812, 633.814, 633.816, 633.817, 633.818, 633.821, 893.13, 934.03, 943.61.1002.33, 1002.34, 1013.12, 1013.38.

The bill creates the following sections of the Florida Statutes: 633.132, 633.138, 633.406.
The bill repeals the following sections of the Florida Statutes: 633.024, 633.0245, 633.03, 633.0421, 633.13, 633.167, 633.18, 633.30, 633.32, 633.33, 633.37, 633.445, 633.46, 633.514, 633.517, 633.524, 633.804, 633.808, 633.810, 633.813, 633.815, 633.819, 633.820.

II. Present Situation:

Division of the State Fire Marshal (State Fire Marshal)

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.01, F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal.[1] Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College. Additionally, the State Fire Marshal adopts by rule the Florida Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.[2]

The Division of the State Fire Marshal (Division) consists of the following four bureaus: fire and arson investigations, fire standards and training, forensic fire and explosives analysis, and fire prevention. The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 6,000 students per year. The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities. Over 1.8 million fire and emergency reports are collected every year. These reports are entered into a database to form the basis for the State Fire Marshal's annual report.[3]

Definition of Terms

Under current law s. 633.021, F.S., defines the following terms:

- "Certificate" means a certificate of competency issued by the State Fire Marshal.[4]
- "Certification" means the act of obtaining or holding a certificate of competency from the State Fire Marshal.[5]
- "High-hazard occupancy" means any building or structure:
  - That contains combustible or explosive matter or flammable conditions dangerous to the safety of life or property.
  - In which persons receive educational instruction.
  - In which persons reside, excluding private dwellings.
  - Containing three or more floor levels.

Such buildings or structures include, but are not limited to, all hospitals and residential health care facilities, nursing homes and other adult care facilities, correctional or detention facilities,

[1] The head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of State Fire Marshal is located within the DFS.
[2] Section 633.0215(1), F.S.
[3] Division of State Fire Marshal, *State Fire Marshal Website*, *available at* http://www.myfloridacfo.com/sfm/ (last visited Apr 6, 2013).
[4] Section 633.021(2), F.S.
[5] Section 633.021(3), F.S.

public schools, public lodging establishments, migrant labor camps, residential child care facilities, and self-service gasoline stations.[6]

NFPA 101 Life Safety Code

The National Fire Protection Association publishes the NFPA 101 Life Safety Code. The Life Safety Code is used to protect people based on building construction, protection, and occupancy features that minimize the effects of fire and related hazards, and covers life safety in both new and existing structures.[7] Under current law the State Fire Marshal must adopt the Life Safety Code.[8] The current Florida Fire Prevention Code and the Life Safety Code incorporates the NFPA 101 Life Safety Code as adopted by the State Fire Marshal.[9]

Suspension, Revocation and Fines

Under current law, if the State Fire Marshal finds that one or more grounds exist for the suspension or revocation of any license, certificate, or permit issued by the division, the State Fire Marshal may, in its discretion for first time offenders, in lieu of the suspension or revocation, impose upon the licensee or permittee an administrative fine not to exceed $1,000 for each violation, and not to exceed a total of $10,000 in any one proceeding.[10] The State Fire Marshal may allow the licensee, certificateholder, or permittee a reasonable period, not to exceed 30 days, within which to pay to the State Fire Marshal the amount of the fine. If the licensee, certificateholder, or permittee fails to pay the administrative fine in its entirety to the State Fire Marshal within such period, the license, permit, or certificate shall stand suspended until payment of the administrative fine has been made.[11]

Investigation of Fires and Reports

Under current law, the State Fire Marshal is required to investigate the cause, origin, and circumstances of every fire occurring in this state wherein property has been damaged or destroyed where there is probable cause to believe that the fire was the result of carelessness or design. Report of all such investigations must be made on approved forms to be furnished by the fire marshal.[12]

State Fire Marshal Agents - Authority

Under current law the authority of the State Fire Marshal may be exercised by his or her agents, either individually or in conjunction with any other state or local official charged with similar responsibilities.[13]

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[6] Section 633.021(13)(a), F.S.
[7] National Fire Protection Association, *List of NFPA Codes & Standards*, *available at* http://www.nfpa.org/aboutthecodes (last visited Apr. 6, 2013).
[8] Section 633.0215(2), F.S.
[9] Section 633.01(1), F.S.
[10] Section 633.163(1), F.S.
[11] Section 633.163(2), F.S.
[12] Section 633.03, F.S.
[13] Section 633.13, F.S.

Impersonating State Fire Marshal

Under current law a person who falsely assumes or pretends to be the State Fire Marshal, an agent of the Division, a firefighter or a firesafety inspector and who acts as such to require a person to aid or assist him or her in any matter relating to the duties of the State Fire Marshal commits a felony of the third degree. If the impersonation occurs during the commission of a separate felony by that person, the impersonator shall be charged with a felony of the first degree.[14]

Tampering

Under current law[15] it is a misdemeanor of the first degree to intentionally or willfully:

- Render a fire extinguisher or preengineered system required by statute or by rule inoperative except during such time as the extinguisher or preengineered system is being serviced, hydrotested, tested, repaired, or recharged, except pursuant to court order.
- Obliterate the serial number on a fire extinguisher for purposes of falsifying service records.
- Improperly service, recharge, repair, hydrotest, test, or inspect a fire extinguisher or preengineered system.
- Use the license or permit number of another person.
- Hold a permit and allow another person to use said permit number.
- Use, or permit the use of, any license by any individual or organization other than the one to whom the license is issued.

Investigation of Fraudulent Insurance Claims

Under current law the State Fire Marshal, their agents, or any fire department official engaged in the investigation of a fire loss may request any insurance company investigating a claim under an insurance policy or contract with respect to a fire to release any information whatsoever in the possession of the insurance company relative to a loss from that fire. The insurance company shall release the available information to and cooperate with any official authorized to request such information.[16] If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the company shall notify the State Fire Marshal and shall furnish her or him with all material acquired by the company during the course of its investigation.[17]

[14] Section 633.151, F.S.
[15] Section 633.171(2), F.S.
[16] Section 633.175(1), F.S.
[17] Section 633.175(2), F.S.

Fees; Insurance Regulatory Trust Fund

Under current laws:[18]

The initial application fee for each class of certificate is $300.
The biennial renewal fee for each class of certificate is $150.
The initial application fee for the permit classification is $100.
The biennial renewal fee for the permit classification is $50.
The fee for certificates issued as duplicates or to reflect a change of address is $15.
The fee for each examination or reexamination for each class of certificate is $100.
The fee for a Class A fire suppression equipment license is $250.
The fee for a Class B and C fire suppression equipment license is $150.
The fee for a Class D fire suppression equipment license is $200.
The fee for certificates issued as duplicates or to reflect a change of address is $10.

All moneys collected by the State Fire Marshal are deposited in the Insurance Regulatory Trust Fund,[19] which is administered by the Office of Insurance Regulation of the Financial Services Commission, and is administratively housed in the Department of Financial Services. The Insurance Regulatory Trust Fund provides funding for the regulation of the insurance and fire protection industries. The sources of revenues to the trust fund come from license fees, fines and taxes collected from the insurance and fire protection industries.[20]

Examination Providers

Under current law the State Fire Marshal may enter into a contract with any qualified public entity or private company in accordance with chapter 287 to provide examinations for any applicant for any examination administered under the jurisdiction of the State Fire Marshal. The State Fire Marshal may direct payments from each applicant for each examination directly to such contracted entity or company.[21]

The Florida Fire Code Advisory Council

The Council is housed at the Department of Financial Services and consists of 11 members appointed by the State Fire Marshal. Each appointee serves a 4-year term but no member can serve more than two consecutive terms. The Council advises and recommends to the State Fire Marshal changes to and interpretation of the uniform firesafety standards, the Florida Fire Prevention Code, and those portions of the Florida Fire Prevention Code that have the effect of conflicting with building construction standards of the Florida Building Code. The members of the Council must include the following members who represent relevant groups and professions:

- The State Fire Marshal, or a designated appointee who is an administrative employee of the fire marshal;

[18] Section 633.524(1), F.S., and s. 633.061, F.S.
[19] Section 633.524(2), F.S.,
[20] Section 624.523, F.S.
[21] Section 633.524(3), F.S.

- An administrative officer from a fire department of a municipality or a county, selected from a list of persons submitted by the Florida Fire Chiefs Association;
- An architect licensed in the state, selected from a list of persons submitted by the Florida Association/American Institute of Architects;
- An engineer with fire protection design experience registered to practice in the state, selected from a list of persons submitted by the Florida Engineering Society;
- An administrative officer from a building department of a county or municipality, selected from a list of persons submitted by the Building Officials Association of Florida;
- A contractor licensed in the state, selected from a list submitted by the Florida Home Builders Association;
- A Florida certified firefighter, selected from a list submitted by the Florida Professional Firefighters' Association;
- A Florida certified municipal fire inspector, selected from a list submitted by the Florida Fire Marshal's Association;
- A member selected from a list submitted by the Department of Education;
- A member selected from a list submitted by the Chancellor of the State University System; and
- A member representing the general public.[22]

Firesafety Inspector Certificate

Under current law every firesafety inspector certificate is valid for 3 years from the date of issuance. Renewal of certification is subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal, which shall include completion of at least 40 hours during the preceding 3-year period of continuing education as required by the rule of the department or, in lieu thereof, successful passage of an examination as established by the department.[23]

Fire Equipment Dealer License - Reexamination

Under current law a fire equipment dealer applicant who fails the examination may take it 3 more times during the 1-year period after he or she originally filed an application for the examination. If the applicant fails the examination within 1 year after the application date and seeks to retake the examination, he or she must file a new application, pay the application and examination fees, and successfully complete a prescribed training course approved by the State Fire College or an equivalent course approved by the State Fire Marshal. An applicant may not submit a new application within 6 months after the date of his or her last reexamination.[24]

5 Year Limit on Revocation

Under s. 633.547(3)(b), F.S., the State Fire Marshal may revoke a fire protection system contractor certificate for a period not to exceed 5 years.

[22] Section 633.72(1), F.S.
[23] Section 633.081(5), F.S.
[24] Section 633.061(4)(d), F.S.

Firefighters Employment, Standards, and Training Council

The Council is housed at the Department of Financial Services and consists of the following thirteen members:

- Two fire chiefs appointed by the Florida Fire Chiefs Association;
- Two firefighters, who are not officers, appointed by the Florida Professional Firefighters Association;
- Two firefighter officers, who are not fire chiefs, appointed by the State Fire Marshal,
- One member appointed by the Florida League of Cities;
- One member appointed by the Florida Association of Counties;
- One member appointed by the Florida Association of Special Districts;
- One member appointed by the Florida Fire Marshal's Association;
- One member appointed by the State Fire Marshal; and
- One member, who is a director or instructor of a state-certified firefighting training facility, appointed by the State Fire Marshal.

To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person shall have had at least 4 years' experience in the firefighting profession. The remaining member, who shall be appointed by the State Fire Marshal, may not be a member or representative of the firefighting profession or of any local government. Members serve only as long as they continue to meet the criteria under which they were appointed, or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the chair.[25] Members are appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancy shall be filled in the manner of the original appointment for the remaining time of the term.[26]

Under current law the Council has the power to consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters, including the safety of firefighters while at the scene of a fire or the scene of an incident related to the provision of emergency services to which a firefighter responds and the development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of firefighter employment, fire science, fire technology, fire administration, and all allied and supporting fields.[27]

Criminal History

Generally, a person cannot be disqualified from public employment solely because of a prior conviction for a crime, unless the crime was a felony or first-degree misdemeanor and directly related to the position of employment. The general application of this provision, however, does not apply to firefighters. A person applying to become a firefighter who has a prior felony

[25] Section 633.31(1), F.S.
[26] Section 633.31(2), F.S.
[27] Section 633.33(4), F.S.

conviction shall be excluded from employment for a period of 4 years after the expiration of the sentence, or until the person has received a full pardon or has had his or her civil rights restored.

Under current law a firefighter applicant cannot have been convicted of a felony or of a misdemeanor directly related to the position of employment sought, nor have pled nolo contendere to any charge of a felony. If an applicant has been convicted of a felony, the applicant is excluded from employment for a period of 4 years after the expiration of the sentence, unless the applicant has received a full pardon or has had his or her civil rights restored.[28] An applicant who has been convicted of a misdemeanor directly related to the position of employment sought is excluded from employment for a period of 4 years after expiration of the sentence. If the sentence is suspended or adjudication is withheld in a felony charge or in a misdemeanor directly related to the position or employment sought and a period of probation is imposed, the applicant is excluded from employment until he or she is released from probation.[29]

Supplemental Income for Firefighters

Every firefighter is entitled to supplemental compensation from the employing agency when specified circumstances are met.[30] The Firefighters' Supplemental Compensation Trust Fund, created under the Department of Revenue, provides the funds necessary for the supplemental compensation.[31] The Firefighters' Supplemental Compensation Trust Fund is funded by certain amounts appropriated from the Police and Firefighter's Premium Tax Trust Fund.[32]

The amount of supplemental compensation for a firefighter is determined as follows:

- Fifty dollars is paid monthly to a firefighter who receives an associate degree from a college, if the degree is applicable to fire department duties;
- One hundred and ten dollars is paid monthly to a firefighter who receives a bachelor's degree from a college or university, regardless of whether the firefighter earned an associate degree earlier, if the bachelor's degree is applicable to fire department duties.

Florida State Fire College

The stated purpose of the Florida State Fire College is:[33]

- To provide firefighters with professional instruction and training in firefighting, fire prevention, and emergency operations.
- To develop new methods and practices for firefighting and fire prevention.
- To assist the state and local governments in their investigation and determination of the causes of fires.
- To provide facilities for testing firefighting equipment.

[28] Section 112.011(2)(b), F.S.
[29] Section 633.34(2), F.S.
[30] Section 633.382, F.S.
[31] Section 633.382(4)(c), F.S.
[32] *Id.*
[33] Section 633.44, F.S.

- To disseminate information on fires, firefighting and fire prevention to fire departments and other interested persons.
- To do such other things necessary for the promotion of public safety in the field of fire hazards and fire prevention work.

Current law requires that, in performing its duties related to the Florida State Fire College, the division must:[34]

- Enter into agreements with school districts, community colleges, junior colleges, or universities, as necessary to perform its duties;
- Approve appropriate budget requests for the fire college educational program;
- Prepare a legislative budget request for the Florida State Fire College education program;
- Implement procedures to obtain appropriate entitlement funds from federal and state grants; and
- Develop a staffing and funding formula for the Florida State Fire College.

Frequency of Work-Related Injuries

Current law requires the division to develop a process to identify firefighter employers whose firefighters have a high frequency or severity of work-related injuries.[35] This process includes:

- Performing safety inspections of the facilities and operations; and
- The development of safety and health programs.

A firefighter employer identified as having a high frequency or severity of work-related injuries must implement a safety and health program developed by the division. The division cannot assess a penalty based on the results of a safety inspection, except the insurer or self-insurance fund can cancel the contract or terminate any discount that had been granted. Insurers shall distribute such safety and health programs to the firefighter employers so identified by the division. A firefighter employer can submit its own program in lieu of using the program developed by the division, subject to approval by the division.

Legislative Ratification of Agency Rules

Current law provides that if the adverse impact or regulatory costs of a rule exceed specified criteria, the rule shall be submitted to the President of the Senate and Speaker of the House of Representatives at least 30 days before the next legislative session, and the rule is not effective until ratified by the Legislature.[36] These provisions do not apply to the adoption of emergency rules or federal standards.

When multiple bills that pass in the same session affect the same statutory provision in inconsistent and irreconcilable ways, the version that is most strongly supported by legislative

[34] Section 633.50, F.S.
[35] Section 633.809, F.S.
[36] Section 120.541(3), F.S.

intent is placed in the text, and a footnote is inserted setting out the alternative text and explaining the conflict.[37]

In 2011, the Legislature passed CS/CS/CS/HB 993 and HB 7239, which amended s. 120.541(4), F.S.[38] In addition, the Legislature passed CS/CS/CS/HB 849, which also amended s. 120.541(4), F.S., by providing that emergency rules would be subject to Legislative ratification.[39] Further, that bill provided that triennial updates and amendments to the Florida Building Code and triennial updates and amendments to the Florida Fire Prevention Code would be exempt from legislative ratification. The provisions of CS/CS/CS/HB 993 and HB 7239 were incorporated into statutory text, but the provisions of CS/CS/CS/HB 849 were put in footnote 1 of that section.

Property Tax Exemptions

In 2012, the Legislature passed CS/HB 95, titled the "Fallen Heroes Family Tax Relief Act." The CS provided an exemption from property tax on a homestead owned by a surviving spouse of a first responder who died in the line of duty. The CS defined a first responder to be a law enforcement officer, a correctional officer, a firefighter, or an emergency medical technician or paramedic. The effect of the act becoming law was contingent upon House Joint Resolution 93 being approved by Florida voters in the general election in November 2012. As a result, the current 2012 Florida Statutes contain the provisions of CS/HB 95 as a footnote. Subsequent to the publication of the 2012 Florida Statutes, the text of Joint Resolution 93 was passed as an amendment to the Florida Constitution.

III. Effect of Proposed Changes:

Section 1 directs the Division of Law Revision and Information to create part 1 of chapter 633, Florida Statutes, consisting of sections 633.102, 633.104, 633.106, 633.108, 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126, 633.128, 633.132, 633.134, 633.136, and 633.138, F.S., to be entitled "General Provisions."

Section 2 renumbers current s. 633.021, F.S., to become s. 633.102, F.S., incorporates language from s. 633.30, F.S., makes technical changes in regard to drafting, removes definitions for certificate, certification, and high hazard occupancy and adds the following definitions:

- "Department" means the Department of Financial Services.
- "Division" means the Division of State Fire Marshal within the Department of Financial Services.
- "Firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division.
- "Fire service support personnel" means an individual who does not hold a current and valid certificate issued by the division and who may only perform support services.
- "Fire service provider" means a municipality or county, the state, or any political subdivision of the state, including authorities and special districts, employing firefighters or utilizing

[37] See, the Preface to Florida Statutes: "STATUTORY CONSTRUCTION: Multiple acts in the same section affecting a statutory provision."
[38] See, s. 2, ch. 2011-225, L.O.F.
[39] See, s. 1, ch. 2011-222, L.O.F.

volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.

- "Hot zone" means the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.
- "Minimum Standards Course" means training of at least 360 hours as prescribed by rule adopted by the division which is required to obtain a Firefighter Certificate of Compliance.
- "Support services" means those activities that a fire service provider has trained an individual to perform safely outside the hot zone of an emergency scene, including pulling hoses, opening and closing fire hydrants, driving and operating apparatus, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, or similar activities.
- "Suspension" means the temporary withdrawal of a license, certificate, or permit issued pursuant to this chapter.
- "Volunteer firefighter" means an individual who holds a current and valid Volunteer Firefighter Certificate of Completion issued by the division.

The bill also clarifies that a Contractor IV is limited to the scope of practice specified in NFPA 13D.

Section 3 renumbers current s. 633.01, F.S., to become s. 633.104, F.S., and requires the State Fire Marshal to establish by rule guidelines and procedures for a 4-year renewal of firesafety inspector certification. The bill removes references to the Life Safety Code which is incorporated in the Florida Fire Prevention Code. It incorporates s. 633.517(2), F.S., which allows the State Fire Marshal or her or his appointed hearing officer to administer oaths and take testimony about all matters within the jurisdiction of this chapter and provides that Chapter 120 governs hearings conducted by or on behalf of the State Fire Marshal. The bill incorporates s. 633.524(3), F.S., which allows the State Fire Marshal to contract with any qualified public entity or private company in accordance with chapter 287 to provide examinations for any applicant for any examination administered under the jurisdiction of the State Fire Marshal. The State Fire Marshal may direct payments from each applicant for each examination directly to such contracted entity or company. The bill also makes technical changes in regard to drafting.

Section 4 renumbers current s. 633.163, F.S., to become s. 633.106, F.S., and inserts current language granting the State Fire Marshal the authority to deny, suspend, or revoke the license, certificate, or permit of any individual who does not meet the qualifications established by, or who violates any provision under the chapter or any rule authorized by this chapter. The bill inserts current language found in s. 633.167, F.S., regarding probationary periods as well as the ability of the State Fire Marshal to impose a fine not to exceed $1,000 per violation. It allows the State Fire Marshal to set terms and conditions and to take disciplinary action for any violations of such terms and also makes technical changes in regard to drafting.

Section 5 renumbers current s. 633.15, F.S., to become s. 633.108, F.S.

Section 6 renumbers current s. 633.101, F.S., to become s. 633.112, F.S., and incorporates language found in ss. 633.03, F.S., and 633.18, F.S. Additionally, the bill requires the State Fire Marshal, upon the request of certain local fire or local government officials, to investigate the

cause, origin, and circumstances of every fire or explosion occurring in this state. The local entity is required to make an initial investigation of the incident based upon department-adopted rules for such preliminary investigations. Reports of such investigations must be made on approved forms furnished by the State Fire Marshal. The bill also makes technical changes in regard to drafting.

Section 7 renumbers current s. 633.111, F.S., to become s. 633.112, F.S., and amends it to require the State Fire Marshal to keep records of all explosions in the state.

Section 8 renumbers current s. 633.02, F.S., to become s. 633.114, F.S., and incorporates s. 633.13, F.S., with regard to authorization for agents of the State Fire Marshal to perform duties individually or in conjunction with any other state or local official charged with similar responsibilities.

Section 9 renumbers current s. 633.14, F.S., to become s. 633.116, F.S.

Section 10 renumbers current s. 633.121, F.S., to become s. 633.118, F.S., and replaces the term "fire department" with "fire service providers". It also makes technical changes in regard to drafting.

Section 11 renumbers current s. 633.151, F.S., to become s. 633.122, F.S., and also amends the section which currently prohibits impersonation of a State Fire Marshal, an agent of the division, a firefighter, or a firesafety inspector. The bill adds "volunteer firefighters" to the list of prohibited impersonations, and provides that the mode of impersonation is to wear a uniform or to present or display a badge as credentials that would cause a reasonable person to believe that the impersonator is a State Fire Marshal, an agent of the division, a firefighter, a volunteer firefighter, or firesafety inspector. The bill does not change the current penalties for the offense, which is a third degree felony or, if the impersonation occurs during the commission of a separate felony by that person, a first degree felony. Technical drafting changes are also made to the section.

Section 12 renumbers current s. 633.171, F.S., to become s. 633.124, F.S., and includes penalties for rendering inoperative a "fire protection system" as well as penalties for the use of a certificate or permit issued to another person. It also makes technical changes in regard to drafting.

Section 13 renumbers current s. 633.175, F.S., to become s. 633.126, F.S., and adds the term "consultant" which means any individual or entity, or employee of the individual or entity, retained by an insurer to assist in the investigation of a fire, explosion, or suspected fraudulent insurance act. In addition, explosions are added to the jurisdiction of the State Fire Marshal who may request any insurance company investigating a claim under an insurance policy or contract with respect to an explosion to release any information in the possession of the insurance company relative to a loss from that explosion. The bill also makes technical changes in regard to drafting.

Section 14 renumbers current s. 633.45, F.S., to become s. 633.128, F.S., and requires the division to establish by rule uniform minimum standards for training volunteer firefighters, minimum curriculum requirements and criteria used by approved education or training providers,

and to specify by rule standards for the approval, denial, probation, suspension, and revocation of an education or training provider and the facilities used for training. The bill increases from 3 years to 4 years the time an education instructor must complete their 40 hours of continuing education and also makes technical changes in regard to drafting.

Section 15 creates s. 633.132, F.S., which adds a $10 fee for each permittee and licensee wanting to change their fire equipment dealer's license to a different category. The department indicates that such requests currently result in a new application fee of $150 to $250 depending on license type. The bill also incorporates the fees listed in s. 633.061, F.S., except the fee for a duplicate license or change of address which has been reduced from $15 to $10.

Section 16 renumbers current s. 633.39, F.S., to become s. 633.134, F.S.

Section 17 renumbers current s. 633.115, F.S., to become s. 633.136, F.S., makes technical changes when referencing the division as well as technical changes with regard to cross referencing other statutes and drafting.

Section 18 creates s. 633.138, F.S., which requires an individual who is issued a license, permit, or certificate under this chapter to notify the division in writing of any changes to her or his current mailing address, e-mail address, or place of practice. The section provides that delivery by regular mail or e-mail using the last known mailing address or e-mail address on record with the division constitutes adequate and sufficient notice on any official communication by the division. Furthermore, an individual issued a license, permit, or certificate under the chapter must notify the division in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country, without regard to whether a judgment of conviction was entered.

Section 19 renumbers current s. 633.042, F.S., to become s. 633.142, F.S., and adds preemption language currently in s. 633.0421, F.S.

Section 20 requests the Division of Law Revision and Information to create part 1 of chapter 633, F.S., consisting of ss. 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226, and 633.228, F.S., to be entitled "Fire Safety and Prevention."

Section 21 renumbers current s. 633.0215, F.S., to become s. 633.202, F.S., and requires the State Fire Marshal to adopt the current edition of the National Fire Protection Association's Standard 1, the current edition of Life Safety Code and the current edition of NFPA 101. It removes obsolete language pertaining to a study and the adoption of rules for a voice-over-Internet-protocol telephone service. The department indicates that the study has been completed and the rules have since been adopted. The section also makes technical changes in regard to cross referencing other statutes and drafting.

Section 22 renumbers current s. 633.72, F.S., to become s. 633.204, F.S., and allows for the Florida Fire Chiefs Association's member of the Council who is an administrative officer of a fire department to be a representative of a special district rather than only a representative of a

county or municipality. It changes the name of the Florida Fire Marshals' Association to the Florida Fire Marshals' and Inspectors' Association. It requires the council to meet at least semiannually to advise the State Fire Marshal's Office on matters subject to this section. It also allows the council to review proposed changes to the Florida Fire Prevention Code and the uniform fire safety standards pursuant to s. 633.202(4), F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 23 renumbers current s. 633.022, F.S., to become s. 633.206, F.S., and removes an obsolete requirement that a nursing home licensee must submit complete sprinkler construction documentation to the Agency for Health Care Administration. The bill also makes technical changes with regard to cross referencing other statutes.

Section 24 renumbers current s. 633.025, F.S., to become s. 633.208, F.S., and changes the term "minimum firesafety codes and standards" to "Florida Fire Prevention Code." It also makes technical changes with regard to cross referencing other statutes and drafting.

Section 25 renumbers current s. 633.026, F.S., to become s. 633.212, F.S., revises how alternate members of the nonbinding Fire Code Interpretation Committee are called upon to respond when interpretations are requested, extends the length of time by which an interpretation must be provided, and provides for a yes/no question on the interpretation form. The section also changes the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S., and changes the term "formal interpretation" to "declaratory statement" with regard to interpretation made by the division. It also makes technical changes with regard to cross referencing other statutes and drafting.

Section 26 renumbers current s. 633.052, F.S., to become s. 633.214, F.S., and changes the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S. The bill clarifies that citations can be issued by a firesafety inspector for violations of the Florida Fire Prevention Code. It also allows a "special district" to enact any ordinance relating to firesafety that is identical to the Florida Fire Prevention Code, and makes technical changes with regard to drafting.

Section 27 renumbers current s. 633.081, F.S., to become s. 633.216, F.S., and clarifies that persons authorized to enforce laws and rules on behalf of the State Fire Marshal may conduct inspections. The bill cross references other statutes in regard to requirements for firesafety certification. It increases from 3 years to 4 the number of years an inspector certificate is valid as well as the number of years continuing education must be completed. The bill increases the continuing education requirements for a fire safety inspector certificate from 40 hours to 54 hours. It requires a previously certified firesafety inspector whose certification has lapsed for 8 years or more to repeat fire safety inspector training as specified by the division. The bill also changes the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S., and makes other technical changes with regard to cross referencing other statutes and drafting.

Section 28 renumbers current s. 633.085, F.S., to become s. 633.218, F.S., and includes the current definition of s. 633.021(13), F.S., for "high-hazard occupancy." It applies the term "state-owned building" to include private correctional facilities as defined under s. 944.710(3), F.S. It

requires a state-owned building or state-leased building or space to be identified through use of the United States National Grid Coordinate System. The bill clarifies the uses of the terms "high-hazard occupancy" and "state-owned building" as they are applied to this section. It also changes the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S., and makes technical changes with regard to drafting.

Section 29 renumbers current s. 633.027, F.S., to become s. 633.222, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 30 renumbers current s. 633.60, F.S., to become s. 633.224, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 31 renumbers current s. 633.557, F.S, to become s. 633.226, F.S.

Section 32 renumbers current s. 633.161, F.S., to become s. 633.228, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 33 directs the Division of Law Revision and Information to create part III of chapter 633, F.S., consisting of ss. 633.302, 633.304, 633.306, 633.308, 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326, 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344, 633.346, 633.348, and 633.3482, F.S., to be entitled "Fire Protection and Suppression."

Section 34 renumbers current s. 633.511, F.S., to become s. 633.302, F.S., incorporates all the language in s. 633.514, F.S., and makes technical changes with regard to cross referencing other statutes and drafting. It also changes the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S.

Section 35 renumbers current s. 633.061, F.S., to become s. 633.304, F.S., and strikes the fees that have been moved into s. 633.132(1)(a)6, F.S. It requires fire equipment dealers who wish to withdraw their previously filed halon equipment exemption affidavit to notify the division in writing and to obtain an inspection before installing, removing or servicing halon equipment. It increases from 2 years to 4 years the time a fire equipment dealer license may be inactive before being voided. It makes technical changes to the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S. It allows fire equipment dealer applicants with facilities outside of the state, instead of paying for an inspection completed by the division, to provide a notarized statement from a professional engineer licensed by the applicant's state verifying that the applicant possesses the equipment required for the class of license sought and that all such equipment is operable. The bill provides that applicants under this section may not have been convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country. If an applicant has been convicted of any such crime, the applicant is excluded from licensure for a period of 4 years after expiration of sentence or final release by the Parole Commission unless the applicant receives a full pardon or has had her or his civil rights restored. It establishes the procedure for which a fire equipment dealer can convert their license to a lower licensing category. It removes current restrictions on the number of reexaminations for a fire equipment license in a given year, but requires an applicant who passes the exam to complete the licensure

requirements within one year from the application date or to reapply. The bill also makes technical changes with regard to drafting.

Section 36 renumbers current s. 633.065, F.S., to become s. 633.306, F.S., and makes technical changes with regard to cross referencing other statutes.

Section 37 renumbers current s. 633.071, F.S., to become s. 633.308, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 38 renumbers current s. 633.082, F.S., to become s. 633.312, F.S., makes technical changes with regard to cross referencing other statutes, and clarifies the term "appropriate authority" in lieu of the terms "agency having jurisdiction" and "agency shall."

Section 39 renumbers current s. 633.083, F.S., to become s. 633.314, F.S., and makes technical changes with regard to drafting.

Section 40 renumbers current s. 633.162, F.S., to become s. 633.316, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 41 renumbers current s. 633.521, F.S., to become s. 633.318, F.S., and changes the name "division of State Fire Marshal" to the new definition term "division" created in s. 633.102(5), F.S. It also makes other technical changes with regard to cross referencing other statutes and drafting.

Section 42 renumbers current s. 633.551, F.S., to become s. 633.322, F.S., and allows a "special district" to regulate the work performed by contractors through a system of permits, plan approval, fees, and inspections which are designed to secure compliance with state and local building laws or to enforce other local laws. The bill also makes other technical changes with regard to drafting.

Section 43 renumbers current s. 633.527, F.S., to become s. 633.324, F.S.

Section 44 renumbers current s. 633.531, F.S., to become s. 633.326, F.S.

Section 45 renumbers current s. 633.534, F.S., to become s. 633.328, F.S., changes the name "division of State Fire Marshal" to the new term "division" created in s. 633.102(5), F.S., and makes other technical changes with regard to drafting.

Section 46 renumbers current s. 633.537, F.S., to become s. 633.332, F.S., and strikes the fee for renewal of an inactive license which has been moved into s. 633.132(1)(a)7, F.S. It also makes technical changes with regard to drafting.

Section 47 renumbers current s. 633.539, F.S., to become s. 633.334, F.S., and changes the name "division of State Fire Marshal" to the new term "division" created in s. 633.102(5), F.S. It allows a Contractor V to install the cross-connection backflow prevention device as defined on new installations following the engineer of record's direction on the type and size of the device. Also, it makes other technical changes with regard to cross referencing other statutes.

Section 48 renumbers current s. 633.541, F.S., to become s. 633.336, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 49 renumbers current s. 633.547, F.S., to become s. 633.338, F.S., and allows disciplinary actions taken by a "special district" to be reviewed by the State Fire Marshal to determine whether additional disciplinary action should be issued. It clarifies the terms and conditions when the State Fire Marshal suspends a license. The bill removes the restriction that the State Fire Marshal cannot revoke a license for more than 5 years. It also makes other technical changes with regard to cross referencing other statutes and drafting.

Section 50 renumbers current s. 633.549, F.S., to become s. 633.342, F.S., and makes technical changes with regard to drafting.

Section 51 renumbers current s. 633.554, F.S., to become s. 633.344, F.S.

Section 52 renumbers section 633.70, F.S., to become s. 633.346, F.S., and makes technical changes with regard to cross referencing other statutes and drafting.

Section 53 renumbers current s. 633.701, F.S., to become s. 633.348, F.S.

Section 54 renumbers current s. 633.702, F.S., to become s. 633.3482, F.S., and makes technical changes with regard to drafting.

Section 55 directs the Division of Law Revision and Information to create part IV of chapter 633, F.S., consisting of ss. 633.402, 633.404, 633.406, 633.408, 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426, 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, and 633.444, F.S., to be entitled "Fire Standards and Training."

Section 56 renumbers current s. 633.31, F.S., to become s. 633.402, F.S., and incorporates language in ss. 633.32 and 633.33, F.S. The bill adds a member to the Firefighters Employment, Standards, and Training Council who is to be an employee of the Florida Forest Service appointed by the director of the Florida Forest Service at the Department of Agriculture and Consumer Services. It removes the current authority under s. 633.33(4), F.S., that allows the Council to consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters including the safety of firefighters while at the scene of a fire or the scene of an incident related to the provision of emergency services to which a firefighter responds, and the development of firefighter training schools and programs of courses of instruction including education and training in the areas of firefighter employment, fire science, fire technology, fire administration, and all allied and supporting fields. The bill also makes technical changes with regard to drafting.

Section 57 renumbers current s. 633.42, F.S., to become s. 633.404, F.S., clarifies the term "a fire service provider" in lieu of "an employing agency," and changes "department" to "division."

Section 58 creates s. 633.406, F.S., by incorporating the "firefighter certificate of compliance," the "special certificate of compliance" and the "forestry certificate of compliance" from s. 633.35, F.S., the "certificate of competency" from s. 633.021(2), F.S., and creating the "fire services instructor certificate" and "volunteer firefighter certificate." Additionally, the bill allows the division to establish by rule certificates and awards in recognition of special training or education received by an individual, authorizing that individual to perform specialized firefighting services or provide specialized firefighting instruction, such as hazardous materials and urban search and rescue.

Section 59 renumbers current s. 633.35, F.S., to become s. 633.408, F.S., and requires the division to establish by rule a Minimum Standards Course and course examination to provide the training required to obtain a firefighter certificate of compliance courses; course examinations to provide training required to obtain a volunteer firefighter certificate of completion or a special certificate of compliance; and courses to provide continuing training for firefighters and volunteer firefighters. Courses may only be administered by education or training providers approved by the division and must be taught by certified instructors. The section allows, but does not require, a fire service provider to pay part or all of the costs of tuition for attendance at approved courses. It allows firefighters from other states to be certified if the division determines that their training meets the minimum training required under this section. The bill allows for an extension of the 6-month reexamination period based upon documented medical necessity, and also makes technical changes with regard to cross referencing other statutes and drafting.

Section 60 renumbers current s. 633.34, F.S., to become s. 633.412, F.S., replaces the term "employment" with "certification," and strengthens the requirement that an applicant cannot have been convicted of a misdemeanor relating to the certification or to perjury or false statements. It imposes a lifetime ban for licensure on anyone having been convicted of a felony or a crime punishable by imprisonment of 1 year or more. The bill also imposes a new restriction providing that an applicant cannot have been dishonorably discharged from the Armed Forces of the United States. It defines the term "convicted" to mean a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case. It also requires the division to suspend or revoke all other certificates issued by the division when it suspends or revokes an individual's certificate.

Section 61 renumbers current s. 633.352, F.S., to become s. 633.414, F.S., changes the time a certificate is valid from 3 years to 4, requires a minimum of 40 hours of training every 4 years, requires reexamination of the Minimum Standards Course within 6 months of the 4-year expiration, and also requires the certificateholder to be active as a firefighter. It requires certified fire safety instructors to provide documentation that they taught a minimum of 40 hours every 4 years. It requires volunteer firefighters be active or to successfully complete a minimum of 40 hours of training every 4 years. It defines the term "active" as being employed as a firefighter or providing service as a volunteer firefighter for a cumulative 6 months within a 4-year period. It also applies the new 4-year certificate to new applicants beginning July 1, 2013, and is prospectively applied among current certificateholder beginning July 1, 2014.

Section 62 renumbers current s. 633.41, F.S., to become s. 633.416, F.S., and establishes standards for firefighter employment and volunteer firefighter service. The bill provides that a fire service provider:

- Can only hire someone with a Firefighter Certificate of Compliance to extinguish fires for the protection of life or property or supervise others to do so;
- Can only hire someone with a Firefighter Certificate of Compliance or Special Certificate of Compliance to serve as the administrative and command head; and
- Can only retain the services of someone volunteering to extinguish fires for the protection of life or property or to supervise others to do so if the person has Volunteer Firefighter Certificate of Completion.

The bill provides that the fire service provider must make a diligent effort to insure that all hires meet the specified certificate requirements, including contacting at least three of the applicant's previous employers and contacting the division to determine the applicant's certification status.

The bill provides that within 10 days the fire service provider must notify the division of: the hiring of a firefighter; the retention of a volunteer firefighter; the termination of employment of a firefighter; or of its decision not to retain a volunteer firefighter. The bill specifies the information that must be included in the fire service provider's notification to the division. If the fire service provider makes a determination that an applicant has not met the certification requirements, the fire service provider must notify the division within 10 days. The bill authorizes the division to conduct site visits to fire departments to insure compliance with the provisions of this section.

Section 63 renumbers current s. 633.38, F.S., to become s. 633.418, F.S., changes references, and makes other minor technical changes. Further, current law requires the division to prescribe curricula and standards for advanced and specialized training courses, but provides that these standards do not bind any employing agency as to the requirements it may have for promoting personnel. The bill exempts "fire service providers" from the standards, as opposed to the current term "employing agency."

Section 64 renumbers current s. 633.382, F.S., to become s. 633.422, F.S. The bill adds legislative intent recognizing the need for supplemental compensation for firefighters who pursue higher educational opportunities that directly relate to the improvement of the health, safety, and welfare of firefighters and those who firefighters protect. The bill specifies that for the purposes of s. 633.422, F.S., the division is to be considered a fire service provider responsible for payment of supplemental compensation to firefighters employed full-time by the division. The bill removes certain definitions.

Section 65 renumbers current s. 633.353, F.S., to become s. 633.424, F.S., and makes minor technical changes.

Section 66 renumbers current s. 633.351, F.S., to become s. 633.426, F.S., relating to disciplinary action and standards for revocation of certification. The bill defines "certificate" to

mean any of the certificates issued under s. 633.406, F.S.[40] The bill provides that a person is not eligible to apply for a certificate if the individual has been:

- Convicted of a misdemeanor relating to the certification or to perjury or false statements;
- Convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of any other state, of United States, or of another country; or
- Dishonorably discharged from any of the Armed Forces of the United States.

The bill provides that the certification of an individual will be permanently revoked if the individual:

- Is convicted of a misdemeanor relating to perjury or false statement;
- Is convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of any other state, of United States, or of another country;
- Is dishonorably discharged from any of the Armed Forces of the United States; or
- Has demonstrated a lack of moral fitness to carry out the responsibilities under the certification.

The provisions of this section that apply to revocation of a certificate will be applied prospectively to convictions and dishonorable discharges after July 1, 2013. For convictions prior to July 1, 2013, the statute as it existed before this bill would apply.

Additionally, the certification of an individual must be revoked if the individual has demonstrated a lack of moral fitness or trustworthiness to carry out the responsibilities under the individual's certification. After investigation, if the division has reason to believe that an individual who is certified may have been convicted of a felony or of a misdemeanor related to perjury or false statement in this state or any other state or jurisdiction, the division may require the individual to submit fingerprints to the division with a current processing fee. The fingerprints must be forwarded by the division to the Department of Law Enforcement for state processing and forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.

Section 67 renumbers current s. 633.43, F.S., to become s. 633.428, F.S., and makes minor technical changes.

Section 68 renumbers current s. 633.44, F.S., to become s. 633.432, F.S., and provides that besides those purposes already listed, an additional purpose of the Florida State Fire College is to ensure professionalism and competence of those who perform firefighting, fire prevention, and associated fire protection functions by administering a system of certification and licensing.

Section 69 renumbers current s. 633.48, F.S., to become s. 633.434, F.S., and changes references.

[40] As identified in the description of newly created s. 633.406, F.S., the certificates that will be issued under that section include a Firefighter Certificate, a Fire Safety Inspector Certificate, a Forestry Certificate, a Fire Service Instructor Certificate, Certificate of Competency, a Special Certificate of Compliance, and a Volunteer Firefighter Certificate.

Section 70 renumbers current s. 633.461, F.S., to become s. 633.436, F.S. Current law specifies the allowable uses for funds received from the Insurance Regulatory Trust Fund. One of the current allowable uses is the State Fire Marshal Scholarship Grant Program. The bill deletes this program from the purposes for which the funds used.

Section 71 renumbers current s. 633.47, F.S., to become s. 633.438, F.S.

Section 72 renumbers current s. 633.49, F.S., to become s. 633.442, F.S., and makes minor technical changes.

Section 73 renumbers current s. 633.50, F.S., to become s. 633.444, F.S., corrects references, makes minor technical changes, and adds provisions to the division's duties related to the Florida State Fire College. The bill provides that, in addition to its statutory duties related to the State Fire College, the division must:

- Establish criteria for approving education or training providers, including courses taught.
- Register the approved education or training providers in an electronic database.

An education or training provider must be approved and registered before it can offer a course to fulfill an education or training requirement, and only an approved and registered provider can provide instruction or training that will be recognized by the division as fulfilling an education or training requirement.

Section 74 renumbers current s. 633.46, F.S., to become s. 633.446, F.S.

Section 75 directs the Division of Law Revision and Information to create part V of chapter 633, Florida Statutes, consisting of sections 633.502, 633.504, 633.506, 633.508, 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528, 633.532, 633.534, and 633.536, Florida Statutes, and entitled "Florida Firefighters Occupational Safety and Health Act."

Section 76 renumbers current s. 633.801, F.S., to become s. 633.502, F.S., and provides that the title "Florida Firefighters Occupational Safety and Health Act," which is currently applied to ss. 633.801 – 633.821, F.S., will instead apply to ss. 633.502 – 633.536, F.S.

Section 77 renumbers current s. 633.802, F.S., to become s. 633.504, F.S., changes references, and amends current definitions. Current law defines "firefighter employee" as any person engaged in specifically defined employment. The bill specifies that a "firefighter employee" is a firefighter, a volunteer firefighter, or an individual providing support services. The bill expands the current definition of "firefighter place of employment" to include the physical location at which a firefighter employee is deployed.

Section 78 renumbers current s. 633.803, F.S., to become s. 633.506, F.S., corrects references, and makes minor technical changes.

Section 79 renumbers current s. 633.821, F.S., to become s. 633.508, F.S., corrects references, deletes obsolete language and incorporates all the language formerly contained in ss. 633.808(1),

633.808(2), and 633.808(3), F.S., and renumbers those sections to be ss. 633.508(7)(a), 633.508(7)(b), and 633.508(7)(c), F.S., respectively.

Section 80 renumbers current s. 633.817, F.S., to become s. 633.512, F.S., and corrects references.

Section 81 renumbers current s. 633.805, F.S., to become s. 633.516, F.S.

Section 82 renumbers current ss. 633.806(1) and 633.806(2), F.S., to become ss. 633.518(1) and 633.518(2), F.S., respectively, corrects references, and adds provisions. Current law authorizes the division to conduct investigations into the causes of firefighter injuries. The bill expands this authority of the division to conduct studies, investigations or inspections into the causes of firefighter injuries, illnesses, safety-based complaints or Line of Duty Deaths. The bill also incorporates the language formerly contained in s. 633.815, F.S., and renumbers it to be s. 633.518(3), F.S., with minor technical changes.

Section 83 renumbers current s. 633.807, F.S., to become s. 633.520, F.S., and corrects references.

Section 84 renumbers current s. 633.809, F.S., to become s. 633.522(1), F.S., and makes technical changes; renumbers current ss. 633.810(1), 633.810(2), 633.810(3), and 633.810(4), F.S., to become ss. 633.522(2), 633.522(3), 633.522(4), 633.522(5), F.S., respectively; and renumbers current s. 633.813, F.S., to become s. 633.522(6), F.S., with minor technical changes.

Section 85 renumbers current s. 633.811, F.S., to become s. 633.526, F.S., corrects references, and specifies sanctions that the division may impose for violations by firefighter employers. The bill provides that when the division finds that a firefighter employer has violated any rule adopted under a provision of this part, the division may:

- Issue an administrative cease and desist order, enforceable in the circuit court.
- Assess an administrative fine of an amount between $100 and $1,000 for each violation and each day a violation is committed.

The bill also provides that hearings under s. 633.811, F.S., will be conducted in Tallahassee, rather than in the county of the violation, as provided by current law.

Section 86 renumbers current s. 633.812, F.S., to become s. 633.528, F.S., corrects references, and removes the requirements in current law that a private firefighter employer with 20 or more full-time firefighter employees must provide for a safety committee in the safety program.

Section 87 renumbers current s. 633.816, F.S., to become s. 633.532, F.S., and corrects references.

Section 88 renumbers current s. 633.818, F.S., and s. 633.819, F.S., to become s. 633.534(1), F.S., and s. 633.534(2), F.S., respectively, and corrects references.

Section 89 renumbers current s. 633.814, F.S., to become s. 633.536, F.S., and corrects references.

Section 90 amends s. 112.011, F.S., relating to disqualification from public employment based on criminal convictions. The bill repeals the current statutory provision that a person with a felony conviction can become eligible to serve as a firefighter after a period of 4 years or if he or she has received a full pardon or has had his or her civil rights restored.

Section 91 amends s. 112.191, F.S., relating to payments provided to firefighters killed in the line of duty. Current law provides that an adjusted award of $50,000 be paid when the firefighter is accidently killed and an adjusted award of $150,000 be paid when the firefighter's death is the result of an intentional act of another person.[41] Under current law, the amounts are to be adjusted by agency rule to reflect changes since the "effective date of the act," based on the Consumer Price Index For All Urban Consumers published by the U.S. Department of Labor. The bill provides that the division is to apply the Consumer Price Index For All Urban Consumers to reflect price levels since July 1, 2002, and publish the resulting amounts on the division's website.

Section 92 amends s. 120.541, F.S., to move into the text of that section the provisions that are currently noted in footnote 1 of that section. The effect of the bill is to specify that triennial updates and amendments to the Florida Building Code and triennial updates and amendments to the Florida Fire Prevention Code are exempt from legislative ratification.

Section 93 amends s. 196.081, F.S., to move the text of its current footnote 1 into the body of the statutory section. The effect is to create a new s. 196.081, F.S., which provides an exemption from property tax on a homestead owned by a surviving spouse of a first responder who died in the line of duty. The bill defines a first responder to be a law enforcement officer, a correctional officer, a firefighter, or an emergency medical technician or paramedic.

Section 94 repeals s. 633.024, F.S.

Section 95 repeals s. 633.0245, F.S.

Section 96 repeals s. 633.03, F.S. The text of current s. 633.03, F.S., is moved to become new s. 633.112(6), F.S.

Section 97 repeals s. 633.0421, F.S. The text of current s. 633.0421, F.S., is moved to become new s. 633.142(11)(b), F.S.

Section 98 repeals s. 633.13, F.S. The text of current s. 633.13, F.S., is moved to become new s. 633.114(2), F.S.

Section 99 repeals s. 633.167, F.S. Portions of the repealed text are incorporated into new s. 633.106, F.S.

[41] Section 112.191(2), F.S.

Section 100 repeals s. 633.18, F.S. The text of current s. 633.18, F.S., is moved to become new s. 633.112(5), F.S.

Section 101 repeals s. 633.30, F.S. Portions of the repealed text are incorporated into new s. 633.102, F.S.

Section 102 repeals s. 633.32, F.S. The text of current ss. 633.32(1), (2), (3), and (4), F.S., is moved to become new ss. 633.402(5), (6), (7), and (8), F.S., respectively.

Section 103 repeals s. 633.33, F.S., The text of current ss. 633.33(1), (2), (3), (5), and (6), F.S., is moved to become new ss. 633.402(9)(a), (b), (c), (d), and (e), F.S., respectively.

Section 104 repeals s. 633.37, F.S. Portions of the repealed text are incorporated into new s. 633.408, F.S.

Section 105 repeals s. 633.445, F.S.

Section 106 repeals s. 633.46, F.S. Portions of the repealed text are incorporated into new s. 633.132, F.S.

Section 107 repeals s. 633.514, F.S. The text of current ss. 633.514(1) and (2), F.S., is moved to become new s. 633.302(4) and (5), F.S., respectively

Section 108 repeals s. 633.517, F.S. Portions of the repealed text are incorporated into new s. 633.112, F.S.

Section 109 repeals s. 633.524, F.S. Portions of the repealed text are moved into new s. 633.132, F.S.

Section 110 repeals s. 633.804, F.S.

Section 111 repeals s. 633.808, F.S. The text of current s. 633.808(1), (2), and (4), F.S., is moved to become new s. 633.508(7)(a), (b), and (c), F.S., respectively.

Section 112 repeals s. 633.810, F.S. Current ss. 633.810(1), (2), (3), and (4), F.S., are renumbered to become new ss. 633.522(2), (3), (4), and (5), F.S., respectively.

Section 113 repeals s. 633.813, F.S. Current s. 633.813, F.S., is renumbered to become new s. 633.522(6), F.S., with minor technical changes.

Section 114 repeals s. 633.815, F.S. Current s. 633.815, F.S., is renumbered to become new s. 633.518(3), F.S., with minor technical changes.

Section 115 repeals s. 633.819, F.S. Current s. 633.819, F.S., is renumbered to become new s. 633.534(2), F.S., with corrected references.

Section 116 repeals s. 633.820, F.S.

Sections 117-160 makes changes to cross referencing to reflect new chapter organization**.**

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

To the extent this bill requires a local government to expend funds to comply with its terms, the provisions of s. 18(a) of Art. VII, State Constitution, may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest (included in section 4 of the bill), and one of the following relevant exceptions must be met:

- Funds estimated at the time of enactment sufficient to fund such expenditures are appropriated;
- Counties and cities are authorized to enact a funding source not available for such local government on February 1, 1989, that can be used to generate the amount of funds necessary to fund the expenditures;
- The expenditure is required to comply with a law that applies to all persons similarly situated; or
- The law must be approved by two-thirds of the membership of each house of the Legislature.

Since the provisions of the bill apply to all governmental entities alike, expenditures required by the bill are required by all persons similarly situated. Given this relevant exception, it appears that the mandate restriction does not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

A $10 fee is created instead of having fire equipment dealers pay for a new application fee ($150 -$250) for downgrading their license. Also, the fee for duplicate fire equipment license or change of address has been reduced from $15 to $10.

B. Private Sector Impact:

The Revenue Estimating Conference has not reviewed the bill. The following provisions of the bill could potentially generate varying indeterminate private sector fiscal impacts:

- Under changes in the bill a person could be charged with a felony for impersonating a volunteer firefighter.
- The bill creates requirements for becoming a certified volunteer firefighter and fire service instructor.
- The bill requires a license, permit, or certificate holder to notify the division in writing of any changes to her or his current mailing address or e-mail address. Delivery by regular mail or e-mail using the last known mailing address or e-mail address on record constitutes adequate and sufficient notice on any official communication by the division.
- The bill increases from 3 years to 4 the number of years a fire safety inspector certificate is valid, increases the continuing educations requirements for a fire safety inspector from 40 hours to 54 hours, and requires repeat training for fire safety inspectors whose certification has lapsed for 8 years or more.
- The bill allows fire equipment dealer applicants with facilities outside of the state, instead of paying for an inspection completed by the division, to provide a notarized statement from a professional engineer licensed by the applicant's state verifying the applicant possesses the equipment required for the class of license sought and that all such equipment is operable.
- The bill requires a fire equipment dealer applicant who has been convicted of a felony to wait 4 years after the end of their sentence or final release by the Parole Commission, unless they have received a full pardon or have had her or his civil rights restored, before applying again.
- The bill removes current restrictions on the number of reexaminations for a fire equipment dealer license in a given year but requires that an applicant who passes the exam has 1 year from the application date to complete the licensure requirements or else the applicant must reapply.
- The bill removes the restriction that the State Fire Marshal cannot revoke a license for more than 5 years, allowing a license to be revoked indefinitely.
- The bill allows for a fire service provider to pay part or all of the costs of tuition for attendance at approved courses. In addition, it allows for firefighters from other states to be certified if the division determines their training meets the minimum training required under this section. The bill also allows for an extension of the 6-month reexamination period based upon documented medical necessity.
- The bill would ban any convicted felon or dishonorably discharged member of the armed services from obtaining licensure as a firefighter.
- The bill requires, when the division suspends or revokes an individual's certificate, the division to suspend or revoke all other certificates issued by the division.
- The bill increases the number of years a Firefighter Certificate of Compliance is valid from 3 to 4. The Continuing Education requirements remain at 40 hours.

C. Government Sector Impact:

The Revenue Estimating Conference has not reviewed the bill. The following provisions of the bill could potentially generate varying indeterminate government sector fiscal impacts:

- The bill clarifies that the State Fire Marshal is required to investigate and keep records on the cause, origin and circumstance of every explosion that occurs in the state.
- The Florida Fire Code Advisory Council must meet at least semiannually to advise the State Fire Marshal's Office on matters relating to the Florida Fire Prevention Code.
- The bill requires uniform firesafety standards to be applied to state universities defined under s. 1000.21, F.S.
- The bill allows a special district to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to secure compliance with state and local building laws or to enforce other local laws for the protection of the public health and safety.
- The bill adds a member to the Firefighters Employment, Standards, and Training Council who is to be an employee of the Florida Forest Service appointed by the director of the Florida Forest Service at the Department of Agriculture and Consumer Services.
- The bill provides that the division must establish criteria for approving education and training providers and register the approved providers in an electronic database. The DFS believes this responsibility will be met with existing resources.
- The bill expands the authority of the division to conduct studies or investigations into the causes of firefighter illnesses, safety-based complaints, and Line of Duty Deaths. The DFS believes this responsibility will be met with existing resources.
- The bill provides that if the division finds that a firefighter employer has violated a rule, it can issue an administrative cease and desist order, enforceable in the circuit court.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the CS.)

CS/CS by Community Affairs April 9, 2013:

- Removes certain Contractor I and Contractor II duty specifications.
- Removes a provision applying uniform firesafety standards to state universities.
- Revises local entity and State Fire Marshal roles for initial and department investigations of fires and explosions in the state.
- Restores provisions related to the application of the minimum firesafety code to an existing building.

- Revises how alternate members of the nonbinding Fire Code Interpretation Committee are called upon to respond when interpretations are requested.
- Extends the length of time by which an interpretation must be provided from 10 days to 15 days.
- Provides for a yes/no question on the interpretation form.
- Removes state universities from a definition of state-owned buildings.

CS by Banking and Insurance April 3, 2013:

- Clarifies a Contractor I may perform all of the duties specified for a Contractor II, Contractor III, Contractor IV, and Contractor V; a Contractor II may perform the duties specified for a Contractor IV and Contractor V; and a Contractor IV is limited to the scope of practice specified in NFPA 13D.
- Adds "or fire prevention services" to the definitions for "fire service provider."
- Changes "every 4 years" to "quadrennial" renewals.
- Removes "to be furnished by the State Fire Marshall" when referring to investigative forms.
- Increases from 3 years to 4 years the time an education instructor must complete their 40 hours of continuing education.
- Removes language stating the division may establish by rule any fee necessary to cover administrative costs and clarifies that all moneys collected by the State Fire Marshal shall be deposited into the Insurance Regulatory Trust.
- Removes "if necessary" with regard to the meeting by the Florida Fire Code Advisory Council.
- Reestablishes current law that uniform firesafety standards must be applied to public food service establishments, lodging parks, recreational vehicle parks, recreational camps and self-service gasoline stations.
- Increases from 2 years to 4 years the time a fire equipment dealer license may be inactive before being voided.
- Allows a Contractor V may install the cross-connection backflow prevention device as defined on new installations following the engineer of record's direction on the type and size of the device.
- Changes "Fire Service Instructor Certificate" to "Certificate of Competency."
- Requires the certification of an individual shall be revoked if the individual has demonstrated a lack of moral fitness or trustworthiness to carry out the responsibilities under the individual's certification. After investigation, if the division has reason to believe that an individual who is certified may have been convicted of a felony or of a misdemeanor related to perjury or false statement in this state or any other state or jurisdiction, the division may require the individual to submit fingerprints to the division with a current processing fee. The fingerprints shall be forwarded by the division to the Department of Law Enforcement for state processing and shall be forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.
- Adds "including courses taught" with regard to criteria for approving education or training providers.
- Removes the original bill's provisions that emergency rules may be subject to legislative notification when the economic impact exceeds certain levels.

- Renumbers current s. 633.46, F.S., to become s. 633.446, F.S.
- Removes Section 93 dealing with s. 554.103, F.S., Boiler Code.
- Removes Sections 96 and 97 dealing with firework safety standards and firework dealer fees.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the CS's introducer or the Florida Senate.

By the Committees on Community Affairs; and Banking and Insurance; and Senator Simmons

578-04006A-13 20131410c2

A bill to be entitled

An act relating to fire safety and prevention; providing a directive to the Division of Law Revision and Information to create part I of ch. 633, F.S., entitled "General Provisions"; transferring, renumbering, and amending s. 633.021, F.S.; revising and providing definitions; transferring, renumbering, and amending s. 633.01, F.S.; revising provisions relating to the authority of the State Fire Marshal; removing references to the Life Safety Code; revising the renewal period for firesafety inspector requirements for certification; conforming cross-references; authorizing the State Fire Marshal to administer oaths and take testimony; authorizing the State Fire Marshal to enter into contracts with private entities for the administration of examinations; transferring, renumbering, and amending s. 633.163, F.S.; revising provisions relating to the disciplinary authority of the State Fire Marshal; authorizing the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons; providing terms and conditions of probation; transferring and renumbering s. 633.15, F.S., relating to the force and effect of ch. 633, F.S., and rules adopted by the State Fire Marshal on municipalities, counties, and special districts having fire safety responsibilities; transferring, renumbering, and amending s. 633.101, F.S.; revising provisions relating to hearings, investigations, and recordkeeping duties and the

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578-04006A-13 20131410c2

authority of the State Fire Marshal; authorizing the State Fire Marshal to designate an agent for various purposes related to hearings; providing for the issuance of subpoenas; requiring the State Fire Marshal to investigate certain fires and explosions under certain circumstances; transferring, renumbering, and amending s. 633.111, F.S.; requiring the State Fire Marshal to keep records of all fires and explosions; transferring, renumbering, and amending s. 633.02, F.S.; revising provisions relating to the authority of agents of the State Fire Marshal; transferring and renumbering s. 633.14, F.S., relating to the powers of agents of the State Fire Marshal to make arrests, conduct searches and seizures, serve summonses, and carry firearms; transferring, renumbering, and amending s. 633.121, F.S., relating to persons authorized to enforce laws and rules of the State Fire Marshal; revising terminology; transferring, renumbering, and amending s. 633.151, F.S.; clarifying provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided; transferring, renumbering, and amending s. 633.171, F.S.; providing penalties for rendering a fire protection system required by statute or by rule inoperative; providing penalties for using the certificate of another person, holding a license or certificate and allowing another person to use the license or certificate, and using or

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

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

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

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

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

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204 transferring, renumbering, and amending s. 633.161,
205 F.S., relating to violations and enforcement of ch.
206 633, F.S., orders resulting from violations, and
207 penalties for violation; conforming cross-references;
208 providing a directive to the Division of Law Revision
209 and Information to create part III of ch. 633, F.S.,
210 entitled "Fire Protection and Suppression";
211 transferring, renumbering, and amending s. 633.511,
212 F.S., relating to the Florida Fire Safety Board;
213 conforming provisions to changes made by the act;
214 conforming cross-references; requiring the board to
215 act in an advisory capacity; authorizing the board to
216 review complaints and make recommendations; providing
217 for election of officers, quorum, and compensation of
218 the board; requiring the board to adopt a seal;
219 transferring, renumbering, and amending s. 633.061,
220 F.S., relating to licensure to install or maintain
221 fire suppression equipment; removing the fee schedule
222 from such provisions; revising provisions relating to
223 fire equipment dealers who wish to withdraw a
224 previously filed halon equipment exemption affidavit;
225 providing conditions that an applicant for a license
226 of any class who has facilities located outside the
227 state must meet in order to obtain a required
228 equipment inspection; providing for the adoption of
229 rules with respect to the establishment and
230 calculation of inspection costs; revising and
231 clarifying provisions that exclude from licensure for
232 a specified period applicants having a previous

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233 criminal conviction; defining the term “convicted”;
234 providing conditions under which a licensed fire
235 equipment dealer may apply to convert the license
236 currently held to a higher or lower licensing
237 category; providing a procedure for an applicant who
238 passes an examination for licensure or permit but
239 fails to meet remaining qualifications within 1 year
240 after the application date; transferring, renumbering,
241 and amending s. 633.065, F.S., relating to
242 requirements for installation, inspection, and
243 maintenance of fire suppression equipment; conforming
244 a cross-reference; transferring, renumbering, and
245 amending s. 633.071, F.S., relating to standard
246 service tags required on all fire extinguishers and
247 preengineered systems; conforming a cross-reference;
248 transferring, renumbering, and amending s. 633.082,
249 F.S., relating to inspection of fire control systems,
250 fire hydrants, and fire protection systems; conforming
251 a cross-reference; making technical changes;
252 transferring, renumbering, and amending s. 633.083,
253 F.S., relating to the prohibited sale or use of
254 certain types of fire extinguishers and penalty
255 therefor; making a technical change; transferring,
256 renumbering, and amending s. 633.162, F.S., relating
257 to fire suppression system contractors and
258 disciplinary actions with respect thereto; conforming
259 cross-references; clarifying provisions; transferring,
260 renumbering, and amending s. 633.521, F.S., relating
261 to certification as fire protection system contractor;

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262 clarifying provisions and making technical changes;
263 conforming cross-references; transferring,
264 renumbering, and amending s. 633.551, F.S., relating
265 to county and municipal powers and the effect of ch.
266 75-240, Laws of Florida; making technical changes;
267 transferring and renumbering s. 633.527, F.S.,
268 relating to records concerning an applicant and the
269 extent of confidentiality; transferring and
270 renumbering s. 633.531, F.S., relating to statewide
271 effectiveness and nontransferability of certificates;
272 transferring, renumbering, and amending s. 633.534,
273 F.S., relating to the issuance of certificates to
274 individuals and business organizations; making a
275 technical change; transferring, renumbering, and
276 amending s. 633.537, F.S., relating to renewal and
277 expiration of certificates; deleting an obsolete
278 provision; deleting a provision which prescribes the
279 biennial renewal fee for an inactive status
280 certificate; making technical changes; transferring,
281 renumbering, and amending s. 633.539, F.S., relating
282 to requirements for installation, inspection, and
283 maintenance of fire protection systems; conforming a
284 cross-reference; transferring, renumbering, and
285 amending s. 633.541, F.S., relating to the prohibition
286 against contracting as a fire protection contractor
287 without a certificate and penalty for violation
288 thereof; conforming cross-references; making a
289 technical change; transferring, renumbering, and
290 amending s. 633.547, F.S., relating to disciplinary

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291 action concerning fire protection system contractors;
292 revising provisions that authorize the State Fire
293 Marshal to suspend a fire protection system
294 contractor's or permittee's certificate; deleting
295 provisions authorizing revocation of a certificate for
296 a specified period; conforming a cross-reference;
297 transferring, renumbering, and amending s. 633.549,
298 F.S., relating to violations that are subject to
299 injunction; making a technical change; transferring
300 and renumbering s. 633.554, F.S., relating to
301 application of ch. 633, F.S., regulating contracting
302 and contractors; transferring, renumbering, and
303 amending s. 633.70, F.S., relating to jurisdiction of
304 the State Fire Marshal over alarm system contractors
305 and certified unlimited electrical contractors;
306 conforming a cross-reference; transferring and
307 renumbering s. 633.701, F.S., relating to requirements
308 for fire alarm system equipment; transferring,
309 renumbering, and amending s. 633.702, F.S., relating
310 to prohibited acts regarding alarm system contractors
311 or certified unlimited electrical contractors and
312 penalties for violations; making technical changes;
313 providing a directive to the Division of Law Revision
314 and Information to create part IV of ch. 633, F.S.,
315 entitled "Fire Standards and Training"; transferring,
316 renumbering, and amending s. 633.31, F.S.; revising
317 provisions relating to the Firefighters Employment,
318 Standards, and Training Council; providing for an
319 additional member of the council; providing for

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320 organization of the council, meetings, quorum,
321 compensation, and adoption of a seal; providing for
322 special powers of the council in connection with the
323 employment and training of firefighters; transferring,
324 renumbering, and amending s. 633.42, F.S., relating to
325 the authority of fire service providers to establish
326 qualifications and standards for hiring, training, or
327 promoting firefighters which exceed the minimum set by
328 the department; conforming terminology; creating s.
329 633.406, F.S.; specifying classes of certification
330 awarded by the division; authorizing the division to
331 establish specified additional certificates by rule;
332 transferring, renumbering, and amending s. 633.35,
333 F.S.; revising provisions relating to firefighter and
334 volunteer firefighter training and certification;
335 requiring the division to establish by rule specified
336 courses and course examinations; providing that
337 courses may only be administered by specified
338 education or training providers and taught by
339 certified instructors; revising provisions with
340 respect to payment of training costs and payment of
341 tuition for attendance at approved courses; providing
342 requirements for issuance by the division of a
343 firefighter certificate of compliance; providing
344 requirements for issuance by the division of a
345 Volunteer Firefighter Certificate of Completion;
346 authorizing the division to issue a Special
347 Certificate of Compliance; providing requirements and
348 limitations with respect thereto; providing procedures

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349 and requirements for reexamination after failure of an
350 examination; increasing the required number of hours
351 of the structural fire training program; providing for
352 a Forestry Certificate of Compliance and prescribing
353 the rights, privileges, and benefits thereof;
354 transferring, renumbering, and amending s. 633.34,
355 F.S., relating to qualifications for certification as
356 a firefighter; revising provisions relating to
357 disqualifying offenses; providing requirements of the
358 division with respect to suspension or revocation of a
359 certificate; making technical changes; conforming
360 cross-references; transferring, renumbering, and
361 amending s. 633.352, F.S., relating to firefighter
362 employment and volunteer firefighter service; revising
363 provisions relating to retention of certification as a
364 firefighter; defining the term “active”; transferring,
365 renumbering, and amending s. 633.41, F.S.; prohibiting
366 a fire service provider from employing an individual
367 as a firefighter or supervisor of firefighters and
368 from retaining the services of an individual
369 volunteering as a firefighter or a supervisor of
370 firefighters without required certification; requiring
371 a fire service provider to make a diligent effort to
372 determine possession of required certification prior
373 to employing or retaining an individual for specified
374 services; defining the term “diligent effort”;
375 requiring a fire service provider to notify the
376 division of specified hirings, retentions,
377 terminations, decisions not to retain a firefighter,

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378 and determinations of failure to meet certain
379 requirements; authorizing the division to conduct site
380 visits to fire departments to monitor compliance;
381 defining the term “employ”; conforming cross-
382 references; transferring, renumbering, and amending s.
383 633.38, F.S., relating to curricula and standards for
384 advanced and specialized training prescribed by the
385 division; revising terminology to conform; conforming
386 cross-references; transferring, renumbering, and
387 amending s. 633.382, F.S., relating to supplemental
388 compensation for firefighters who pursue specified
389 higher educational opportunities; removing
390 definitions; requiring the State Fire Marshal to
391 determine, and adopt by rule, course work or degrees
392 that represent the best practices toward supplemental
393 compensation goals; specifying that supplemental
394 compensation shall be paid to qualifying full-time
395 employees of a fire service provider; conforming
396 terminology; clarifying provisions; specifying that
397 policy guidelines be adopted by rule; classifying the
398 division as a fire service provider responsible for
399 the payment of supplemental compensation to full-time
400 firefighters employed by the division; transferring,
401 renumbering, and amending s. 633.353, F.S., relating
402 to falsification of qualifications; clarifying
403 provisions that provide a penalty for falsification of
404 qualifications provided to the Bureau of Fire
405 Standards and Training of the division; transferring,
406 renumbering, and amending s. 633.351, F.S., relating

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407 to disciplinary action and standards for revocation of
408 certification; providing definitions; providing
409 conditions for ineligibility to apply for
410 certification under ch. 633, F.S.; providing
411 conditions for permanent revocation of certification,
412 prospective application of such provisions, and
413 retroactive application with respect to specified
414 convictions; revising provisions relating to
415 revocation of certification; providing requirements
416 with respect to application for certification;
417 requiring specified submission of fingerprints;
418 providing a fee; providing requirements of the
419 Department of Law Enforcement with respect to
420 submitted fingerprints; transferring, renumbering, and
421 amending s. 633.43, F.S., relating to the
422 establishment of the Florida State Fire College;
423 conforming a provision to changes made by the act;
424 transferring, renumbering, and amending s. 633.44,
425 F.S., relating to the purposes of the Florida State
426 Fire College and part IV of ch. 633, F.S.; expanding
427 such purpose; conforming a cross-reference;
428 transferring, renumbering, and amending s. 633.48,
429 F.S., relating to the superintendent of the Florida
430 State Fire College; conforming a cross-reference;
431 transferring, renumbering, and amending s. 633.461,
432 F.S., relating to uses of funds from the Insurance
433 Regulatory Trust Fund; clarifying provisions;
434 transferring and renumbering s. 633.47, F.S., relating
435 to the procedure for making expenditures on behalf of

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436 the Florida State Fire College; transferring,
437 renumbering, and amending s. 633.49, F.S., relating to
438 the use of buildings, equipment, and other facilities
439 of the fire college; conforming a cross-reference;
440 transferring, renumbering, and amending s. 633.50,
441 F.S., relating to additional duties of the Division of
442 State Fire Marshal related to the Florida State Fire
443 College; conforming cross-references; transferring and
444 renumbering s. 633.46, F.S., relating to fees to be
445 charged for training; providing a directive to the
446 Division of Law Revision and Information to create
447 part V of ch. 633, F.S., entitled "Florida
448 Firefighters Occupational Safety and Health Act";
449 transferring, renumbering, and amending s. 633.801,
450 F.S., relating to a short title; conforming a cross-
451 reference; transferring, renumbering, and amending s.
452 633.802, F.S., relating to definitions; revising
453 definitions of "firefighter employee," "firefighter
454 employer," and "firefighter place of employment";
455 transferring, renumbering, and amending s. 633.803,
456 F.S., relating to legislative intent to enhance
457 firefighter occupational safety and health in the
458 state; clarifying provisions; conforming cross-
459 references; transferring, renumbering, and amending s.
460 633.821, F.S., relating to assistance by the division
461 in facilitating firefighter employee workplace safety;
462 revising references to publications; removing obsolete
463 provisions; revising requirements and responsibilities
464 of the division; transferring, renumbering, and

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465 amending s. 633.817, F.S., relating to remedies
466 available to the division for noncompliance with part
467 V of ch. 633, F.S.; conforming cross-references;
468 transferring and renumbering s. 633.805, F.S.,
469 relating to a required study by the division of
470 firefighter employee occupational diseases;
471 transferring, renumbering, and amending s. 633.806,
472 F.S., relating to certain duties of the division;
473 revising provisions that require the division to make
474 studies, investigations, inspections, and inquiries
475 with respect to compliance with part V of ch. 633,
476 F.S., or rules authorized thereunder, and the causes
477 of firefighter employee injuries, illnesses, safety-
478 based complaints, or line-of-duty deaths in
479 firefighter employee places of employment; authorizing
480 the division to adopt by rule procedures for
481 conducting inspections and inquiries of firefighter
482 employers under part V of ch. 633, F.S.; authorizing
483 the division to enter premises to investigate
484 compliance; providing a criminal penalty; conforming
485 references; transferring, renumbering, and amending s.
486 633.807, F.S., relating to safety responsibilities of
487 firefighter employers; revising definitions of the
488 terms “safe” and “safety”; transferring, renumbering,
489 and amending s. 633.809, F.S.; relating to firefighter
490 employers with a high frequency of firefighter
491 employee work-related injuries; revising provisions
492 relating to required safety inspections; clarifying
493 that the division may not assess penalties as a result

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494 of such inspections; requiring firefighter employers
495 to submit a plan for the correction of noncompliance
496 issues to the division for approval in accordance with
497 division rule; providing procedures if a plan is not
498 submitted, does not provide corrective actions, is
499 incomplete, or is not implemented; providing for
500 workplace safety committees and coordinators,
501 including mandatory negotiations during collective
502 bargaining; requiring the division to adopt rules;
503 providing for compensation of the workplace safety
504 committee; authorizing cancellation of an insurance
505 plan due to noncompliance; transferring, renumbering,
506 and amending s. 633.811, F.S., relating to firefighter
507 employer penalties; prescribing additional
508 administrative penalties for firefighter employers for
509 violation of, or refusal to comply with, part V of ch.
510 633, F.S.; providing for location of hearings;
511 transferring, renumbering, and amending s. 633.812,
512 F.S., relating to specified cooperation by the
513 division with the Federal Government; clarifying
514 requirements from which private firefighter employers
515 are exempt; eliminating a prerequisite to exemption
516 for specified firefighter employers; requiring
517 reinspection after specified noncompliance;
518 transferring, renumbering, and amending s. 633.816,
519 F.S., relating to firefighter employee rights and
520 responsibilities; conforming cross-references;
521 transferring, renumbering, and amending s. 633.818,
522 F.S., relating to false statements; conforming a

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523 cross-reference; prohibiting a person from committing
524 certain fraudulent acts in any matter within the
525 jurisdiction of the division; providing criminal
526 penalties; providing a statute of limitation;
527 transferring, renumbering, and amending s. 633.814,
528 F.S., relating to disbursement of expenses to
529 administer part V of ch. 633, F.S.; conforming a
530 cross-reference; amending s. 112.011, F.S.; removing
531 provisions that exclude from employment for a
532 specified period an applicant for employment with a
533 fire department who has a prior felony conviction;
534 amending s. 112.191, F.S.; revising provisions
535 relating to adjustments in payments of accidental
536 death benefits for firefighters; amending s. 120.541,
537 F.S.; revising a cross-reference to conform with
538 changes made in the act; amending s. 196.081, F.S.;
539 revising a cross-reference to conform with changes
540 made in the act; repealing s. 633.024, F.S., relating
541 to legislative findings and intent with respect to
542 ensuring effective fire protection of vulnerable
543 nursing home residents, the expedited retrofit of
544 existing nursing homes through a limited state loan
545 guarantee, and funding thereof; repealing s. 633.0245,
546 F.S., relating to the State Fire Marshal Nursing Home
547 Fire Protection Loan Guarantee Program; repealing s.
548 633.03, F.S., relating to investigations of fire and
549 reports; repealing s. 633.0421, F.S., relating to
550 preemption of the reduced cigarette ignition
551 propensity standard by the state; repealing s. 633.13,

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552 F.S., relating to the authority of State Fire Marshal
553 agents; repealing s. 633.167, F.S., relating to the
554 authority of the State Fire Marshal to place certain
555 persons on probation; repealing s. 633.18, F.S.,
556 relating to hearings and investigations by the State
557 Fire Marshal; repealing s. 633.30, F.S., relating to
558 definitions with respect to standards for
559 firefighting; repealing s. 633.32, F.S., relating to
560 organization, meetings, quorum, compensation, and seal
561 of the Firefighters Employment, Standards, and
562 Training Council; repealing s. 633.33, F.S., relating
563 to special powers of the Firefighters Employment,
564 Standards, and Training Council in connection with the
565 employment and training of firefighters; repealing s.
566 633.37, F.S., relating to payment of tuition at
567 approved training programs by the employing agency;
568 repealing s. 633.445, F.S., relating to the State Fire
569 Marshal Scholarship Grant Program; repealing s.
570 633.46, F.S., relating to authority of the Division of
571 State Fire Marshal to fix and collect admission fees
572 and other fees it deems necessary to be charged for
573 training; repealing s. 633.514, F.S., relating to
574 Florida Fire Safety Board duties, meetings, officers,
575 quorum, and compensation; repealing s. 633.517, F.S.;
576 relating to the authority of the State Fire Marshal to
577 adopt rules, administer oaths, and take testimony;
578 repealing s. 633.524, F.S., relating to certificate
579 and permit fees assessed under ch. 633, F.S., and the
580 use and deposit thereof; repealing s. 633.804, F.S.,

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relating to the adoption of rules governing firefighter employer and firefighter employee safety inspections and consultations; repealing s. 633.808, F.S., relating to division authority; repealing s. 633.810, F.S., relating to workplace safety committees and safety coordinators; repealing s. 633.813, F.S., relating to cancellation of an insurance policy for failure to implement a safety and health program; repealing s. 633.815, F.S., relating to penalties for refusing entry to a firefighter place of employment for the purposes of investigations or inspections by the division; repealing s. 633.819, F.S., relating to matters within the jurisdiction of the division and fraudulent acts, penalties, and statute of limitations; repealing s. 633.820, F.S., relating to the applicability of specified sections of ch. 633, F.S., to volunteer firefighters and volunteer fire departments; amending ss. 112.1815, 112.191, 112.81, 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45, 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44, 429.73, 447.203, 468.602, 468.609, 489.103, 489.105, 496.404, 509.032, 513.05, 553.73, 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03, 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.; conforming cross-references; updating terminology; providing an effective date.

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

Section 1. The Division of Law Revision and Information is directed to create part I of chapter 633, Florida Statutes, consisting of sections 633.102, 633.104, 633.106, 633.108, 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126, 633.128, 633.132, 633.134, 633.136, and 633.138, Florida Statutes, to be entitled "General Provisions."

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

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

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

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

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

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

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

(b) "Contractor II" means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler systems, water spray systems, foam-water sprinkler systems, foam -water spray systems, standpipes,

639 combination standpipes and sprinkler risers, all piping that is
640 an integral part of the system beginning at the point of service
641 as defined in this section, sprinkler tank heaters, air lines,
642 thermal systems used in connection with sprinklers, and tanks
643 and pumps connected thereto, excluding preengineered systems.
644 (c) "Contractor III" means a contractor whose business is
645 limited to the execution of contracts requiring the ability to
646 fabricate, install, inspect, alter, repair, and service carbon
647 dioxide ~~CO2~~ systems, foam extinguishing systems, dry chemical
648 systems, and Halon and other chemical systems, excluding
649 preengineered systems.
650 (d) "Contractor IV" means a contractor whose business is
651 limited to the execution of contracts requiring the ability to
652 lay out, fabricate, install, inspect, alter, repair, and service
653 automatic fire sprinkler systems for detached one-family
654 dwellings, detached two-family dwellings, and mobile homes,
655 excluding preengineered systems and excluding single-family
656 homes in cluster units, such as apartments, condominiums, and
657 assisted living facilities or any building that is connected to
658 other dwellings. A Contractor IV is limited to the scope of
659 practice specified in NFPA 13D.
660 (e) "Contractor V" means a contractor whose business is
661 limited to the execution of contracts requiring the ability to
662 fabricate, install, inspect, alter, repair, and service the
663 underground piping for a fire protection system using water as
664 the extinguishing agent beginning at the point of service as
665 defined in this act and ending no more than 1 foot above the
666 finished floor.
667

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668 The definitions in this subsection may ~~must~~ not be construed to
669 include ~~fire protection~~ engineers or architects and do not limit
670 or prohibit a licensed fire protection engineer or architect
671 with fire protection design experience from designing any type
672 of fire protection system. A distinction is made between system
673 design concepts prepared by the design professional and system
674 layout as defined in this section and typically prepared by the
675 contractor. However, a person ~~persons~~ certified as a Contractor
676 I, Contractor II, or Contractor IV under this chapter may design
677 fire protection systems of 49 or fewer sprinklers, and may
678 design the alteration of an existing fire sprinkler system if
679 the alteration consists of the relocation, addition, or deletion
680 of not more than 49 sprinklers, notwithstanding the size of the
681 existing fire sprinkler system. A person certified as a
682 Contractor I, Contractor II, or Contractor IV may design a fire
683 protection system the scope of which complies with NFPA 13D,
684 Standard for the Installation of Sprinkler Systems in One- and
685 Two-Family Dwellings and Manufactured Homes, as adopted by the
686 State Fire Marshal, notwithstanding the number of fire
687 sprinklers. Contractor-developed plans may not be required by
688 any local permitting authority to be sealed by a registered
689 professional engineer.
690 (4) "Department" means the Department of Financial
691 Services.
692 (5) "Division" means the Division of State Fire Marshal
693 within the Department of Financial Services.
694 (6) "Explosives" means any chemical compound or mixture
695 that has the property of yielding readily to combustion or
696 oxidation upon the application of heat, flame, or shock and is

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697 capable of producing an explosion and is commonly used for that
698 purpose, including but not limited to dynamite, nitroglycerin,
699 trinitrotoluene, ammonium nitrate when combined with other
700 ingredients to form an explosive mixture, blasting caps, and
701 detonators; but the term does not include cartridges for
702 firearms or fireworks as defined in chapter 791.
703 (7)(a) "Fire equipment dealer Class A" means a licensed
704 fire equipment dealer whose business is limited to servicing,
705 recharging, repairing, installing, or inspecting all types of
706 fire extinguishers and conducting hydrostatic tests on all types
707 of fire extinguishers.
708 (b) "Fire equipment dealer Class B" means a licensed fire
709 equipment dealer whose business is limited to servicing,
710 recharging, repairing, installing, or inspecting all types of
711 fire extinguishers, including recharging carbon dioxide units
712 and conducting hydrostatic tests on all types of fire
713 extinguishers, except carbon dioxide units.
714 (c) "Fire equipment dealer Class C" means a licensed fire
715 equipment dealer whose business is limited to servicing,
716 recharging, repairing, installing, or inspecting all types of
717 fire extinguishers, except recharging carbon dioxide units, and
718 conducting hydrostatic tests on all types of fire extinguishers,
719 except carbon dioxide units.
720 (d) "Fire equipment dealer Class D" means a licensed fire
721 equipment dealer whose business is limited to servicing,
722 recharging, repairing, installing, hydrotesting, or inspecting
723 of all types of preengineered fire extinguishing systems.
724 (8) ~~A~~ "Fire extinguisher" means ~~is~~ a cylinder that:
725 (a) Is portable and can be carried or is on wheels.

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726 (b) Is manually operated.
727 (c) May use a variety of extinguishing agents that are
728 expelled under pressure.
729 (d) Is rechargeable or nonrechargeable.
730 (e) Is installed, serviced, repaired, recharged, inspected,
731 and hydrotested according to applicable procedures of the
732 manufacturer, standards of the National Fire Protection
733 Association, and the Code of Federal Regulations.
734 (f) Is listed by a nationally recognized testing
735 laboratory.
736 (9) "Firefighter" means an individual who holds a current
737 and valid Firefighter Certificate of Compliance or Special
738 Certificate of Compliance issued by the division under s.
739 633.408.
740 (10) "Fire service support personnel" means an individual
741 who does not hold a current and valid certificate issued by the
742 division and who may only perform support services.
743 (11)~~(9)~~ ~~A~~ "Fire hydrant" means ~~is~~ a connection to a water
744 main, elevated water tank, or other source of water for the
745 purpose of supplying water to a fire hose or other fire
746 protection apparatus for fire suppression operations. The term
747 does not include a fire protection system.
748 (12)~~(10)~~ ~~A~~ "Fire protection system" means ~~is~~ a system
749 individually designed to protect the interior or exterior of a
750 specific building or buildings, structure, or other special
751 hazard from fire. Such systems include, but are not limited to,
752 water sprinkler systems, water spray systems, foam-water
753 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO_2~~
754 systems, foam extinguishing systems, dry chemical systems, and

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755 Halon and other chemical systems used for fire protection use.
756 Such systems also include any overhead and underground fire
757 mains, fire hydrants and hydrant mains, standpipes and hoses
758 connected to sprinkler systems, sprinkler tank heaters, air
759 lines, thermal systems used in connection with fire sprinkler
760 systems, and tanks and pumps connected to fire sprinkler
761 systems.
762 (13)~~(11)~~ ~~A~~ "Firesafety inspector" means ~~is~~ an individual
763 who holds a current and valid Fire Safety Inspector Certificate
764 of Compliance issued ~~certified~~ by the division ~~State Fire~~
765 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned
766 the duties of conducting firesafety inspections of buildings and
767 facilities on a recurring or regular basis on behalf of the
768 state or any county, municipality, or special district with fire
769 safety responsibilities.
770 (14) "Fire service provider" means a municipality or
771 county, the state, or any political subdivision of the state,
772 including authorities and special districts, employing
773 firefighters or utilizing volunteer firefighters to provide fire
774 extinguishment or fire prevention services for the protection of
775 life and property. The term includes any organization under
776 contract or other agreement with such entity to provide such
777 services.
778 (15)~~(12)~~ "Handling" means touching, holding, taking up,
779 moving, controlling, or otherwise affecting with the hand or by
780 any other agency.
781 ~~(13)(a) For the purposes of s. 633.085(1), the term "high-~~
782 ~~hazard occupancy" means any building or structure:~~
783 ~~1. That contains combustible or explosive matter or~~

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784 ~~flammable conditions dangerous to the safety of life or~~
785 ~~property.~~
786 ~~2. In which persons receive educational instruction.~~
787 ~~3. In which persons reside, excluding private dwellings.~~
788 ~~4. Containing three or more floor levels.~~
789
790 ~~Such buildings or structures include, but are not limited to,~~
791 ~~all hospitals and residential health care facilities, nursing~~
792 ~~homes and other adult care facilities, correctional or detention~~
793 ~~facilities, public schools, public lodging establishments,~~
794 ~~migrant labor camps, residential child care facilities, and~~
795 ~~self-service gasoline stations.~~
796 ~~(b) For the purposes of this subsection, the term "high-~~
797 ~~hazard occupancy" does not include any residential condominium~~
798 ~~where the declaration of condominium or the bylaws provide that~~
799 ~~the rental of units shall not be permitted for less than 90~~
800 ~~days.~~
801 (16)~~(14)~~ "Highway" means every way or place of whatever
802 nature within the state open to the use of the public, as a
803 matter of right, for purposes of vehicular traffic and includes
804 public streets, alleys, roadways, or driveways upon grounds of
805 colleges, universities, and institutions and other ways open to
806 travel by the public, notwithstanding that the same have been
807 temporarily closed for the purpose of construction,
808 reconstruction, maintenance, or repair. The term does not
809 include a roadway or driveway upon grounds owned by a private
810 person.
811 (17) "Hot zone" means the area immediately around an
812 incident where serious threat of harm exists, which includes the

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collapse zone for a structure fire.

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

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

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

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

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

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

stationary rails or tracks.

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

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

1. Uses any of a variety of extinguishing agents.

2. Is designed to protect specific hazards.

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

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

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

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

(26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,

871 aircraft, or vessel operating intrastate in which there is
872 identity of ownership between freight and carrier.
873 (27)~~(23)~~ "Sale" means the act of selling; the act whereby
874 the ownership of property is transferred from one person to
875 another for a sum of money or, loosely, for any consideration.
876 The term includes the delivery of merchandise with or without
877 consideration.
878 (28)~~(24)~~ "Special state firesafety inspector" means an
879 individual officially assigned to the duties of conducting
880 firesafety inspections required by law on behalf of or by an
881 agency of the state having authority for inspections other than
882 the division ~~of State Fire Marshal~~.
883 (29)~~(25)~~ ~~A~~ "Sprinkler system" means ~~is~~ a type of fire
884 protection system, ~~either~~ manual or automatic, using water as an
885 extinguishing agent and installed in accordance with applicable
886 National Fire Protection Association standards.
887 (30)~~(26)~~ "Storing" means accumulating, laying away, or
888 depositing for preservation or as a reserve fund in a store,
889 warehouse, or other source from which supplies may be drawn or
890 within which they may be deposited. The term is limited in
891 meaning and application to storage having a direct relationship
892 to transportation.
893 (31) "Support services" means those activities that a fire
894 service provider has trained an individual to perform safely
895 outside the hot zone of an emergency scene, including pulling
896 hoses, opening and closing fire hydrants, driving and operating
897 apparatus, carrying tools, carrying or moving equipment,
898 directing traffic, manning a resource pool, or similar
899 activities.

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900 (32) "Suspension" means the temporary withdrawal of a
901 license, certificate, or permit issued pursuant to this chapter.
902 (33)~~(27)~~ "Transportation" means the conveying or carrying
903 of property from one place to another by motor vehicle (except a
904 motor vehicle subject to ~~the provisions of~~ s. 316.302),
905 aircraft, or vessel, subject to such limitations as are set
906 forth in s. 552.12, in which only the motor vehicles, aircraft,
907 or vessels of the Armed Forces and other federal agencies are
908 specifically exempted.
909 (34)~~(28)~~ ~~A~~ "Uniform firesafety standard" means ~~is~~ a
910 requirement or group of requirements for the protection of life
911 and property from loss by fire which shall be met by every
912 building and structure specified in s. 633.206 ~~633.022(1)~~, and
913 is not ~~neither~~ weakened or ~~nor~~ exceeded by law, rule, or
914 ordinance of any other state agency or political subdivision or
915 county, municipality, or special district with firesafety
916 responsibilities.
917 (35)~~(29)~~ "Use" means application, employment; that
918 enjoyment of property which consists of its employment,
919 occupation, exercise, or practice.
920 (36) "Volunteer firefighter" means an individual who holds
921 a current and valid Volunteer Firefighter Certificate of
922 Completion issued by the division under s. 633.408.
923 Section 3. Section 633.01, Florida Statutes, is transferred
924 and renumbered as section 633.104, Florida Statutes, subsections
925 (1), (3), (5), (6), and (7) of that section are amended, and
926 subsections (8) and (9) are added to that section, to read:
927 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~
928 duties; rules.—

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929 (1) The Chief Financial Officer is designated as "State
930 Fire Marshal." The State Fire Marshal has authority to adopt
931 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
932 ~~provisions of~~ this chapter ~~conferring powers or duties upon the~~
933 ~~department~~. Rules must ~~shall~~ be in substantial conformity with
934 generally accepted standards of firesafety; must ~~shall~~ take into
935 consideration the direct supervision of children in
936 nonresidential child care facilities; and must ~~shall~~ balance and
937 temper the need of the State Fire Marshal to protect all
938 Floridians from fire hazards with the social and economic
939 inconveniences that may be caused or created by the rules. The
940 department shall adopt the Florida Fire Prevention Code ~~and the~~
941 ~~Life Safety Code~~.
942 (3) The State Fire Marshal shall establish by rule
943 guidelines and procedures for quadrennial ~~triennial~~ renewal of
944 firesafety inspector requirements for certification.
945 (5) It is the intent of the Legislature that there are to
946 be no conflicting requirements between the Florida Fire
947 Prevention Code ~~and the Life Safety Code authorized by this~~
948 ~~chapter~~ and ~~the provisions of~~ the Florida Building Code or
949 conflicts in their enforcement and interpretation. Potential
950 conflicts shall be resolved through coordination and cooperation
951 of the State Fire Marshal and the Florida Building Commission as
952 provided by this chapter and part IV of chapter 553.
953 (6) Only the State Fire Marshal may issue, and, when
954 requested in writing by any substantially affected person or a
955 local enforcing agency, the State Fire Marshal shall issue
956 declaratory statements pursuant to s. 120.565 relating to the
957 Florida Fire Prevention Code ~~and the Life Safety Code~~.

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958 (7) The State Fire Marshal, in consultation with the
959 Department of Education, shall adopt and administer rules
960 prescribing standards for the safety and health of occupants of
961 educational and ancillary facilities pursuant to ss. 633.206
962 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any
963 county, municipality, or special district that does not employ
964 or appoint a firesafety inspector certified under s. 633.216
965 ~~633.081~~, the State Fire Marshal shall assume the duties of the
966 local county, municipality, or independent special fire control
967 district as defined in s. 191.003 with respect to firesafety
968 inspections of educational property required under s.
969 1013.12(3)(b), and the State Fire Marshal may take necessary
970 corrective action as authorized under s. 1013.12(7).
971 (8) The State Fire Marshal or her or his duly appointed
972 hearing officer may administer oaths and take testimony about
973 all matters within the jurisdiction of this chapter. Chapter 120
974 governs hearings conducted by or on behalf of the State Fire
975 Marshal.
976 (9) The State Fire Marshal may contract with any qualified
977 public entity or private company in accordance with chapter 287
978 to provide examinations for any applicant for any examination
979 administered under the jurisdiction of the State Fire Marshal.
980 The State Fire Marshal may direct payments from each applicant
981 for each examination directly to such contracted entity or
982 company.
983 Section 4. Section 633.163, Florida Statutes, is
984 transferred, renumbered as section 633.106, Florida Statutes,
985 and amended to read:
986 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;

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987 administrative fine and probation in lieu of suspension,
988 revocation, or refusal to issue a license, permit, or
989 certificate.—
990 (1) The State Fire Marshal may deny, suspend, or revoke the
991 license, certificate, or permit of any individual who does not
992 meet the qualifications established by, or who violates any
993 provision under, this chapter or any rule authorized by this
994 chapter.
995 (2)~~(1)~~ If the State Fire Marshal finds that one or more
996 grounds exist for the suspension, revocation, or refusal to
997 issue, renew, or continue any license, certificate, or permit
998 issued under this chapter, the State Fire Marshal may, in its
999 discretion, in lieu of the suspension, revocation, or refusal to
1000 issue, renew, or continue, and, except on a second offense or
1001 when the suspension, revocation, or refusal to issue, renew, or
1002 continue is mandatory, impose upon the licensee,
1003 certificateholder, or permittee one or more of the following:
1004 (a) An administrative fine not to exceed $1,000 for each
1005 violation, and not to exceed a total of $10,000 in any one
1006 proceeding.
1007 (b) Probation for a period not to exceed 2 years, as
1008 specified by the State Fire Marshal in her or his order.
1009 (3)~~(2)~~ The State Fire Marshal may allow the licensee,
1010 certificateholder, or permittee a reasonable period, not to
1011 exceed 30 days, within which to pay to the State Fire Marshal
1012 the amount of the fine. If the licensee, certificateholder, or
1013 permittee fails to pay the administrative fine in its entirety
1014 to the State Fire Marshal within such period, the license,
1015 permit, or certificate shall stand suspended until payment of

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1016 the administrative fine.
1017 (4) As a condition to probation or in connection therewith,
1018 the State Fire Marshal may specify in her or his order
1019 reasonable terms and conditions to be fulfilled by the
1020 probationer during the probation period. If during the probation
1021 period the State Fire Marshal has good cause to believe that the
1022 probationer has violated any of the terms and conditions, she or
1023 he shall suspend, revoke, or refuse to issue, renew, or continue
1024 the license, certificate, or permit of the probationer, as upon
1025 the original ground or grounds referred to in subsection (2).
1026 Section 5. Section 633.15, Florida Statutes, is transferred
1027 and renumbered as section 633.108, Florida Statutes.
1028 Section 6. Section 633.101, Florida Statutes, is
1029 transferred, renumbered as section 633.112, Florida Statutes,
1030 and amended to read:
1031 633.112 ~~633.101~~ State Fire Marshal; hearings;
1032 investigations; recordkeeping and reports; subpoenas of
1033 witnesses; orders of circuit court ~~investigatory powers of State~~
1034 ~~Fire Marshal; costs of service and witness fees~~.—
1035 (1) The State Fire Marshal may in his or her discretion
1036 take or cause to be taken the testimony on oath of a person ~~all~~
1037 ~~persons~~ whom he or she believes to be cognizant of any facts in
1038 relation to matters under investigation.
1039 (2) If the State Fire Marshal is ~~shall be~~ of the opinion
1040 that there is sufficient evidence to charge a ~~any~~ person with an
1041 offense, he or she must ~~shall~~ cause the arrest of such person
1042 and must ~~shall~~ furnish to the prosecuting officer of any court
1043 having jurisdiction of the ~~said~~ offense all information obtained
1044 by him or her, including a copy of all pertinent and material

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1045 testimony taken, together with the names and addresses of all
1046 witnesses. In the conduct of such investigations, the State Fire
1047 Marshal may request such assistance as may reasonably be given
1048 by such prosecuting officers and other local officials.
1049 (3) The State Fire Marshal may summon and compel the
1050 attendance of witnesses before him or her to testify in relation
1051 to any matter ~~manner~~ which is, by ~~the provisions of~~ this
1052 chapter, a subject of inquiry and investigation, and he or she
1053 may require the production of any book, paper, or document
1054 deemed pertinent thereto by him or her, and may seize furniture
1055 and other personal property to be held for evidence.
1056 (4) A person ~~All persons~~ so summoned and so testifying
1057 shall be entitled to the same witness fees and mileage as
1058 provided for witnesses testifying in the circuit courts of this
1059 state, and officers serving subpoenas or orders of the State
1060 Fire Marshal shall be paid in like manner for like services in
1061 such courts, from the funds herein provided.
1062 (5) Any agent designated by the State Fire Marshal for such
1063 purposes, may hold hearings, sign and issue subpoenas,
1064 administer oaths, examine witnesses, receive evidence, and
1065 require by subpoena the attendance and testimony of witnesses
1066 and the production of such accounts, records, memoranda, or
1067 other evidence, as may be material for the determination of any
1068 complaint or conducting any inquiry or investigation under this
1069 chapter. In the case of disobedience to a subpoena, the State
1070 Fire Marshal or her or his agent may invoke the aid of any court
1071 of competent jurisdiction in requiring the attendance and
1072 testimony of witnesses and the production of accounts, records,
1073 memoranda, or other evidence and any such court may in case of

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1074 refusal to obey a subpoena issued to a person, issue an order
1075 requiring the person to appear before the State Fire Marshal's
1076 agent or produce accounts, records, memoranda, or other
1077 evidence, as so ordered, or to give evidence touching any matter
1078 pertinent to any complaint or the subject of any inquiry or
1079 investigation, and any failure to obey such order of the court
1080 shall be punished by the court as contempt.
1081 (6) Upon request, the State Fire Marshal shall investigate
1082 the cause, origin, and circumstances of fires and explosions
1083 occurring in this state wherein property has been damaged or
1084 destroyed and there is probable cause to believe that the fire
1085 or explosion was the result of carelessness or design.
1086 (a) Any time a fire or explosion has occurred which results
1087 in property damage or destruction in any municipality, county,
1088 or special district having an organized fire department, any
1089 local fire official whose intent is to request the State Fire
1090 Marshal to perform an investigation shall make or shall cause to
1091 be made an initial investigation of the circumstances
1092 surrounding the cause and origin of the fire or explosion. Law
1093 enforcement officers may conduct such initial investigation.
1094 (b) If the fire or explosion occurs in a municipality,
1095 county, or special district that does not have an organized fire
1096 department or designated arson investigations unit within its
1097 law enforcement providers, the municipality, county, or special
1098 district may request the State Fire Marshal to conduct the
1099 initial investigation.
1100 (c) The division shall adopt rules to assist local fire
1101 officials and law enforcement officers in determining the
1102 established responsibilities with respect to the initial or

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1103 preliminary assessment of fire and explosion scenes, and the
1104 determination of whether probable cause exists to refer such
1105 scenes to the State Fire Marshal for an investigation.
1106 Section 7. Section 633.111, Florida Statutes, is
1107 transferred, renumbered as subsections (7) and (8) of section
1108 633.112, Florida Statutes, and amended to read:
1109 633.112 State Fire Marshal; hearings; investigations;
1110 recordkeeping and reports; subpoenas of witnesses; orders of
1111 circuit court ~~investigatory powers of State Fire Marshal; costs~~
1112 ~~of service and witness fees~~.—
1113 (7) The State Fire Marshal shall keep ~~in her or his office~~
1114 a record of all fires and explosions occurring in this state
1115 upon which she or he had caused an investigation to be made and
1116 all facts concerning the same. These records, obtained or
1117 prepared by the State Fire Marshal pursuant to her or his
1118 investigation, include documents, papers, letters, maps,
1119 diagrams, tapes, photographs, films, sound recordings, and
1120 evidence. These records are confidential and exempt from the
1121 provisions of s. 119.07(1) until the investigation is completed
1122 or ceases to be active. For purposes of this section, an
1123 investigation is considered "active" while such investigation is
1124 being conducted by the department with a reasonable, good faith
1125 belief that it may lead to the filing of administrative, civil,
1126 or criminal proceedings. An investigation does not cease to be
1127 active if the department is proceeding with reasonable dispatch,
1128 and there is a good faith belief that action may be initiated by
1129 the department or other administrative or law enforcement
1130 agency. Further, these documents, papers, letters, maps,
1131 diagrams, tapes, photographs, films, sound recordings, and

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1132 evidence relative to the subject of an investigation shall not
1133 be subject to subpoena until the investigation is completed or
1134 ceases to be active, unless the State Fire Marshal consents.
1135 These records shall be made daily from the reports furnished the
1136 State Fire Marshal by her or his agents or others.
1137 (8) Whenever the State Fire Marshal releases an
1138 investigative report, any person requesting a copy of the report
1139 shall pay in advance, and the State Fire Marshal shall collect
1140 in advance, notwithstanding the provisions of s. 624.501(19)(a)
1141 and (b), a fee of $10 for the copy of the report, which fee
1142 shall be deposited into the Insurance Regulatory Trust Fund. The
1143 State Fire Marshal may release the report without charge to any
1144 state attorney or to any law enforcement agency or fire
1145 department assisting in the investigation.
1146 Section 8. Section 633.02, Florida Statutes, is
1147 transferred, renumbered as section 633.114, Florida Statutes,
1148 and amended to read:
1149 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents~~; authority;
1150 ~~powers and~~ duties; compensation.—
1151 (1) The State Fire Marshal shall appoint such agents as may
1152 be necessary to carry out effectively ~~the provisions of~~ this
1153 chapter, who shall be reimbursed for travel expenses as provided
1154 in s. 112.061, in addition to their salary, when traveling or
1155 making investigations in the performance of their duties. Such
1156 agents shall be at all times under the direction and control of
1157 the State Fire Marshal, who shall fix their compensation, and
1158 all orders shall be issued in the State Fire Marshal's name and
1159 by her or his authority.
1160 (2) The authority given the State Fire Marshal under this

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1161 chapter may be exercised by her or his agents, individually or
1162 in conjunction with any other state or local official charged
1163 with similar responsibilities.
1164 Section 9. Section 633.14, Florida Statutes, is transferred
1165 and renumbered as section 633.116, Florida Statutes.
1166 Section 10. Section 633.121, Florida Statutes, is
1167 transferred, renumbered as section 633.118, Florida Statutes,
1168 and amended to read:
1169 633.118 ~~633.121~~ Persons authorized to enforce laws and
1170 rules of State Fire Marshal.—The chiefs of county, municipal,
1171 and special-district fire service providers ~~departments~~; other
1172 fire service provider ~~department~~ personnel designated by their
1173 respective chiefs; and personnel designated by local governments
1174 having no organized fire service providers ~~departments~~ are
1175 authorized to enforce this chapter ~~law~~ and all rules prescribed
1176 by the State Fire Marshal within their respective jurisdictions.
1177 Such personnel acting under the authority of this section shall
1178 be ~~deemed to be~~ agents of their respective jurisdictions, not
1179 agents of the State Fire Marshal.
1180 Section 11. Section 633.151, Florida Statutes, is
1181 transferred, renumbered as section 633.122, Florida Statutes,
1182 and amended to read:
1183 633.122 ~~633.151~~ Impersonating State Fire Marshal,
1184 firefighter ~~firefighters~~, volunteer firefighter, or firesafety
1185 inspector; criminal penalties.—A person who falsely assumes or
1186 pretends to be the State Fire Marshal, an agent of the division
1187 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a
1188 volunteer firefighter, or a firesafety inspector by identifying
1189 herself or himself as the State Fire Marshal, an agent of the

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1190 division, a firefighter, a volunteer firefighter, or a
1191 firesafety inspector by wearing a uniform or presenting or
1192 displaying a badge as credentials that would cause a reasonable
1193 person to believe that she or he is a State Fire Marshal, an
1194 agent of the division, a firefighter, a volunteer firefighter,
1195 or firesafety inspector commits ~~and who acts as such to require~~
1196 ~~a person to aid or assist him or her in any matter relating to~~
1197 ~~the duties of the State Fire Marshal, an agent of the division,~~
1198 ~~a firefighter, or a firesafety inspector is guilty of~~ a felony
1199 of the third degree, punishable as provided in ss. 775.082 and
1200 775.083 or, if the impersonation occurs during the commission of
1201 a separate felony by that person, commits ~~is guilty of~~ a felony
1202 of the first degree, punishable as provided in ss. 775.082 and
1203 775.083.
1204 Section 12. Section 633.171, Florida Statutes, is
1205 transferred and renumbered as section 633.124, Florida Statutes,
1206 and subsections (1) and (2) and paragraph (b) of subsection (3)
1207 of that section are amended, to read:
1208 633.124 ~~633.171~~ Penalty for violation of law, rule, or
1209 order to cease and desist or for failure to comply with
1210 corrective order.—
1211 (1) A ~~Any~~ person who violates any provision of this chapter
1212 ~~law~~, any order or rule of the State Fire Marshal, or any order
1213 to cease and desist or to correct conditions issued under this
1214 chapter commits a misdemeanor of the second degree, punishable
1215 as provided in s. 775.082 or s. 775.083.
1216 (2) It is a misdemeanor of the first degree, punishable as
1217 provided in s. 775.082 or s. 775.083, to intentionally or
1218 willfully:

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1219 (a) Render a fire protection system, fire extinguisher, or
1220 preengineered system required by statute or by rule inoperative
1221 except while ~~during such time as~~ the fire protection system,
1222 fire extinguisher, or preengineered system is being serviced,
1223 hydrotested, tested, repaired, or recharged, except pursuant to
1224 court order.
1225 (b) Obliterate the serial number on a fire extinguisher for
1226 purposes of falsifying service records.
1227 (c) Improperly service, recharge, repair, hydrotest, test,
1228 or inspect a fire extinguisher or preengineered system.
1229 (d) Use the license, certificate, or permit ~~number~~ of
1230 another person.
1231 (e) Hold a license, certificate, or permit and allow
1232 another person to use the license, certificate, or ~~said~~ permit
1233 ~~number~~.
1234 (f) Use, or allow ~~permit~~ the use of, any license,
1235 certificate, or permit by any individual or organization other
1236 than the one to whom the license, certificate, or permit is
1237 issued.
1238 (3)
1239 (b) A person who initiates a pyrotechnic display within any
1240 structure commits a felony of the third degree, punishable as
1241 provided in s. 775.082, s. 775.083, or s. 775.084, unless:
1242 1. The structure has a fire protection system installed in
1243 compliance with s. 633.334 ~~633.065~~.
1244 2. The owner of the structure has authorized in writing the
1245 pyrotechnic display.
1246 3. If the local jurisdiction requires a permit for the use
1247 of a pyrotechnic display in an occupied structure, such permit

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1248 has been obtained and all conditions of the permit complied with
1249 or, if the local jurisdiction does not require a permit for the
1250 use of a pyrotechnic display in an occupied structure, the
1251 person initiating the display has complied with National Fire
1252 Protection Association, Inc., Standard 1126, 2001 Edition,
1253 Standard for the Use of Pyrotechnics before a Proximate
1254 Audience.
1255 Section 13. Section 633.175, Florida Statutes, is
1256 transferred and renumbered as section 633.126, Florida Statutes,
1257 and subsections (1), (2), (3), (6), and (9) of that section are
1258 amended, to read:
1259 633.126 ~~633.175~~ Investigation of fraudulent insurance
1260 claims and crimes; immunity of insurance companies supplying
1261 information.—
1262 (1)(a) As used in this section, the term "consultant" means
1263 any individual or entity, or employee of the individual or
1264 entity, retained by an insurer to assist in the investigation of
1265 a fire, explosion, or suspected fraudulent insurance act.
1266 (b) The State Fire Marshal or an agent appointed pursuant
1267 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in
1268 s. 111.065, any law enforcement officer of a federal agency, or
1269 any fire service provider ~~department~~ official who is engaged in
1270 the investigation of a fire or explosion loss may request any
1271 insurance company or its agent, adjuster, employee, or attorney,
1272 investigating a claim under an insurance policy or contract with
1273 respect to a fire or explosion to release any information
1274 whatsoever in the possession of the insurance company or its
1275 agent, adjuster, employee, or attorney relative to a loss from
1276 that fire or explosion. The insurance company shall release the

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1277 available information to and cooperate with any official
1278 authorized to request such information pursuant to this section.
1279 The information shall include, but shall not be limited to:
1280 1.~~(a)~~ Any insurance policy relevant to a loss under
1281 investigation and any application for such a policy.
1282 2.~~(b)~~ Any policy premium payment records.
1283 3.~~(c)~~ The records, reports, and all material pertaining to
1284 any previous claims made by the insured with the reporting
1285 company.
1286 4.~~(d)~~ Material relating to the investigation of the loss,
1287 including statements of a ~~any~~ person, proof of loss, and other
1288 relevant evidence.
1289 5.~~(e)~~ Memoranda, notes, and correspondence relating to the
1290 investigation of the loss in the possession of the insurance
1291 company or its agents, adjusters, employees, or attorneys.
1292 (2) If an insurance company has reason to suspect that a
1293 fire or explosion loss to its insured's real or personal
1294 property was caused by intentional ~~incendiary~~ means, the company
1295 shall notify the State Fire Marshal and shall furnish her or him
1296 with all material acquired by the company during ~~the course of~~
1297 its investigation. The State Fire Marshal may adopt rules to
1298 implement this subsection.
1299 (3) In the absence of fraud, bad faith, or malice, a ~~no~~
1300 representative of or consultant to an insurance company or of
1301 the National Insurance Crime Bureau employed to adjust or
1302 investigate losses caused by fire or explosion is not ~~shall be~~
1303 liable for damages in a civil action for furnishing information
1304 concerning fires or explosion suspected to be other than
1305 accidental to investigators employed by other insurance

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1306 companies or the National Insurance Crime Bureau.
1307 (6) The actions of an insurance company or of its agents,
1308 employees, adjusters, consultants, or attorneys, in complying
1309 with the statutory obligation of this section may not ~~shall in~~
1310 ~~no way~~ be construed by a court as a waiver or abandonment of any
1311 privilege or confidentiality of attorney work product, attorney-
1312 client communication, or such other privilege or immunity as is
1313 provided by law.
1314 (9) A ~~Any~~ person who willfully violates ~~the provisions of~~
1315 this section commits ~~is guilty of~~ a misdemeanor of the first
1316 degree, punishable as provided in s. 775.082 or s. 775.083.
1317 Section 14. Section 633.45, Florida Statutes, is
1318 transferred, renumbered as section 633.128, Florida Statutes,
1319 and amended to read:
1320 633.128 ~~633.45~~ Division of State Fire Marshal; powers,
1321 duties.—
1322 (1) The division shall:
1323 (a) Establish, by rule, uniform minimum standards for the
1324 ~~employment and~~ training of firefighters and volunteer
1325 firefighters.
1326 (b) Establish, by rule, minimum curriculum requirements and
1327 criteria used to approve education or training providers,
1328 including ~~for~~ schools operated by or for any fire service
1329 provider, ~~employing agency~~ for the specific purpose of training
1330 individuals seeking to become a firefighter ~~recruits~~ or
1331 volunteer firefighter ~~firefighters~~.
1332 (c) Specify, by rule, standards for the approval, denial of
1333 approval, probation, suspension, and revocation of approval of
1334 education or training providers and facilities for training

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1335 firefighters and volunteer firefighters ~~Approve institutions,~~
1336 ~~instructors, and facilities for school operation by or for any~~
1337 ~~employing agency for the specific purpose of training~~
1338 ~~firefighters and firefighter recruits~~.
1339 (d) Specify, by rule, standards for the certification,
1340 denial of certification, probation, and revocation of
1341 certification for instructors, ~~approval, denial of approval,~~
1342 ~~probation, and revocation of approval of institutions,~~
1343 ~~instructors, and facilities for training firefighters and~~
1344 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~
1345 instructor to ~~must~~ complete 40 hours of continuing education
1346 every 4 ~~3~~ years in order to maintain her or his certification
1347 ~~the approval of the department~~.
1348 (e) Issue certificates of competency to persons who, by
1349 reason of experience and completion of basic inservice training,
1350 advanced education, or specialized training, are especially
1351 qualified for particular aspects or classes of firefighting
1352 ~~firefighter~~ duties.
1353 (f) Establish, by rule, minimum training qualifications for
1354 persons serving as firesafety coordinators for their respective
1355 departments of state government and certify ~~all~~ persons who
1356 satisfy such qualifications.
1357 (g) Establish a uniform lesson plan to be followed by
1358 firesafety instructors in the training of state employees in
1359 firesafety and emergency evacuation procedures.
1360 (h) Have complete jurisdiction over, and complete
1361 management and control of, the Florida State Fire College and be
1362 invested with full power and authority to make all rules ~~and~~
1363 ~~regulations~~ necessary for the governance of the ~~said~~

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1364 institution.
1365 (i) Appoint a superintendent of the Florida State Fire
1366 College and such other instructors, experimental helpers, and
1367 laborers as may be necessary and remove the same as in the
1368 division's ~~its~~ judgment and discretion may be best, fix their
1369 compensation, and provide for their payment.
1370 (j) Have full management, possession, and control of the
1371 lands, buildings, structures, and property belonging to the
1372 Florida State Fire College.
1373 (k) Provide for the courses of study and curriculum of the
1374 Florida State Fire College.
1375 (l) Make rules ~~and regulations~~ for the admission of
1376 trainees to the Florida State Fire College.
1377 (m) Visit and inspect the Florida State Fire College ~~and~~
1378 ~~every department thereof~~ and provide for the proper keeping of
1379 accounts and records thereof.
1380 (n) Make and prepare all necessary budgets of expenditures
1381 for the enlargement, proper furnishing, maintenance, support,
1382 and conduct of the Florida State Fire College.
1383 (o) Select and purchase all property, furniture, fixtures,
1384 and paraphernalia necessary for the Florida State Fire College.
1385 (p) Build, construct, change, enlarge, repair, and maintain
1386 any and all buildings or structures of the Florida State Fire
1387 College that may at any time be necessary for the ~~said~~
1388 institution and purchase and acquire all lands and property
1389 necessary for same, of every nature and description whatsoever.
1390 (q) Care for and maintain the Florida State Fire College
1391 and do and perform every other matter or thing requisite to the
1392 proper management, maintenance, support, and control of the ~~said~~

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1393 institution, necessary or requisite to carry out fully the
1394 purpose of this chapter ~~act~~ and for raising it to, and
1395 maintaining it at, the proper efficiency and standard as
1396 required in and by part IV ~~the provisions of ss. 633.43-633.49~~.
1397 (r) Issue a license, certificate, or permit of a specific
1398 class to an individual who successfully completes the training,
1399 education, and examination required under this chapter or by
1400 rule for such class of license, certificate, or permit.
1401 (2) The division, subject to the limitations and
1402 restrictions ~~elsewhere herein~~ imposed in this chapter, may:
1403 (a) Adopt rules ~~and regulations~~ for the administration of
1404 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.
1405 (b) Adopt a seal and alter the same at its pleasure.
1406 (c) Sue and be sued.
1407 (d) Acquire any real or personal property by purchase,
1408 gift, or donation, and have water rights.
1409 (e) Exercise the right of eminent domain to acquire any
1410 property and lands necessary to the establishment, operation,
1411 and expansion of the Florida State Fire College.
1412 (f) Make contracts and execute necessary or convenient
1413 instruments.
1414 (g) Undertake by contract or contracts, or by its own agent
1415 and employees, and otherwise than by contract, any project or
1416 projects, and operate and maintain such projects.
1417 (h) Accept grants of money, materials, or property of any
1418 kind from a federal agency, private agency, county,
1419 municipality, ~~city, town,~~ corporation, partnership, or
1420 individual upon such terms and conditions as the grantor may
1421 impose.

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1422 (i) Perform all acts and do all things necessary or
1423 convenient to carry out the powers granted herein and the
1424 purposes of this chapter ~~ss. 633.30-633.49~~.
1425 (3) The title to all property referred to in part IV ~~ss.~~
1426 ~~633.43-633.49~~, however acquired, shall be vested in the
1427 department and shall only be transferred and conveyed by it.
1428 Section 15. Section 633.132, Florida Statutes, is created
1429 to read:
1430 633.132 Fees.—
1431 (1) The division shall collect in advance the following
1432 fees that it deems necessary to be charged:
1433 (a) Pursuant to part III of this chapter:
1434 1. Contractor certificate initial application: $300 for
1435 each class of certificate.
1436 2. Contractor biennial renewal fee: $150 for each class of
1437 certificate.
1438 3. Contractor permit initial application fee: $100 for each
1439 class of permit.
1440 4. Contractor permit biennial renewal fee: $50 for each
1441 class of permit.
1442 5. Contractor examination or reexamination fee: $100 for
1443 each class of certificate.
1444 6. Fire equipment dealer license:
1445 a. Class A: $250.
1446 b. Class B: $150.
1447 c. Class C: $150.
1448 d. Class D: $200.
1449 7. Fire equipment dealer or contractor application and
1450 renewal fee for an inactive license: $75.

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1451 8. Fire equipment dealer license or permit exam or
1452 reexamination: $50.
1453 9. Reinspection fee for a dealer equipment inspection
1454 conducted by the State Fire Marshal under s. 633.304(1): $50 for
1455 each reinspection.
1456 10. Permit for a portable fire extinguisher
1457 installer/repairer/inspector: $90.
1458 11. Permit for a preengineered fire extinguishing system
1459 installer/repairer/inspector: $120.
1460 12. Conversion of a fire equipment dealer's license to a
1461 different category: $10 for each permit and license.
1462 (b) Pursuant to part IV of this chapter:
1463 1. Certificate of compliance: $30.
1464 2. Certificate of competency: $30.
1465 3. Renewal fee for a certificate of compliance, competency,
1466 or instruction: $15.
1467 (c) Duplicate or change of address for any license, permit,
1468 or certificate: $10.
1469 (2) All moneys collected by the State Fire Marshal pursuant
1470 to this chapter shall be deposited into the Insurance Regulatory
1471 Trust Fund.
1472 Section 16. Section 633.39, Florida Statutes, is
1473 transferred and renumbered as section 633.134, Florida Statutes.
1474 Section 17. Section 633.115, Florida Statutes, is
1475 transferred, renumbered as section 633.136, Florida Statutes,
1476 and amended to read:
1477 633.136 ~~633.115~~ Fire and Emergency Incident Information
1478 Reporting Program; duties; fire reports.—
1479 (1)(a) The Fire and Emergency Incident Information

1480 Reporting Program is created within the division ~~of State Fire~~
1481 ~~Marshal~~. The program shall:
1482 1. Establish and maintain an electronic communication
1483 system capable of transmitting fire and emergency incident
1484 information to and between fire protection agencies.
1485 2. Initiate a Fire and Emergency Incident Information
1486 Reporting System that shall be responsible for:
1487 a. Receiving fire and emergency incident information from
1488 fire protection agencies.
1489 b. Preparing and disseminating annual reports to the
1490 Governor, the President of the Senate, the Speaker of the House
1491 of Representatives, fire protection agencies, and, upon request,
1492 the public. Each report shall include, but not be limited to,
1493 the information listed in the National Fire Incident Reporting
1494 System.
1495 c. Upon request, providing other states and federal
1496 agencies with fire and emergency incident data of this state.
1497 3. Adopt rules to effectively and efficiently implement,
1498 administer, manage, maintain, and use the Fire and Emergency
1499 Incident Information Reporting Program. The rules shall be
1500 considered minimum requirements and shall not preclude a fire
1501 protection agency from implementing its own requirements which
1502 may ~~shall~~ not conflict with the rules of the division ~~of State~~
1503 ~~Fire Marshal~~.
1504 4. By rule, establish procedures and a format for each fire
1505 protection agency to voluntarily monitor its records and submit
1506 reports to the program.
1507 5. Establish an electronic information database that ~~which~~
1508 is accessible and searchable by fire protection agencies.

1509 (b) The division ~~of State Fire Marshal~~ shall consult with
1510 the Florida Forest Service of the Department of Agriculture and
1511 Consumer Services and the State Surgeon General of the
1512 Department of Health to coordinate data, ensure accuracy of the
1513 data, and limit duplication of efforts in data collection,
1514 analysis, and reporting.
1515 (2) The Fire and Emergency Incident Information System
1516 Technical Advisory Panel is created within the division ~~of State~~
1517 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
1518 the State Fire Marshal with respect to the requirements of this
1519 section. The membership of the panel shall consist of the
1520 following 15 members:
1521 (a) The current 13 members of the Firefighters Employment,
1522 Standards, and Training Council as established in s. 633.402
1523 ~~633.31~~.
1524 (b) One member from the Florida Forest Service of the
1525 Department of Agriculture and Consumer Services, appointed by
1526 the director of the Florida Forest Service.
1527 (c) One member from the Department of Health, appointed by
1528 the State Surgeon General.
1529 (3) For the purpose of this section, the term "fire
1530 protection agency" shall be defined by rule by the division ~~of~~
1531 ~~State Fire Marshal~~.
1532 Section 18. Section 633.138, Florida Statutes, is created
1533 to read:
1534 633.138 Notice of change of address of record; notice of
1535 felony actions.—
1536 (1) Any individual issued a license, permit, or certificate
1537 under this chapter shall notify the division in writing of any

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1538 changes to her or his current mailing address, e-mail address,
1539 and place of practice as specified in rule adopted by the
1540 division.
1541 (2) Notwithstanding any other provision of law, delivery by
1542 regular mail or e-mail to a licensee, permittee, or
1543 certificateholder, using the last known mailing address or e-
1544 mail address on record with the division, constitutes adequate
1545 and sufficient notice to the licensee, permittee, or
1546 certificateholder of any official communication by the division.
1547 (3) Any individual issued a license, permit, or certificate
1548 under this chapter shall notify the division in writing within
1549 30 days after pleading guilty or nolo contendere to, or being
1550 convicted or found guilty of, any felony or a crime punishable
1551 by imprisonment of 1 year or more under the law of the United
1552 States or of any state thereof, or under the law of any other
1553 country, without regard to whether a judgment of conviction has
1554 been entered by the court having jurisdiction of the case.
1555 Section 19. Section 633.042, Florida Statutes, is
1556 transferred and renumbered as section 633.142, Florida Statutes,
1557 and subsection (11) of that section is amended, to read:
1558 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity
1559 Standard and Firefighter Protection Act; preemption.—
1560 (11) PREEMPTION.—
1561 (a) This section shall be repealed if a federal reduced
1562 cigarette ignition propensity standard that preempts this
1563 section is adopted and becomes effective.
1564 (b) Notwithstanding any other provision of law, local
1565 governmental units of this state may not enact or enforce any
1566 ordinance or other local law or rule conflicting with, or

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1567 preempted by, any provision of this act or any policy of this
1568 state expressed by this act, whether that policy be expressed by
1569 inclusion of a provision in this act or by exclusion of that
1570 subject from this act.
1571 Section 20. The Division of Law Revision and Information is
1572 requested to create part II of chapter 633, Florida Statutes,
1573 consisting of sections 633.202, 633.204, 633.206, 633.208,
1574 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,
1575 and 633.228, Florida Statutes, to be entitled "Fire Safety and
1576 Prevention."
1577 Section 21. Section 633.0215, Florida Statutes, is
1578 transferred and renumbered as section 633.202, Florida Statutes,
1579 and subsections (2), (4), (7), (9), (10), and (12) through (15)
1580 of that section are amended, to read:
1581 633.202 ~~633.0215~~ Florida Fire Prevention Code.—
1582 (2) The State Fire Marshal shall adopt the current edition
1583 of the National Fire Protection Association's Standard 1, Fire
1584 Prevention Code but may ~~shall~~ not adopt a building, mechanical,
1585 or plumbing code. The State Fire Marshal shall adopt the current
1586 edition of the Life Safety Code, NFPA ~~Pamphlet~~ 101, current
1587 editions, by reference. The State Fire Marshal may modify the
1588 selected codes and standards as needed to accommodate the
1589 specific needs of the state. Standards or criteria in the
1590 selected codes shall be similarly incorporated by reference. The
1591 State Fire Marshal shall incorporate within sections of the
1592 Florida Fire Prevention Code provisions that address uniform
1593 firesafety standards as established in s. 633.206 ~~633.022~~. The
1594 State Fire Marshal shall incorporate within sections of the
1595 Florida Fire Prevention Code provisions addressing regional and

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1596 local concerns and variations.
1597 (4) The State Fire Marshal shall update, by rule adopted
1598 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
1599 Prevention Code every 3 years. Once initially adopted and
1600 subsequently updated, the Florida Fire Prevention Code ~~and the~~
1601 ~~Life Safety Code~~ shall be adopted for use statewide without
1602 adoptions by local governments. When updating the Florida Fire
1603 Prevention Code ~~and the most recent edition of the Life Safety~~
1604 ~~Code~~, the State Fire Marshal shall consider changes made by the
1605 national model fire codes incorporated into the Florida Fire
1606 Prevention Code, the State Fire Marshal's own interpretations,
1607 declaratory statements, appellate decisions, and approved
1608 statewide and local technical amendments.
1609 (7) Any local amendment adopted by a local government must
1610 strengthen the Fire Prevention Code requirements of the minimum
1611 firesafety code.
1612 (9) The State Fire Marshal shall make rules that implement
1613 this section and ss. 633.104 and 633.208 ~~633.01 and 633.025~~ for
1614 the purpose of accomplishing the objectives set forth in those
1615 sections.
1616 (10) Notwithstanding other provisions of this chapter, if a
1617 county or a municipality within that county adopts an ordinance
1618 providing for a local amendment to the Florida Fire Prevention
1619 Code and that amendment provides a higher level of protection to
1620 the public than the level specified in the Florida Fire
1621 Prevention Code, the local amendment becomes effective without
1622 approval of the State Fire Marshal and is not rescinded pursuant
1623 to ~~the provisions of~~ this section, provided that the ordinance
1624 meets one or more of the following criteria:

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1625 (a) The local authority has adopted, by ordinance, a fire
1626 service facilities and operation plan that outlines goals and
1627 objectives for related equipment, personnel, and capital
1628 improvement needs of the local authority related to the specific
1629 amendment for the next 5 years;
1630 (b) The local authority has adopted, by ordinance, a
1631 provision requiring proportionate reduction in, or rebate or
1632 waivers of, impact or other fees or assessments levied on
1633 buildings that are built or modified in compliance with the more
1634 stringent firesafety standards required by the local amendment;
1635 or
1636 (c) The local authority has adopted, by ordinance, a growth
1637 management plan that requires buildings and structures to be
1638 equipped with more stringent firesafety requirements required by
1639 the local amendment when these firesafety requirements are used
1640 as the basis for planning infrastructure development, uses, or
1641 housing densities.
1642
1643 Except as provided in s. 633.206 ~~633.022~~, the local appeals
1644 process shall be the venue if there is a dispute between parties
1645 affected by the provisions of the more stringent local
1646 firesafety amendment adopted as part of the Florida Fire
1647 Prevention Code pursuant to the authority in this subsection.
1648 Local amendments adopted pursuant to this subsection shall be
1649 deemed local or regional variations and published as such in the
1650 Florida Fire Prevention Code. The act of publishing locally
1651 adopted firesafety amendments to the Florida Fire Prevention
1652 Code may ~~shall~~ not be construed to mean that the State Fire
1653 Marshal approves or denies the authenticity or appropriateness

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1654 of the locally adopted firesafety provision, and the burden of
1655 protecting the local firesafety amendment remains solely with
1656 the adopting local governmental authority.
1657 ~~(12) Notwithstanding other provisions of this section, the~~
1658 ~~State Fire Marshal shall study the use of managed, facilities-~~
1659 ~~based, voice over Internet protocol telephone service for~~
1660 ~~monitoring fire alarm signals. If the study determines that~~
1661 ~~voice over Internet protocol telephone service technology~~
1662 ~~provides a level of protection equivalent to that required by~~
1663 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
1664 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
1665 ~~December 1, 2008, to allow the use of this technology as an~~
1666 ~~additional method of monitoring fire alarm systems.~~
1667 (12)~~(13)~~(a) The State Fire Marshal shall issue an expedited
1668 declaratory statement relating to interpretations of ~~provisions~~
1669 ~~of~~ the Florida Fire Prevention Code according to the following
1670 guidelines:
1671 1. The declaratory statement shall be rendered in
1672 accordance with s. 120.565, except that a final decision must be
1673 issued by the State Fire Marshal within 45 days after the
1674 division's receipt of a petition seeking an expedited
1675 declaratory statement. The State Fire Marshal shall give notice
1676 of the petition and the expedited declaratory statement or the
1677 denial of the petition in the next available issue of the
1678 Florida Administrative Register ~~Weekly~~ after the petition is
1679 filed and after the statement or denial is rendered.
1680 2. The petitioner must be the owner of the disputed project
1681 or the owner's representative.
1682 3. The petition for an expedited declaratory statement must

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1683 be:
1684 a. Related to an active project that is under construction
1685 or must have been submitted for a permit.
1686 b. The subject of a written notice citing a specific
1687 provision of the Florida Fire Prevention Code which is in
1688 dispute.
1689 c. Limited to a single question that is capable of being
1690 answered with a "yes" or "no" response.
1691 (b) A petition for a declaratory statement which does not
1692 meet all of the requirements of this subsection must be denied
1693 without prejudice. This subsection does not affect the right of
1694 the petitioner as a substantially affected person to seek a
1695 declaratory statement under s. 633.104(6) ~~633.01(6)~~.
1696 (13)~~(14)~~ A condominium, cooperative, or multifamily
1697 residential building that is less than four stories in height
1698 and has an exterior corridor providing a means of egress is
1699 exempt from installing a manual fire alarm system as required in
1700 s. 9.6 of the most recent edition of the Life Safety Code
1701 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
1702 ~~clarify existing law.~~
1703 (14)~~(15)~~ The Legislature finds that the electronic filing
1704 of construction plans will increase governmental efficiency,
1705 reduce costs, and increase timeliness of processing permits. If
1706 the fire code administrator or fire official provides for
1707 electronic filing, any construction plans, drawings,
1708 specifications, reports, final documents, or documents prepared
1709 or issued by a licensee may be dated and electronically signed
1710 and sealed by the licensee in accordance with part I of chapter
1711 668, and may be transmitted electronically to the fire code

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1712 administrator or fire official for approval.
1713 Section 22. Section 633.72, Florida Statutes, is
1714 transferred, renumbered as section 633.204, Florida Statutes,
1715 and amended to read:
1716 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—
1717 (1) There is created within the department the Florida Fire
1718 Code Advisory Council with 11 members appointed by the State
1719 Fire Marshal. The council shall advise and recommend to the
1720 State Fire Marshal changes to and interpretation of the uniform
1721 firesafety standards adopted under s. 633.206 ~~633.022~~, the
1722 Florida Fire Prevention Code, and those portions of the Florida
1723 Fire Prevention Code that have the effect of conflicting with
1724 building construction standards that are adopted pursuant to ss.
1725 633.202 and 633.206 ~~633.0215 and 633.022~~. The members of the
1726 council shall represent the following groups and professions:
1727 (a) One member shall be the State Fire Marshal, or his or
1728 her designated appointee who shall be an administrative employee
1729 of the marshal.~~;~~
1730 (b) One member shall be an administrative officer from a
1731 fire department representing a municipality, ~~or~~ a county, or a
1732 special district selected from a list of persons submitted by
1733 the Florida Fire Chiefs Association.~~;~~
1734 (c) One member shall be an architect licensed in the state
1735 selected from a list of persons submitted by the Florida
1736 Association/American Institute of Architects.~~;~~
1737 (d) One member shall be an engineer with fire protection
1738 design experience registered to practice in the state selected
1739 from a list of persons submitted by the Florida Engineering
1740 Society.~~;~~

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1741 (e) One member shall be an administrative officer from a
1742 building department of a county or municipality selected from a
1743 list of persons submitted by the Building Officials Association
1744 of Florida.~~;~~
1745 (f) One member shall be a contractor licensed in the state
1746 selected from a list submitted by the Florida Home Builders
1747 Association.~~;~~
1748 (g) One member shall be a Florida ~~certified~~ firefighter
1749 selected from a list submitted by the Florida Professional
1750 Firefighters' Association.~~;~~
1751 (h) One member shall be a Florida certified firesafety
1752 ~~municipal fire~~ inspector selected from a list submitted by the
1753 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.~~;~~
1754 (i) One member shall be selected from a list submitted by
1755 the Department of Education.~~;~~
1756 (j) One member shall be selected from a list submitted by
1757 the Chancellor of the State University System.~~; and~~
1758 (k) One member shall be representative of the general
1759 public.
1760 (2) The State Fire Marshal and the Florida Building
1761 Commission shall coordinate efforts to provide consistency
1762 between the Florida Building Code and the Florida Fire
1763 Prevention Code ~~and the Life Safety Code~~.
1764 (3) The council shall meet at least semiannually to advise
1765 the State Fire Marshal's Office on matters subject to this
1766 section.
1767 (4) The council may review proposed changes to the Florida
1768 Fire Prevention Code and the uniform firesafety standards
1769 pursuant to s. 633.202(4).

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1770 (5) ~~(3)~~ The council and Florida Building Commission shall
1771 cooperate through joint representation and coordination of codes
1772 and standards to resolve conflicts in their development,
1773 updating, and interpretation.
1774 (6) ~~(4)~~ Each appointee shall serve a 4-year term. No member
1775 shall serve more than two consecutive terms. A ~~No~~ member of the
1776 council may not ~~shall~~ be paid a salary as such member, but each
1777 shall receive travel and expense reimbursement as provided in s.
1778 112.061.
1779 Section 23. Section 633.022, Florida Statutes, is
1780 transferred and renumbered as section 633.206, Florida Statutes,
1781 and subsection (1) and paragraph (a) of subsection (4) of that
1782 section are amended, to read:
1783 633.206 ~~633.022~~ Uniform firesafety standards.—The
1784 Legislature hereby determines that to protect the public health,
1785 safety, and welfare it is necessary to provide for firesafety
1786 standards governing the construction and utilization of certain
1787 buildings and structures. The Legislature further determines
1788 that certain buildings or structures, due to their specialized
1789 use or to the special characteristics of the person utilizing or
1790 occupying these buildings or structures, should be subject to
1791 firesafety standards reflecting these special needs as may be
1792 appropriate.
1793 (1) The department shall establish uniform firesafety
1794 standards that apply to:
1795 (a) All new, existing, and proposed state-owned and state-
1796 leased buildings.
1797 (b) All new, existing, and proposed hospitals, nursing
1798 homes, assisted living facilities, adult family-care homes,

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1799 correctional facilities, public schools, transient public
1800 lodging establishments, public food service establishments,
1801 elevators, migrant labor camps, mobile home parks, lodging
1802 parks, recreational vehicle parks, recreational camps,
1803 residential and nonresidential child care facilities, facilities
1804 for the developmentally disabled, motion picture and television
1805 special effects productions, tunnels, and self-service gasoline
1806 stations, of which standards the State Fire Marshal is the final
1807 administrative interpreting authority.
1808
1809 In the event there is a dispute between the owners of the
1810 buildings specified in paragraph (b) and a local authority
1811 requiring a more stringent uniform firesafety standard for
1812 sprinkler systems, the State Fire Marshal shall be the final
1813 administrative interpreting authority and the State Fire
1814 Marshal's interpretation regarding the uniform firesafety
1815 standards shall be considered final agency action.
1816 (4)(a) Notwithstanding any provision of law to the
1817 contrary, each nursing home licensed under part II of chapter
1818 400 shall be protected throughout by an approved, supervised
1819 automatic sprinkler system in accordance with s. 9 of National
1820 Fire Protection Association, Inc., Life Safety Code, no later
1821 than December 31, 2010. ~~A nursing home licensee shall submit~~
1822 ~~complete sprinkler construction documents to the Agency for~~
1823 ~~Health Care Administration for review by December 31, 2008, and~~
1824 ~~the licensee must gain final approval to start construction from~~
1825 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~
1826 ~~extension to a nursing home licensee if the completion and~~
1827 ~~submission of the sprinkler construction documents are~~

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1828 ~~contingent upon the approval of the application for the loan~~
1829 ~~guarantee program authorized under s. 633.0245. In such case,~~
1830 ~~the agency may extend the deadline for final approval to begin~~
1831 ~~construction beyond June 30, 2009, but the deadline may not be~~
1832 ~~extended beyond December 31, 2009.~~
1833 Section 24. Section 633.025, Florida Statutes, is
1834 transferred, renumbered as section 633.208, Florida Statutes,
1835 and amended to read:
1836 633.208 ~~633.025~~ Minimum firesafety standards.—
1837 (1) The Florida Fire Prevention Code ~~and the Life Safety~~
1838 ~~Code~~ adopted by the State Fire Marshal, which shall operate in
1839 conjunction with the Florida Building Code, shall be deemed
1840 adopted by each municipality, county, and special district with
1841 firesafety responsibilities. The minimum firesafety codes do
1842 ~~shall~~ not apply to buildings and structures subject to the
1843 uniform firesafety standards under s. 633.206 ~~633.022~~ and
1844 buildings and structures subject to the minimum firesafety
1845 standards adopted pursuant to s. 394.879.
1846 (2) Pursuant to subsection (1), each municipality, county,
1847 and special district with firesafety responsibilities shall
1848 enforce the Florida Fire Prevention Code ~~and the Life Safety~~
1849 ~~Code~~ as the minimum firesafety code required by this section.
1850 ~~(3) The most current edition of the National Fire~~
1851 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~
1852 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
1853 ~~municipality, county, and special district with firesafety~~
1854 ~~responsibilities as part of the minimum firesafety code.~~
1855 (3)~~(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
1856 municipality, county, or special district with firesafety

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1857 responsibilities may adopt more stringent firesafety standards,
1858 subject to the requirements of this subsection. Such county,
1859 municipality, or special district may establish alternative
1860 requirements to those requirements which are required under the
1861 minimum firesafety standards on a case-by-case basis, in order
1862 to meet special situations arising from historic, geographic, or
1863 unusual conditions, if the alternative requirements result in a
1864 level of protection to life, safety, or property equal to or
1865 greater than the applicable minimum firesafety standards. For
1866 the purpose of this subsection, the term "historic" means that
1867 the building or structure is listed on the National Register of
1868 Historic Places of the United States Department of the Interior.
1869 (a) The local governing body shall determine, following a
1870 public hearing which has been advertised in a newspaper of
1871 general circulation at least 10 days before the hearing, if
1872 there is a need to strengthen the requirements of the minimum
1873 firesafety code adopted by such governing body. The
1874 determination must be based upon a review of local conditions by
1875 the local governing body, which review demonstrates that local
1876 conditions justify more stringent requirements than those
1877 specified in the minimum firesafety code for the protection of
1878 life and property or justify requirements that meet special
1879 situations arising from historic, geographic, or unusual
1880 conditions.
1881 (b) Such additional requirements may ~~shall~~ not be
1882 discriminatory as to materials, products, or construction
1883 techniques of demonstrated capabilities.
1884 (c) Paragraphs (a) and (b) apply solely to the local
1885 enforcing agency's adoption of requirements more stringent than

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1886 those specified in the Florida Fire Prevention Code and the Life
1887 Safety Code that have the effect of amending building
1888 construction standards. Upon request, the enforcing agency must
1889 ~~shall~~ provide a person making application for a building permit,
1890 or any state agency or board with construction-related
1891 regulation responsibilities, a listing of all such requirements
1892 and codes.
1893 (d) A local government which adopts amendments to the
1894 minimum firesafety code must provide a procedure by which the
1895 validity of such amendments may be challenged by any
1896 substantially affected party to test the amendment's compliance
1897 with ~~the provisions of~~ this section.
1898 1. Unless the local government agrees to stay enforcement
1899 of the amendment, or other good cause is shown, the challenging
1900 party shall be entitled to a hearing on the challenge within 45
1901 days.
1902 2. For purposes of such challenge, the burden of proof
1903 shall be on the challenging party, but the amendment may ~~shall~~
1904 not be presumed to be valid or invalid.
1905
1906 This subsection gives local government the authority to
1907 establish firesafety codes that exceed the Florida Fire
1908 Prevention Code ~~minimum firesafety codes and standards~~ adopted
1909 by the State Fire Marshal. The Legislature intends that local
1910 government give proper public notice and hold public hearings
1911 before adopting more stringent firesafety codes ~~and standards~~. A
1912 substantially affected person may appeal, to the department, the
1913 local government's resolution of the challenge, and the
1914 department shall determine if the amendment complies with this

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1915 section. Actions of the department are subject to judicial
1916 review pursuant to s. 120.68. The department shall consider
1917 reports of the Florida Building Commission, pursuant to part IV
1918 of chapter 553, when evaluating building code enforcement.
1919 (4) ~~(5)~~ The new building or structure provisions enumerated
1920 within the Florida Fire Prevention Code ~~firesafety code~~ adopted
1921 pursuant to this section shall apply only to buildings or
1922 structures for which the building permit is issued on or after
1923 the effective date of the current edition of the Florida Fire
1924 Prevention Code ~~this act~~. Subject to ~~the provisions of~~
1925 subsection (5) ~~(6)~~, the existing building or structure
1926 provisions enumerated within the firesafety code adopted
1927 pursuant to this section shall apply to buildings or structures
1928 for which the building permit was issued or the building or
1929 structure was constructed before ~~prior to~~ the effective date of
1930 this act.
1931 (5) ~~(6)~~ With regard to existing buildings, the Legislature
1932 recognizes that it is not always practical to apply any or all
1933 of the provisions of the Florida Fire Prevention Code ~~minimum~~
1934 ~~firesafety code~~ and that physical limitations may require
1935 disproportionate effort or expense with little increase in fire
1936 or life safety ~~lifesafety~~. Prior to applying the minimum
1937 firesafety code to an existing building, the local fire official
1938 shall determine that a threat to lifesafety or property exists.
1939 If a threat to lifesafety or property exists, the fire official
1940 shall apply the applicable firesafety code for existing
1941 buildings to the extent practical to assure a reasonable degree
1942 of lifesafety and safety of property or the fire official shall
1943 fashion a reasonable alternative which affords an equivalent

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1944 degree of lifesafety and safety of property. The decision of the
1945 local fire official may be appealed to the local administrative
1946 board described in s. 553.73.
1947 (6) ~~(7)~~ Nothing herein shall preclude a municipality,
1948 county, or special district from requiring a structure to be
1949 maintained in accordance with the Florida Fire Prevention Code
1950 ~~applicable firesafety code~~.
1951 (7) ~~(8)~~ Electrically operated single station smoke detectors
1952 required for residential buildings are not required to be
1953 interconnected within individual living units in all buildings
1954 having direct access to the outside from each living unit and
1955 having three stories or less. This subsection does not apply to
1956 any residential building required to have a manual or an
1957 automatic fire alarm system.
1958 (8) ~~(9)~~ The provisions of the Life Safety Code, as contained
1959 in the Florida Fire Prevention Code, do ~~shall~~ not apply to newly
1960 constructed one-family and two-family dwellings. However, fire
1961 sprinkler protection may be permitted by local government in
1962 lieu of other fire protection-related development requirements
1963 for such structures. While local governments may adopt fire
1964 sprinkler requirements for one- and two-family dwellings under
1965 this subsection, it is the intent of the Legislature that the
1966 economic consequences of the fire sprinkler mandate on home
1967 owners be studied before the enactment of such a requirement.
1968 After the effective date of this act, any local government that
1969 desires to adopt a fire sprinkler requirement on one- or two-
1970 family dwellings must prepare an economic cost and benefit
1971 report that analyzes the application of fire sprinklers to one-
1972 or two-family dwellings or any proposed residential subdivision.

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1973 The report must consider the tradeoffs and specific cost savings
1974 and benefits of fire sprinklers for future owners of property.
1975 The report must include an assessment of the cost savings from
1976 any reduced or eliminated impact fees if applicable, the
1977 reduction in special fire district tax, insurance fees, and
1978 other taxes or fees imposed, and the waiver of certain
1979 infrastructure requirements including the reduction of roadway
1980 widths, the reduction of water line sizes, increased fire
1981 hydrant spacing, increased dead-end roadway length and a
1982 reduction in cul-de-sac sizes relative to the costs from fire
1983 sprinkling. A failure to prepare an economic report shall result
1984 in the invalidation of the fire sprinkler requirement to any
1985 one- or two-family dwelling or any proposed subdivision. In
1986 addition, a local jurisdiction or utility may not charge any
1987 additional fee, above what is charged to a non-fire sprinklered
1988 dwelling, on the basis that a one- or two-family dwelling unit
1989 is protected by a fire sprinkler system.
1990 (9) ~~(10)~~ Before imposing a fire sprinkler requirement on any
1991 one- or two-family dwelling, a local government must provide the
1992 owner of any one- or two-family dwelling a letter documenting
1993 specific infrastructure or other tax or fee allowances and
1994 waivers that are listed in but not limited to those described in
1995 subsection (8) ~~(9)~~ for the dwelling. The documentation must show
1996 that the cost savings reasonably approximate the cost of the
1997 purchase and installation of a fire protection system.
1998 (10) ~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)
1999 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire
2000 sprinklers in any residential property based upon the use of
2001 such property as a rental property or any change in or

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2002 reclassification of the property's primary use to a rental
2003 property.
2004 Section 25. Section 633.026, Florida Statutes, is
2005 transferred, renumbered as section 633.212, Florida Statutes,
2006 and amended to read:
2007 633.212 ~~633.026~~ Legislative intent; informal
2008 interpretations of the Florida Fire Prevention Code.—It is the
2009 intent of the Legislature that the Florida Fire Prevention Code
2010 be interpreted by fire officials and local enforcement agencies
2011 in a manner that reasonably and cost-effectively protects the
2012 public safety, health, and welfare; ensures uniform
2013 interpretations throughout this state; and provides just and
2014 expeditious processes for resolving disputes regarding such
2015 interpretations. It is the further intent of the Legislature
2016 that such processes provide for the expeditious resolution of
2017 the issues presented and that the resulting interpretation of
2018 such issues be published on the website of the division ~~of State~~
2019 ~~Fire Marshal~~.
2020 (1) The division ~~of State Fire Marshal~~ shall by rule
2021 establish an informal process of rendering nonbinding
2022 interpretations of the Florida Fire Prevention Code. The
2023 division ~~of State Fire Marshal~~ may contract with and refer
2024 interpretive issues to a third party, selected based upon cost
2025 effectiveness, quality of services to be performed, and other
2026 performance-based criteria, which has experience in interpreting
2027 and enforcing the Florida Fire Prevention Code. It is the intent
2028 of the Legislature that the division ~~of State Fire Marshal~~
2029 establish a Fire Code Interpretation Committee composed of seven
2030 persons and seven alternates, equally representing each area of

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2031 the state, to which a party can pose questions regarding the
2032 interpretation of the Florida Fire Prevention Code provisions.
2033 The alternate member may respond to a nonbinding interpretation
2034 if the member notifies the Fire Code Interpretation Committee
2035 that he or she is unable to respond.
2036 (2) Each member and alternate member of the Fire Code
2037 Interpretation Committee must be certified as a firesafety
2038 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a
2039 minimum of 5 years of experience interpreting and enforcing the
2040 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each
2041 member and alternate member must be approved by the division ~~of~~
2042 ~~State Fire Marshal~~ and deemed by the division to have met these
2043 requirements for at least 30 days before participating in a
2044 review of a nonbinding interpretation.
2045 (3) Each nonbinding interpretation of code provisions must
2046 be provided within 15 ~~10~~ business days after receipt of a
2047 request for interpretation. The response period established in
2048 this subsection may be waived only with the written consent of
2049 the party requesting the nonbinding interpretation and the
2050 division ~~of State Fire Marshal~~. Nonbinding interpretations shall
2051 be advisory only and nonbinding on the parties or the State Fire
2052 Marshal.
2053 (4) In order to administer this section, the division ~~of~~
2054 ~~State Fire Marshal~~ shall charge a fee for nonbinding
2055 interpretations. The fee may not exceed $150 for each request
2056 for a review or interpretation. The division may authorize
2057 payment of fees directly to the nonprofit organization under
2058 contract pursuant to subsection (1).
2059 (5) A party requesting a nonbinding interpretation who

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2060 disagrees with the interpretation issued under this section may
2061 apply for a declaratory statement ~~formal interpretation~~ from the
2062 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.
2063 (6) The division ~~of State Fire Marshal~~ shall issue or cause
2064 to be issued a nonbinding interpretation of the Florida Fire
2065 Prevention Code pursuant to this section when requested to do so
2066 upon submission of a petition by a fire official or by the owner
2067 or owner's representative or the contractor or contractor's
2068 representative of a project in dispute. The division shall adopt
2069 a petition form by rule, and the petition form must be published
2070 on the State Fire Marshal's website. The form must ~~shall~~, at a
2071 minimum, require:
2072 (a) The name and address of the local fire official,
2073 including the address of the county, municipality, or special
2074 district.
2075 (b) The name and address of the owner or owner's
2076 representative or the contractor or contractor's representative.
2077 (c) A statement of the specific sections of the Florida
2078 Fire Prevention Code being interpreted by the local fire
2079 official.
2080 (d) An explanation of how the petitioner's substantial
2081 interests are being affected by the local interpretation of the
2082 Florida Fire Prevention Code.
2083 (e) A statement of the interpretation of the specific
2084 sections of the Florida Fire Prevention Code by the local fire
2085 official.
2086 (f) A statement of the interpretation that the petitioner
2087 contends should be given to the specific sections of the Florida
2088 Fire Prevention Code and a statement supporting the petitioner's

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2089 interpretation.
2090 (g) A single question that is capable of being answered
2091 with a "yes" or "no" response.
2092 (7) Upon receipt of a petition that meets the requirements
2093 of subsection (6), the division ~~of State Fire Marshal~~ shall
2094 immediately provide copies of the petition to the Fire Code
2095 Interpretation Committee, and shall publish the petition and any
2096 response submitted by the local fire official on the State Fire
2097 Marshal's website.
2098 (8) The committee shall conduct proceedings as necessary to
2099 resolve the issues and give due regard to the petition, the
2100 facts of the matter at issue, specific code sections cited, and
2101 any statutory implications affecting the Florida Fire Prevention
2102 Code. The committee shall issue an interpretation regarding the
2103 provisions of the Florida Fire Prevention Code within 15 ~~10~~ days
2104 after the filing of a petition. The committee shall issue an
2105 interpretation based upon the Florida Fire Prevention Code or,
2106 if the code is ambiguous, the intent of the code. The
2107 committee's interpretation shall be provided to the petitioner
2108 and shall include a notice that if the petitioner disagrees with
2109 the interpretation, the petitioner may file a request for a
2110 declaratory statement ~~formal interpretation~~ by the State Fire
2111 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's
2112 interpretation shall be provided to the State Fire Marshal, and
2113 the division shall publish the declaratory statement
2114 ~~interpretation~~ on the State Fire Marshal's website and in the
2115 Florida Administrative Register ~~Weekly~~.
2116 Section 26. Section 633.052, Florida Statutes, is
2117 transferred and renumbered as section 633.214, Florida Statutes,

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2118 and paragraphs (a) and (b) of subsection (1), paragraph (d) of
2119 subsection (2), and subsections (3) and (4) of that section are
2120 amended, to read:
2121 633.214 ~~633.052~~ Ordinances relating to firesafety;
2122 definitions; penalties.—
2123 (1) As used in this section:
2124 (a) A "firesafety inspector" is an individual certified by
2125 the division ~~of State Fire Marshal~~, officially assigned the
2126 duties of conducting firesafety inspections of buildings and
2127 facilities on a recurring or regular basis, investigating civil
2128 infractions relating to firesafety, and issuing citations
2129 pursuant to this section on behalf of the state or any county,
2130 municipality, or special district with firesafety
2131 responsibilities.
2132 (b) "Citation" means a written notice, issued only after a
2133 written warning has been previously issued and a minimum time
2134 period of 45 days, except for major structural changes, which
2135 may be corrected within an extended adequate period of time,
2136 from the date of the issuance of the warning whereby the party
2137 warned may correct the alleged violation, issued to a person by
2138 a firesafety inspector, that the firesafety inspector has
2139 probable cause to believe that the person has committed a civil
2140 infraction in violation of a duly enacted ordinance and that the
2141 county court will hear the charge. The citation must ~~shall~~
2142 contain:
2143 1. The date and time of issuance.
2144 2. The name and address of the person.
2145 3. The date and time the civil infraction was committed.
2146 4. The facts constituting probable cause.

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2147 5. The Florida Fire Prevention Code ordinance violated.
2148 6. The name and authority of the firesafety inspector
2149 ~~officer~~.
2150 7. The procedure for the person to follow in order to pay
2151 the civil penalty or to contest the citation.
2152 8. The applicable civil penalty if the person elects to
2153 contest the citation.
2154 9. The applicable civil penalty if the person elects not to
2155 contest the citation.
2156 10. A conspicuous statement that if the person fails to pay
2157 the civil penalty within the time allowed or fails to appear in
2158 court to contest the citation, then she or he shall be deemed to
2159 have waived her or his right to contest the citation and that,
2160 in such case, judgment may be entered against the person for an
2161 amount up to the maximum civil penalty.
2162 (2) A county or municipality that has created a code
2163 enforcement board or special magistrate system pursuant to
2164 chapter 162 may enforce firesafety code violations as provided
2165 in chapter 162. The governing body of a county or municipality
2166 which has not created a code enforcement board or special
2167 magistrate system for firesafety under chapter 162 may ~~is~~
2168 ~~authorized to~~ enact ordinances relating to firesafety codes,
2169 which ordinances shall provide:
2170 (d) For the issuance of a citation by an officer who has
2171 probable cause to believe that a person has committed a
2172 violation of an ordinance relating to firesafety or the Florida
2173 Fire Prevention Code.
2174 (3) A person ~~Any person~~ who willfully refuses to sign and
2175 accept a citation issued by a firesafety inspector commits ~~shall~~

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2176 ~~be guilty of~~ a misdemeanor of the second degree, punishable as
2177 provided in s. 775.082 or s. 775.083.
2178 (4) ~~Nothing contained in~~ This section does not ~~shall~~
2179 prevent any county, ~~or~~ municipality, or special district from
2180 enacting any ordinance relating to firesafety codes which is
2181 identical to ~~the provisions of~~ this chapter or any state law,
2182 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or
2183 special district ordinance relating to firesafety codes may not
2184 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other
2185 state law.
2186 Section 27. Section 633.081, Florida Statutes, is
2187 transferred and renumbered as section 633.216, Florida Statutes,
2188 a new subsection (6) is added to that section, and present
2189 subsections (1) and (2), paragraph (c) of subsection (3), and
2190 subsections (4) through (9) of that section are amended, to
2191 read:
2192 633.216 ~~633.081~~ Inspection of buildings and equipment;
2193 orders; firesafety inspection training requirements;
2194 certification; disciplinary action.—The State Fire Marshal and
2195 her or his agents or persons authorized to enforce laws and
2196 rules of the State Fire Marshal shall, at any reasonable hour,
2197 when the State Fire Marshal has reasonable cause to believe that
2198 a violation of this chapter or s. 509.215, or a rule adopted
2199 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by
2200 the State Fire Marshal or a local authority, may exist, inspect
2201 any and all buildings and structures which are subject to the
2202 requirements of this chapter or s. 509.215 and rules adopted
2203 ~~promulgated~~ thereunder. The authority to inspect shall extend to
2204 all equipment, vehicles, and chemicals which are located on or

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2205 within the premises of any such building or structure.
2206 (1) Each county, municipality, and special district that
2207 has firesafety enforcement responsibilities shall employ or
2208 contract with a firesafety inspector. Except as provided in s.
2209 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must
2210 conduct all firesafety inspections that are required by law. The
2211 governing body of a county, municipality, or special district
2212 that has firesafety enforcement responsibilities may provide a
2213 schedule of fees to pay only the costs of inspections conducted
2214 pursuant to this subsection and related administrative expenses.
2215 Two or more counties, municipalities, or special districts that
2216 have firesafety enforcement responsibilities may jointly employ
2217 or contract with a firesafety inspector.
2218 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
2219 firesafety inspection conducted pursuant to state or local
2220 firesafety requirements shall be by a person certified as having
2221 met the inspection training requirements set by the State Fire
2222 Marshal. Such person shall meet the requirements of s.
2223 633.412(1)(a)-(d), and:
2224 (a) ~~Be a high school graduate or the equivalent as~~
2225 ~~determined by the department;~~
2226 ~~(b) Not have been found guilty of, or having pleaded guilty~~
2227 ~~or nolo contendere to, a felony or a crime punishable by~~
2228 ~~imprisonment of 1 year or more under the law of the United~~
2229 ~~States, or of any state thereof, which involves moral turpitude,~~
2230 ~~without regard to whether a judgment of conviction has been~~
2231 ~~entered by the court having jurisdiction of such cases;~~
2232 ~~(c) Have her or his fingerprints on file with the~~
2233 ~~department or with an agency designated by the department;~~

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2234 ~~(d) Have good moral character as determined by the~~
2235 ~~department;~~
2236 ~~(e) Be at least 18 years of age;~~
2237 ~~(f)~~ Have satisfactorily completed the firesafety inspector
2238 certification examination as prescribed by division rule ~~the~~
2239 ~~department~~; and
2240 (b)~~(g)~~1. Have satisfactorily completed, as determined by
2241 division rule ~~the department~~, a firesafety inspector training
2242 program of at least ~~not less than~~ 200 hours established by the
2243 department and administered by education or training providers
2244 ~~agencies and institutions~~ approved by the department for the
2245 purpose of providing basic certification training for firesafety
2246 inspectors; or
2247 2. Have received ~~in another state~~ training in another state
2248 which is determined by the division ~~department~~ to be at least
2249 equivalent to that required by the department for approved
2250 firesafety inspector education and training programs in this
2251 state.
2252 (3)
2253 (c)1. To be certified as a firesafety inspector under this
2254 section, a ~~any~~ person who:
2255 a. Is a special state firesafety inspector on July 1, 2011,
2256 and who does not have 5 years of experience as a special state
2257 firesafety inspector as of July 1, 2011; or
2258 b. Has 5 years of experience as a special state firesafety
2259 inspector but has failed the examination taken as provided in
2260 paragraph (2)(a) ~~(2)(f)~~, must take an additional 80 hours of the
2261 courses described in paragraph (2)(b) ~~(2)(g)~~.
2262 2. After successfully completing the courses described in

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2263 this paragraph, such person may take the firesafety inspection
2264 examination as provided in paragraph (2)(a) ~~(2)(f)~~, if such
2265 examination is taken before July 1, 2013.
2266 3. Upon passing the examination, the person shall be
2267 certified as a firesafety inspector as provided in this section.
2268 4. A person who fails the course of study or the
2269 examination described in this paragraph may not perform any
2270 firesafety inspection required by law on or after July 1, 2013.
2271 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
2272 may conduct firesafety inspections, under the supervision of a
2273 certified firesafety inspector, while on duty as a member of a
2274 fire department company conducting inservice firesafety
2275 inspections without being certified as a firesafety inspector,
2276 if such firefighter has satisfactorily completed an inservice
2277 fire department company inspector training program of at least
2278 24 hours' duration as provided by rule of the department.
2279 (5) Every firesafety inspector certificate is valid for a
2280 period of 4 ~~3~~ years from the date of issuance. Renewal of
2281 certification is subject to the affected person's completing
2282 proper application for renewal and meeting all of the
2283 requirements for renewal as established under this chapter or by
2284 rule adopted under this chapter, which must ~~shall~~ include
2285 completion of at least 54 ~~40~~ hours during the preceding 4-year
2286 ~~3-year~~ period of continuing education as required by the rule of
2287 the department or, in lieu thereof, successful passage of an
2288 examination as established by the department.
2289 (6) A previously certified firesafety inspector whose
2290 certification has lapsed for 8 years or more must repeat the
2291 fire safety inspector training as specified by the division.

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2292 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,
2293 suspend, or revoke the certificate of a firesafety inspector if
2294 the State Fire Marshal finds that any of the following grounds
2295 exist:
2296 (a) Any cause for which issuance of a certificate could
2297 have been refused had it then existed and been known to the
2298 division ~~State Fire Marshal~~.
2299 (b) Violation of this chapter or any rule or order of the
2300 State Fire Marshal.
2301 (c) Falsification of records relating to the certificate.
2302 ~~(d) Having been found guilty of or having pleaded guilty or~~
2303 ~~nolo contendere to a felony, whether or not a judgment of~~
2304 ~~conviction has been entered.~~
2305 (d) ~~(e)~~ Failure to meet any of the renewal requirements.
2306 ~~(f) Having been convicted of a crime in any jurisdiction~~
2307 ~~which directly relates to the practice of fire code inspection,~~
2308 ~~plan review, or administration.~~
2309 (e) ~~(g)~~ Making or filing a report or record that the
2310 certificateholder knows to be false, or knowingly inducing
2311 another to file a false report or record, or knowingly failing
2312 to file a report or record required by state or local law, or
2313 knowingly impeding or obstructing such filing, or knowingly
2314 inducing another person to impede or obstruct such filing.
2315 (f) ~~(h)~~ Failing to properly enforce applicable fire codes or
2316 permit requirements within this state which the
2317 certificateholder knows are applicable by committing willful
2318 misconduct, gross negligence, gross misconduct, repeated
2319 negligence, or negligence resulting in a significant danger to
2320 life or property.

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2321 (g) ~~(i)~~ Accepting labor, services, or materials at no charge
2322 or at a noncompetitive rate from a ~~any~~ person who performs work
2323 that is under the enforcement authority of the certificateholder
2324 and who is not an immediate family member of the
2325 certificateholder. For the purpose of this paragraph, the term
2326 "immediate family member" means a spouse, child, parent,
2327 sibling, grandparent, aunt, uncle, or first cousin of the person
2328 or the person's spouse or a ~~any~~ person who resides in the
2329 primary residence of the certificateholder.
2330 (8) ~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida
2331 Building Code Administrators and Inspectors Board, established
2332 pursuant to s. 468.605, shall enter into a reciprocity agreement
2333 to facilitate joint recognition of continuing education
2334 recertification hours for certificateholders licensed under s.
2335 468.609 and firesafety inspectors certified under subsection
2336 (2).
2337 (9) ~~(8)~~ The State Fire Marshal shall develop by rule an
2338 advanced training and certification program for firesafety
2339 inspectors having fire code management responsibilities. The
2340 program must be consistent with the appropriate provisions of
2341 NFPA 1037, or similar standards adopted by the division, and
2342 establish minimum training, education, and experience levels for
2343 firesafety inspectors having fire code management
2344 responsibilities.
2345 (10) ~~(9)~~ The department shall provide by rule for the
2346 certification of firesafety inspectors and Fire Code
2347 Administrators.
2348 Section 28. Section 633.085, Florida Statutes, is
2349 transferred and renumbered as section 633.218, Florida Statutes,

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2350 paragraph (a) of subsection (1) and subsections (2) through (5)
2351 of that section are amended, and paragraphs (e) and (f) are
2352 added to subsection (1) of that section, to read:
2353 633.218 ~~633.085~~ Inspections of state buildings and
2354 premises; tests of firesafety equipment; building plans to be
2355 approved.—
2356 (1)(a) It is the duty of the State Fire Marshal and her or
2357 his agents to inspect, or cause to be inspected, each state-
2358 owned building on a recurring basis established by rule, and to
2359 ensure that high-hazard occupancies are inspected at least
2360 annually, for the purpose of ascertaining and causing to be
2361 corrected any conditions liable to cause fire or endanger life
2362 from fire and any violation of the firesafety standards for
2363 state-owned buildings, ~~the provisions of~~ this chapter, or the
2364 rules ~~or regulations~~ adopted ~~and promulgated~~ pursuant hereto.
2365 The State Fire Marshal shall, within 7 days following an
2366 inspection, submit a report of such inspection to the head of
2367 the ~~department of~~ state agency ~~government~~ responsible for the
2368 building.
2369 (e) For purposes of this section:
2370 1.a. The term "high-hazard occupancy" means any building or
2371 structure:
2372 (I) That contains combustible or explosive matter or
2373 flammable conditions dangerous to the safety of life or
2374 property;
2375 (II) At which persons receive educational instruction;
2376 (III) At which persons reside, excluding private dwellings;
2377 or
2378 (IV) Containing three or more floor levels.

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2379 b. As used in this subparagraph, the phrase "building or
2380 structure":
2381 (I) Includes, but is not limited to, all hospitals and
2382 residential health care facilities, nursing homes and other
2383 adult care facilities, correctional or detention facilities,
2384 public schools, public lodging establishments, migrant labor
2385 camps, residential child care facilities, and self-service
2386 gasoline stations.
2387 (II) Does not include any residential condominium where the
2388 declaration of condominium or the bylaws provide that the rental
2389 of units shall not be permitted for less than 90 days.
2390 2. The term "state-owned building," includes private
2391 correctional facilities as defined under s. 944.710(3).
2392 (f) A state-owned building or state-leased building or
2393 space shall be identified through use of the United States
2394 National Grid Coordinate System.
2395 (2) The State Fire Marshal and her or his agents may ~~shall~~
2396 conduct performance tests on any electronic fire warning and
2397 smoke detection system, and any pressurized air-handling unit,
2398 in any state-owned building or state-leased building or space on
2399 a recurring basis as provided in subsection (1). The State Fire
2400 Marshal and her or his agents shall also ensure that fire drills
2401 are conducted in all high-hazard state-owned buildings or high-
2402 hazard state-leased ~~high hazard~~ occupancies at least annually.
2403 (3) All construction of any new state-owned building or
2404 state-leased building or space~~,~~ or any renovation, alteration,
2405 or change of occupancy of any existing, state-owned building or
2406 state-leased building or space must ~~shall~~ comply with the
2407 uniform firesafety standards of the State Fire Marshal.

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2408 (a) For all new construction or renovation, alteration, or
2409 change of occupancy of state-leased space, compliance with the
2410 uniform firesafety standards shall be determined by reviewing
2411 the plans for the proposed construction or occupancy submitted
2412 by the lessor to the division ~~of State Fire Marshal~~ for review
2413 and approval before ~~prior to~~ commencement of construction or
2414 occupancy, which review shall be completed within 10 working
2415 days after receipt of the plans by the division ~~of State Fire~~
2416 ~~Marshal~~.
2417 (b) The plans for all construction of any new, or
2418 renovation or alteration of any existing, state-owned building
2419 are subject to the review and approval of the division ~~of State~~
2420 ~~Fire Marshal~~ for compliance with the uniform firesafety
2421 standards before ~~prior to~~ commencement of construction or change
2422 of occupancy, which review shall be completed within 30 calendar
2423 days of receipt of the plans by the division ~~of State Fire~~
2424 ~~Marshal~~.
2425 (4) The division ~~of State Fire Marshal~~ may inspect state-
2426 owned buildings and space and state-leased buildings and space
2427 as necessary before ~~prior to~~ occupancy or during construction,
2428 renovation, or alteration to ascertain compliance with the
2429 uniform firesafety standards. Whenever the division ~~of State~~
2430 ~~Fire Marshal~~ determines by virtue of such inspection or by
2431 review of plans that construction, renovation, or alteration of
2432 state-owned buildings and state-leased buildings or space is not
2433 in compliance with the uniform firesafety standards, the
2434 division ~~of State Fire Marshal~~ shall issue an order to cease
2435 construction, renovation, or alteration, or to preclude
2436 occupancy, of a building until compliance is obtained, except

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2437 for those activities required to achieve such compliance.
2438 (5) The division ~~of State Fire Marshal~~ shall by rule
2439 provide a schedule of fees to pay for the costs of the
2440 inspections, whether recurring or high hazard, any firesafety
2441 review or plans for proposed construction, renovations, or
2442 occupancy, and related administrative expenses.
2443 Section 29. Section 633.027, Florida Statutes, is
2444 transferred and renumbered as section 633.222, Florida Statutes,
2445 and subsection (3) of that section is amended, to read:
2446 633.222 ~~633.027~~ Buildings with light-frame truss-type
2447 construction; notice requirements; enforcement.—
2448 (3) The State Fire Marshal, and local fire officials in
2449 accordance with s. 633.118 ~~633.121~~, shall enforce ~~the provisions~~
2450 ~~of~~ this section. An ~~Any~~ owner who fails to comply with the
2451 requirements of this section is subject to penalties as provided
2452 in s. 633.228 ~~633.161~~.
2453 Section 30. Section 633.60, Florida Statutes, is
2454 transferred and renumbered as section 633.224, Florida Statutes,
2455 and subsection (1) of that section is amended, to read:
2456 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-
2457 family dwellings, two-family dwellings, and mobile homes.—
2458 (1) It is unlawful for a ~~any~~ person to engage in the
2459 business or act in the capacity of a contractor of automatic
2460 fire sprinkler systems for one-family dwellings, two-family
2461 dwellings, and mobile homes without having been duly certified
2462 and holding a current certificate as a Contractor I, Contractor
2463 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.
2464 Section 31. Section 633.557, Florida Statutes, is
2465 transferred and renumbered as section 633.226, Florida Statutes.

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2466 Section 32. Section 633.161, Florida Statutes, is
2467 transferred and renumbered as section 633.228, Florida Statutes,
2468 and paragraphs (a) and (b) of subsection (1), paragraph (a) of
2469 subsection (2), and subsection (3) of that section are amended,
2470 to read:
2471 633.228 ~~633.161~~ Violations; orders to cease and desist,
2472 correct hazardous conditions, preclude occupancy, or vacate;
2473 enforcement; penalties.—
2474 (1) If it is determined by the department that a violation
2475 specified in this subsection exists, the State Fire Marshal or
2476 her or his deputy may issue and deliver to the person committing
2477 the violation an order to cease and desist from such violation,
2478 to correct any hazardous condition, to preclude occupancy of the
2479 affected building or structure, or to vacate the premises of the
2480 affected building or structure. Such violations are:
2481 (a) Except as set forth in paragraph (b), a violation of
2482 any provision of this chapter, of any rule adopted pursuant
2483 thereto, of any applicable uniform firesafety standard adopted
2484 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed
2485 by any alternative requirements adopted on a local level, or of
2486 any minimum firesafety standard adopted pursuant to s. 394.879.
2487 (b) A substantial violation of an applicable minimum
2488 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which
2489 is not reasonably addressed by any alternative requirement
2490 imposed at the local level, or an unreasonable interpretation of
2491 an applicable minimum firesafety standard, and which violation
2492 or interpretation clearly constitutes a danger to lifesafety.
2493 (2)(a) If, during the conduct of a firesafety inspection
2494 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is

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2495 determined that a violation described in this section exists
2496 which poses an immediate danger to the public health, safety, or
2497 welfare, the State Fire Marshal may issue an order to vacate the
2498 building in question, which order shall be immediately effective
2499 and shall be an immediate final order under s. 120.569(2)(n).
2500 With respect to a facility under the jurisdiction of a district
2501 school board or community college board of trustees, the order
2502 to vacate shall be issued jointly by the district superintendent
2503 or college president and the State Fire Marshal.
2504 (3) A ~~Any~~ person who violates or fails to comply with any
2505 order under subsection (1) or subsection (2) commits ~~is guilty~~
2506 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.
2507 Section 33. The Division of Law Revision and Information is
2508 directed to create part III of chapter 633, Florida Statutes,
2509 consisting of sections 633.302, 633.304, 633.306, 633.308,
2510 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,
2511 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
2512 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled
2513 "Fire Protection and Suppression."
2514 Section 34. Section 633.511, Florida Statutes, is
2515 transferred, renumbered as section 633.302, Florida Statutes,
2516 and amended to read:
2517 633.302 ~~633.511~~ Florida Fire Safety Board; membership;
2518 duties; meetings; officers; quorum; compensation; seal.—
2519 (1) The Florida Fire Safety Board is created consisting of
2520 seven members who are ~~citizens and~~ residents of this state. One
2521 shall be the State Fire Marshal, or her or his designee
2522 ~~designated appointee~~ who shall be an administrative employee of
2523 the marshal; one shall be an administrative officer from a

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2524 building department representing an incorporated municipality or
2525 a county; one shall be an administrative officer from a fire
2526 department representing an incorporated municipality or a
2527 county; two shall be contractors licensed pursuant to s. 633.318
2528 ~~633.521~~; and two shall be persons who hold valid licenses under
2529 s. 633.304 ~~633.061~~.
2530 (2)(a) To be eligible for appointment, each contractor must
2531 ~~shall~~ personally hold a current certificate of competency and a
2532 current license issued by the division ~~State Fire Marshal~~,
2533 together with an unexpired occupational license to operate as a
2534 contractor issued by an incorporated municipality or a county;
2535 be actively engaged in such business and have been so engaged
2536 for a period of not less than 5 consecutive years before the
2537 date of her or his appointment; and be a ~~citizen and~~ resident of
2538 the state.
2539 (b) To be eligible for appointment, each fire equipment
2540 dealer must ~~shall~~ personally hold a current Class A, B, or C and
2541 Class D fire equipment dealer license issued by the division
2542 ~~State Fire Marshal~~, together with an unexpired occupational
2543 license to operate as a fire equipment dealer issued by an
2544 incorporated municipality or a county; must ~~shall~~ be actively
2545 engaged in such business and have been so engaged for a period
2546 of not less than 5 consecutive years before the date of
2547 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this
2548 state.
2549 (3) The State Fire Marshal's term on the board, or that of
2550 her or his designee ~~designated administrative employee~~, shall
2551 coincide with the State Fire Marshal's term of office. Of the
2552 other six members of the board, one member shall be appointed

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2553 for a term of 1 year, one member for a term of 2 years, two
2554 members for terms of 3 years, and two members for terms of 4
2555 years. All terms expire on June 30 of the last year of the term.
2556 When ~~Effective July 1, 1997, as~~ the term of a ~~each~~ member
2557 expires, the State Fire Marshal shall appoint a member to fill
2558 the vacancy for a term of 4 years. The State Fire Marshal may
2559 remove any appointed member for cause. A vacancy in the
2560 membership of the board for any cause shall be filled by
2561 appointment by the State Fire Marshal for the balance of the
2562 unexpired term.
2563 (4) The board shall act in an advisory capacity to the
2564 State Fire Marshal and shall meet regularly as the need presents
2565 itself. The board shall have the authority to review complaints
2566 and disputed administrative action and make recommendations for
2567 disciplinary action to the division at the request of the
2568 licenseholder, permitholder, or certificateholder. The board
2569 will serve in an advisory capacity to the division regarding
2570 rules, codes, standards, interpretations, and training. As soon
2571 as practicable after July 1, 2013, the board shall meet to elect
2572 officers from its membership, whose terms shall expire on June
2573 30 and annually thereafter. A majority of the board shall
2574 constitute a quorum. A member of the advisory board may not be
2575 paid a salary as such member, but shall be reimbursed for
2576 necessary expenses while attending advisory board meetings,
2577 including travel in the performance of her or his duties, as
2578 provided in s. 112.061.
2579 (5) The board shall adopt a seal for its use containing the
2580 words "Florida Fire Safety Board."
2581 Section 35. Section 633.061, Florida Statutes, is

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2582 transferred and renumbered as section 633.304, Florida Statutes,
2583 and subsections (1) through (4) and subsection (9) of that
2584 section are amended, to read:
2585 633.304 ~~633.061~~ Fire suppression equipment; license to
2586 install or maintain.—
2587 (1) It is unlawful for any organization or individual to
2588 engage in the business of servicing, repairing, recharging,
2589 testing, marking, inspecting, installing, or hydrotesting any
2590 fire extinguisher or preengineered system in this state except
2591 in conformity with ~~the provisions of~~ this chapter. Each
2592 organization or individual that engages in such activity must
2593 possess a valid and subsisting license issued by the division
2594 ~~State Fire Marshal~~. All fire extinguishers and preengineered
2595 systems required by statute or by rule must be serviced by an
2596 organization or individual licensed under ~~the provisions of~~ this
2597 chapter. A licensee who receives appropriate training shall not
2598 be prohibited by a manufacturer from servicing any particular
2599 brand of fire extinguisher or preengineered system. The licensee
2600 is legally qualified to act for the business organization in all
2601 matters connected with its business, and the licensee must
2602 supervise all activities undertaken by such business
2603 organization. Each licensee shall maintain a specific business
2604 location. A further requirement, in the case of multiple
2605 locations where such servicing or recharging is taking place, is
2606 that each licensee who maintains more than one place of business
2607 where actual work is carried on must possess an additional
2608 license, as set forth in this section, for each location, except
2609 that a licensed individual may not qualify for more than five
2610 locations. A licensee is limited to a specific type of work

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2611 performed depending upon the class of license held. Licenses ~~and~~
2612 ~~license fees~~ are required for the following:
2613 (a) Class A: ~~— $250~~
2614 To service, recharge, repair, install, or inspect all types of
2615 fire extinguishers and to conduct hydrostatic tests on all types
2616 of fire extinguishers.
2617 (b) Class B: ~~— $150~~
2618 To service, recharge, repair, install, or inspect all types of
2619 fire extinguishers, including recharging carbon dioxide units
2620 and conducting hydrostatic tests on all types of fire
2621 extinguishers, except carbon dioxide units.
2622 (c) Class C: ~~— $150~~
2623 To service, recharge, repair, install, or inspect all types of
2624 fire extinguishers, except recharging carbon dioxide units, and
2625 to conduct hydrostatic tests on all types of fire extinguishers,
2626 except carbon dioxide units.
2627 (d) Class D: ~~— $200~~
2628 To service, repair, recharge, hydrotest, install, or inspect all
2629 types of preengineered fire extinguishing systems.
2630 ~~(e) Licenses issued as duplicates or to reflect a change of~~
2631 ~~address — $10~~
2632
2633 Any fire equipment dealer licensed pursuant to this subsection
2634 who does not want to engage in the business of servicing,
2635 inspecting, recharging, repairing, hydrotesting, or installing
2636 halon equipment must file an affidavit on a form provided by the
2637 division so stating. Licenses will be issued by the division to
2638 show ~~reflect~~ the work authorized thereunder. It is unlawful,
2639 unlicensed activity for a ~~any~~ person or firm to falsely hold

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2640 himself or herself or a business organization out to perform any
2641 service, inspection, recharge, repair, hydrotest, or
2642 installation except as specifically described in the license. A
2643 fire equipment dealer licensed pursuant to this subsection who
2644 wishes to withdraw a previously filed halon equipment exemption
2645 affidavit and engage in the business of servicing, inspecting,
2646 recharging, repairing, hydrotesting, or installing halon
2647 equipment must submit a written statement requesting the
2648 withdrawal to the division. The dealer must also submit to an
2649 inspection by the State Fire Marshal or her or his designee in
2650 order to determine that the dealer possesses the equipment
2651 required to service, inspect, recharge, repair, hydrotest, or
2652 install halon equipment.
2653 (2) A person who holds a valid fire equipment dealer
2654 license may maintain such license in an inactive status during
2655 which time he or she may not engage in any work under the
2656 definition of the license held. An inactive status license shall
2657 be void after 4 ~~2~~ years or when ~~at the time that~~ the license is
2658 renewed, whichever comes first. ~~The biennial renewal fee for an~~
2659 ~~inactive status license shall be $75.~~ An inactive status license
2660 may not be reactivated unless the continuing education
2661 requirements of this chapter have been fulfilled.
2662 (3) Each individual actually performing the work of
2663 servicing, recharging, repairing, hydrotesting, installing,
2664 testing, or inspecting fire extinguishers or preengineered
2665 systems must possess a valid and subsisting permit issued by the
2666 division ~~State Fire Marshal~~. Permittees are limited as to
2667 specific type of work performed to allow work no more extensive
2668 than the class of license held by the licensee under whom the

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2669 permittee is working. Permits will be issued by the division ~~and~~
2670 ~~the fees required are~~ as follows:
2671 (a) Portable permit:~~ $90~~ "Portable permittee" means a
2672 person who is limited to performing work no more extensive than
2673 the employing licensee in the servicing, recharging, repairing,
2674 installing, or inspecting all types of portable fire
2675 extinguishers.
2676 (b) Preengineered permit:~~ $120~~ "Preengineered
2677 permittee" means a person who is limited to the servicing,
2678 recharging, repairing, installing, or inspecting of all types of
2679 preengineered fire extinguishing systems.
2680 ~~(c) Permits issued as duplicates or to reflect a change of~~
2681 ~~address - $10~~
2682
2683 Any fire equipment permittee licensed pursuant to this
2684 subsection who does not want to engage in servicing, inspecting,
2685 recharging, repairing, hydrotesting, or installing halon
2686 equipment must file an affidavit on a form provided by the
2687 division so stating. Permits will be issued by the division to
2688 show ~~reflect~~ the work authorized thereunder. It is unlawful,
2689 unlicensed activity for a ~~any~~ person or firm to falsely hold
2690 himself or herself out to perform any service, inspection,
2691 recharge, repair, hydrotest, or installation except as
2692 specifically described in the permit.
2693 (4)(a) Such licenses and permits shall be issued by the
2694 division ~~State Fire Marshal~~ for 2 years beginning January 1,
2695 2000, and each 2-year period thereafter and expiring December 31
2696 of the second year. All licenses or permits issued will expire
2697 on December 31 of each odd-numbered year. The failure to renew a

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2698 license or permit by December 31 of the second year will cause
2699 the license or permit to become inoperative. The holder of an
2700 inoperative license or permit may ~~shall~~ not engage in any
2701 activities for which a license or permit is required by this
2702 section. A license or permit which is inoperative because of the
2703 failure to renew it shall be restored upon payment of the
2704 applicable fee plus a penalty equal to the applicable fee, if
2705 the application for renewal is filed no later than the following
2706 March 31. If the application for restoration is not made before
2707 the March 31st deadline, the fee for restoration shall be equal
2708 to the original application fee and the penalty provided for
2709 herein, and, in addition, the State Fire Marshal shall require
2710 reexamination of the applicant. The fee for a license or permit
2711 issued for 1 year or less shall be prorated at 50 percent of the
2712 applicable fee for a biennial license or permit.
2713 (b) After initial licensure, each licensee or permittee
2714 must successfully complete a course or courses of continuing
2715 education for fire equipment technicians of at least 16 hours. A
2716 license or permit may not be renewed unless the licensee or
2717 permittee produces documentation of the completion of at least
2718 16 hours of continuing education for fire equipment technicians
2719 during the biennial licensure period. A person who is both a
2720 licensee and a permittee shall be required to complete 16 hours
2721 of continuing education during each renewal period. Each
2722 licensee shall ensure that all permittees in his or her
2723 employment meet their continuing education requirements. The
2724 State Fire Marshal shall adopt rules describing the continuing
2725 education requirements and shall have the authority upon
2726 reasonable belief, to audit a fire equipment dealer to determine

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2727 compliance with continuing education requirements.
2728 (c) ~~(b)~~ The forms of such licenses and permits and
2729 applications therefor shall be prescribed by the State Fire
2730 Marshal; in addition to such other information and data as that
2731 officer determines is appropriate and required for such forms,
2732 there shall be included in such forms the following matters.
2733 Each such application must ~~shall~~ be in such form as to provide
2734 that the data and other information set forth therein shall be
2735 sworn to by the applicant or, if a corporation, by an officer
2736 thereof. An application for a permit must ~~shall~~ include the name
2737 of the licensee employing such permittee, and the permit issued
2738 in pursuance of such application must ~~shall~~ also set forth the
2739 name of such licensee. A permit is valid solely for use by the
2740 holder thereof in his or her employment by the licensee named in
2741 the permit.
2742 (d) ~~(c)~~ A license of any class may ~~shall~~ not be issued or
2743 renewed by the division ~~State Fire Marshal~~ and a license of any
2744 class does ~~shall~~ not remain operative unless:
2745 1. The applicant has submitted to the State Fire Marshal
2746 evidence of registration as a Florida corporation or evidence of
2747 compliance with s. 865.09.
2748 2. The State Fire Marshal or his or her designee has by
2749 inspection determined that the applicant possesses the equipment
2750 required for the class of license sought. The State Fire Marshal
2751 shall give an applicant a reasonable opportunity to correct any
2752 deficiencies discovered by inspection. To obtain such
2753 inspection, an applicant with facilities located outside this
2754 state must:
2755 a. Provide a notarized statement from a professional

2756 engineer licensed by the applicant's state of domicile
2757 certifying that the applicant possesses the equipment required
2758 for the class of license sought and that all such equipment is
2759 operable; or
2760 b. Allow the State Fire Marshal or her or his designee to
2761 inspect the facility. All costs associated with the State Fire
2762 Marshal's inspection shall be paid by the applicant. The State
2763 Fire Marshal, in accordance with s. 120.54, may adopt rules to
2764 establish standards for the calculation and establishment of the
2765 amount of costs associated with any inspection conducted by the
2766 State Fire Marshal under this section. Such rules shall include
2767 procedures for invoicing and receiving funds in advance of the
2768 inspection ~~A fee of $50, payable to the State Fire Marshal,~~
2769 ~~shall be required for any subsequent reinspection~~.
2770 3. The applicant has submitted to the State Fire Marshal
2771 proof of insurance providing coverage for comprehensive general
2772 liability for bodily injury and property damage, products
2773 liability, completed operations, and contractual liability. The
2774 State Fire Marshal shall adopt rules providing for the amounts
2775 of such coverage, but such amounts shall not be less than
2776 $300,000 for Class A or Class D licenses, $200,000 for Class B
2777 licenses, and $100,000 for Class C licenses; and the total
2778 coverage for any class of license held in conjunction with a
2779 Class D license may ~~shall~~ not be less than $300,000. The State
2780 Fire Marshal may, at any time after the issuance of a license or
2781 its renewal, require upon demand, and in no event more than 30
2782 days after notice of such demand, the licensee to provide proof
2783 of insurance, on a form provided by the State Fire Marshal,
2784 containing confirmation of insurance coverage as required by

2785 this chapter. Failure, for any length of time, to provide proof
2786 of insurance coverage as required shall result in the immediate
2787 suspension of the license until proof of proper insurance is
2788 provided to the State Fire Marshal. An insurer which provides
2789 such coverage shall notify the State Fire Marshal of any change
2790 in coverage or of any termination, cancellation, or nonrenewal
2791 of any coverage.
2792 4. The applicant applies to the State Fire Marshal,
2793 provides proof of experience, and successfully completes a
2794 prescribed training course offered by the State Fire College or
2795 an equivalent course approved by the State Fire Marshal. This
2796 subparagraph does not apply to any holder of or applicant for a
2797 permit under paragraph (g) ~~(f)~~ or to a business organization or
2798 a governmental entity seeking initial licensure or renewal of an
2799 existing license solely for the purpose of inspecting,
2800 servicing, repairing, marking, recharging, and maintaining fire
2801 extinguishers used and located on the premises of and owned by
2802 such organization or entity.
2803 5. The applicant has a current retestor identification
2804 number that is appropriate for the license for which the
2805 applicant is applying and that is listed with the United States
2806 Department of Transportation.
2807 6. The applicant has passed, with a grade of at least 70
2808 percent, a written examination testing his or her knowledge of
2809 the rules and statutes governing ~~regulating~~ the activities
2810 authorized by the license and demonstrating his or her knowledge
2811 and ability to perform those tasks in a competent, lawful, and
2812 safe manner. Such examination shall be developed and
2813 administered by the State Fire Marshal, or his or her designee

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2814 in accordance with policies and procedures of the State Fire
2815 Marshal. An applicant shall pay a nonrefundable examination fee
2816 of $50 for each examination or reexamination scheduled. A ~~No~~
2817 reexamination may not ~~shall~~ be scheduled sooner than 30 days
2818 after any administration of an examination to an applicant. An
2819 ~~No~~ applicant may not ~~shall~~ be permitted to take an examination
2820 for any level of license more than a total of four times during
2821 1 year, regardless of the number of applications submitted. As a
2822 prerequisite to licensure of the applicant, he or she:
2823 a. Must be at least 18 years of age.
2824 b. Must have 4 years of proven experience as a fire
2825 equipment permittee at a level equal to or greater than the
2826 level of license applied for or have a combination of education
2827 and experience determined to be equivalent thereto by the State
2828 Fire Marshal. Having held a permit at the appropriate level for
2829 the required period constitutes the required experience.
2830 c. Must not have been convicted of a felony or a crime
2831 punishable by imprisonment of 1 year or more under the law of
2832 the United States or of any state thereof or under the law of
2833 any other country~~, or pled nolo contendere to, any felony~~.
2834 "Convicted" means a finding of guilt or the acceptance of a plea
2835 of guilty or nolo contendere in any federal or state court or a
2836 court in any other country, without regard to whether a judgment
2837 of conviction has been entered by the court having jurisdiction
2838 of the case. If an applicant has been convicted of any such
2839 felony, the applicant shall be excluded from licensure for a
2840 period of 4 years after expiration of sentence or final release
2841 by the Parole Commission unless the applicant, before the
2842 expiration of the 4-year period, has received a full pardon or

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2843 has had her or his civil rights restored ~~must comply with s.~~
2844 ~~112.011(1)(b)~~.
2845
2846 This subparagraph does not apply to any holder of or applicant
2847 for a permit under paragraph (g) ~~(f)~~ or to a business
2848 organization or a governmental entity seeking initial licensure
2849 or renewal of an existing license solely for the purpose of
2850 inspecting, servicing, repairing, marking, recharging,
2851 hydrotesting, and maintaining fire extinguishers used and
2852 located on the premises of and owned by such organization or
2853 entity.
2854 ~~(d) An applicant who fails the examination may take it~~
2855 ~~three more times during the 1 year period after he or she~~
2856 ~~originally filed an application for the examination. If the~~
2857 ~~applicant fails the examination within 1 year after the~~
2858 ~~application date and seeks to retake the examination, he or she~~
2859 ~~must file a new application, pay the application and examination~~
2860 ~~fees, and successfully complete a prescribed training course~~
2861 ~~approved by the State Fire College or an equivalent course~~
2862 ~~approved by the State Fire Marshal. An applicant may not submit~~
2863 ~~a new application within 6 months after the date of his or her~~
2864 ~~last reexamination.~~
2865 (e) A fire equipment dealer licensed under this section may
2866 apply to convert ~~upgrade~~ the license currently held to a higher
2867 licensing category, if the licensed dealer:
2868 1. Submits an application for the license on a form in
2869 conformance with paragraph (c) ~~(b)~~. The application must be
2870 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~
2871 for the type of license requested.

2872 2. Provides evidence of 2 years' experience as a licensed
2873 dealer and meets such relevant educational requirements as are
2874 established by rule by the State Fire Marshal for purposes of
2875 upgrading a license.
2876 3. Meets the requirements of paragraph (d) ~~(c)~~.
2877 (f) A fire equipment dealer licensed under this section may
2878 apply to convert the license currently held to a lower licensing
2879 category, if the licensed dealer:
2880 1. Submits an application for the license on a form in
2881 conformance with paragraph (c). The application must be
2882 accompanied by a fee as prescribed in s. 633.132 for the type of
2883 license requested.
2884 2. Submits proof of insurance providing coverage meeting
2885 the requirements prescribed in subparagraph (d)3.
2886 3. Submits to an inspection of the facility to ensure all
2887 equipment associated with the higher class of license has been
2888 removed and submits the required reinspection fee.
2889 (g) A ~~No~~ permit of any class may not ~~shall~~ be issued or
2890 renewed to a person by the division ~~State Fire Marshal~~, and a ~~no~~
2891 permit of any class does not ~~shall~~ remain operative, unless the
2892 person has:
2893 1. Submitted a nonrefundable examination fee in the amount
2894 of $50.~~;~~
2895 2. Successfully completed a training course offered by the
2896 State Fire College or an equivalent course approved by the State
2897 Fire Marshal.~~; and~~
2898 3. Passed, with a grade of at least 70 percent, a written
2899 examination testing his or her knowledge of the rules and
2900 statutes governing ~~regulating~~ the activities authorized by the

2901 permit and demonstrating his or her knowledge and ability to
2902 perform those tasks in a competent, lawful, and safe manner.
2903 Such examination must ~~shall~~ be developed and administered by the
2904 State Fire Marshal in accordance with the policies and
2905 procedures of the State Fire Marshal. An examination fee must
2906 ~~shall~~ be paid for each examination scheduled. A ~~No~~ reexamination
2907 may not ~~shall~~ be scheduled sooner than 30 days after any
2908 administration of an examination to an applicant. An ~~No~~
2909 applicant may not ~~shall~~ be permitted to take an examination for
2910 any level of permit more than four times during 1 year,
2911 regardless of the number of applications submitted. As a
2912 prerequisite to taking the permit examination, the applicant
2913 must be at least 16 years of age.
2914 (h) ~~(g)~~ An applicant for a license or permit under this
2915 section who fails the examination may take it three more times
2916 during the 1-year period after he or she originally filed an
2917 application for the examination. If the applicant fails the
2918 examination within 1 year after the application date and he or
2919 she seeks to retake the examination, he or she must file a new
2920 application, pay the application and examination fees, and
2921 successfully complete a prescribed training course offered by
2922 the State Fire College or an equivalent course approved by the
2923 State Fire Marshal. The applicant may not submit a new
2924 application within 6 months after the date of his or her fourth
2925 ~~last~~ reexamination. An applicant who passes the examination but
2926 does not meet the remaining qualifications prescribed by law and
2927 rule within 1 year after the application date must file a new
2928 application, pay the application and examination fee,
2929 successfully complete a prescribed training course approved by

2930 the State Fire College or an equivalent course approved by the
2931 State Fire Marshal, and pass the written examination.
2932 (9) ~~The provisions of~~ This section does ~~chapter do~~ not
2933 apply to inspections by fire chiefs, fire inspectors, fire
2934 marshals, or insurance company inspectors.
2935 Section 36. Section 633.065, Florida Statutes, is
2936 transferred and renumbered as section 633.306, Florida Statutes,
2937 and paragraph (a) of subsection (1) of that section is amended,
2938 to read:
2939 633.306 ~~633.065~~ Requirements for installation, inspection,
2940 and maintenance of fire suppression equipment.—
2941 (1) The requirements for installation of fire extinguishers
2942 and preengineered systems are as follows:
2943 (a) Fire equipment dealers shall be licensed under s.
2944 633.304 ~~633.061~~.
2945 Section 37. Section 633.071, Florida Statutes, is
2946 transferred and renumbered as section 633.308, Florida Statutes,
2947 and subsection (2) of that section is amended, to read:
2948 633.308 ~~633.071~~ Standard service tag required on all fire
2949 extinguishers and preengineered systems; serial number required
2950 on all portable fire extinguishers; standard inspection tags
2951 required on all fire protection systems.—
2952 (2) All portable fire extinguishers required by statute or
2953 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,
2954 or approved by Factory Mutual Laboratories, Inc., or listed by a
2955 nationally recognized testing laboratory in accordance with
2956 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and
2957 carry an Underwriters Laboratories, Inc., or manufacturer's
2958 serial number. These listings, approvals, and serial numbers may

2959 be stamped on the manufacturer's identification and instructions
2960 plate or on a separate Underwriters Laboratories, Inc., or
2961 Factory Mutual Laboratories, Inc., plate soldered or attached to
2962 the extinguisher shell in some permanent manner.
2963 Section 38. Section 633.082, Florida Statutes, is
2964 transferred and renumbered as section 633.312, Florida Statutes,
2965 and subsections (2) and (3) of that section are amended, to
2966 read:
2967 633.312 ~~633.082~~ Inspection of fire control systems, fire
2968 hydrants, and fire protection systems.—
2969 (2) Fire hydrants and fire protection systems installed in
2970 public and private properties, except one-family or two-family
2971 dwellings, shall be inspected following procedures established
2972 in the nationally recognized inspection, testing, and
2973 maintenance standards publications NFPA-24 and NFPA-25 as set
2974 forth in the edition adopted by the State Fire Marshal.
2975 Quarterly, annual, 3-year, and 5-year inspections consistent
2976 with the contractual provisions with the owner shall be
2977 conducted by the certificateholder or permittees employed by the
2978 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:
2979 (a) Public fire hydrants owned by a governmental entity
2980 shall be inspected following procedures established in the
2981 inspection, testing, and maintenance standards adopted by the
2982 State Fire Marshal or equivalent standards such as those
2983 contained in the latest edition of the American Water Works
2984 Association's Manual M17, "Installation, Field Testing, and
2985 Maintenance of Fire Hydrants."
2986 (b) County, municipal, and special district utilities may
2987 perform fire hydrant inspections required by this section using

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2988 designated employees. Such designated employees need not be
2989 certified under this chapter. However, counties, municipalities,
2990 or special districts that use designated employees are
2991 responsible for ensuring that the designated employees are
2992 qualified to perform such inspections.
2993 (3) The inspecting contractor shall provide to the building
2994 owner or hydrant owner and the local authority having
2995 jurisdiction a copy of the applicable inspection report
2996 established under this chapter. The maintenance of fire hydrant
2997 and fire protection systems as well as corrective actions on
2998 deficient systems is the responsibility of the owner of the
2999 system or hydrant. Equipment requiring periodic testing or
3000 operation to ensure its maintenance shall be tested or operated
3001 as specified in the Fire Prevention Code, Life Safety Code,
3002 National Fire Protection Association standards, or as directed
3003 by the appropriate authority ~~agency having jurisdiction~~,
3004 provided that such appropriate authority may ~~agency shall~~ not
3005 require a sprinkler system not required by the Fire Prevention
3006 Code, Life Safety Code, or National Fire Protection Association
3007 standards to be removed regardless of its condition. This
3008 section does not prohibit governmental entities from inspecting
3009 and enforcing firesafety codes.
3010 Section 39. Section 633.083, Florida Statutes, is
3011 transferred and renumbered as section 633.314, Florida Statutes,
3012 and subsection (3) of that section is amended, to read:
3013 633.314 ~~633.083~~ Sale or use of certain types of fire
3014 extinguishers prohibited; penalty.—
3015 (3) A person who violates ~~any of the provisions of~~ this
3016 section commits ~~is guilty of~~ a misdemeanor of the second degree,

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3017 punishable as provided in s. 775.082 or s. 775.083.
3018 Section 40. Section 633.162, Florida Statutes, is
3019 transferred and renumbered as section 633.316, Florida Statutes,
3020 and subsection (1) and paragraph (e) of subsection (4) of that
3021 section are amended, to read:
3022 633.316 ~~633.162~~ Fire suppression system contractors;
3023 disciplinary action.—
3024 (1) The violation of any provision of this chapter or any
3025 rule adopted and adopted ~~promulgated~~ pursuant hereto or the
3026 failure or refusal to comply with any notice or order to correct
3027 a violation or any cease and desist order by a ~~any~~ person who
3028 possesses a license or permit issued pursuant to s. 633.304
3029 ~~633.061~~ is cause for denial, nonrenewal, revocation, or
3030 suspension of such license or permit by the State Fire Marshal
3031 after such officer has determined that the person committed ~~is~~
3032 ~~guilty of~~ such violation. An order of suspension must ~~shall~~
3033 state the period ~~of time~~ of such suspension, which period may
3034 not be in excess of 2 years from the date of such order. An
3035 order of revocation may be entered for a period not exceeding 5
3036 years. Such orders shall effect suspension or revocation of all
3037 licenses or permits issued by the division to ~~then held by~~ the
3038 person, and during such period a ~~of time no~~ license or permit
3039 may not ~~shall~~ be issued by the division to such person. During
3040 the suspension or revocation of any license or permit, the
3041 former licensee or permittee may ~~shall~~ not engage in or attempt
3042 or profess to engage in any transaction or business for which a
3043 license or permit is required under this chapter or directly or
3044 indirectly own, control, or be employed in any manner by any
3045 firm, business, or corporation for which a license or permit

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3046 under this chapter is required. If, during the period between
3047 the beginning of proceedings and the entry of an order of
3048 suspension or revocation by the State Fire Marshal, a new
3049 license or permit has been issued by the division to the person
3050 so charged, the order of suspension or revocation shall operate
3051 to suspend or revoke such new license or permit held by such
3052 person.
3053 (4) In addition to the grounds set forth in subsection (1),
3054 it is cause for denial, nonrenewal, revocation, or suspension of
3055 a license or permit by the State Fire Marshal if she or he
3056 determines that the licensee or permittee has:
3057 (e) Failed to provide proof of insurance to the State Fire
3058 Marshal or failed to maintain in force the insurance coverage
3059 required by s. 633.304 ~~633.061~~.
3060 Section 41. Section 633.521, Florida Statutes, is
3061 transferred and renumbered as section 633.318, Florida Statutes,
3062 and subsection (1), paragraph (a) of subsection (2), paragraphs
3063 (c) and (g) of subsection (3), and subsections (4), (8), and
3064 (11) of that section are amended, to read:
3065 633.318 ~~633.521~~ Certificate application and issuance;
3066 permit issuance; examination and investigation of applicant.—
3067 (1) To obtain a fire protection system contractor's
3068 certificate, an applicant shall submit to the division ~~State~~
3069 ~~Fire Marshal~~ an application in writing, on a form provided by
3070 the division ~~State Fire Marshal~~ containing the information
3071 prescribed, which shall be accompanied by the fee fixed herein,
3072 containing a statement that the applicant desires the issuance
3073 of a certificate and stating the class of certificate requested.
3074 (2)(a) Examinations shall be administered by the division

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3075 ~~State Fire Marshal~~ and held at times and places within the state
3076 as the division ~~State Fire Marshal~~ determines, but there shall
3077 be at least two examinations a year. Each applicant shall take
3078 and pass an objective, written examination of her or his fitness
3079 for a certificate in the class for which the application is
3080 requested. There shall be a type of examination for each class
3081 of certificate for contractors as ~~of the classes of certificates~~
3082 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~
3083 test the applicant's ability to lay out, fabricate, install,
3084 alter, repair, and inspect fire protection systems and their
3085 appurtenances and must ~~shall~~ test the applicant's fitness in
3086 business and financial management. The test must ~~shall~~ be based
3087 on applicable standards of the National Fire Protection
3088 Association and on relevant Florida and federal laws pertaining
3089 to the construction industry, safety standards, administrative
3090 procedures, and pertinent technical data.
3091 (3)
3092 (c) Required education and experience for certification as
3093 a Contractor I, Contractor II, Contractor III, or Contractor IV
3094 includes training and experience in both installation and system
3095 layout as defined in s. 633.102 ~~633.021~~.
3096 (g) Within 30 days after the date of the examination, the
3097 division ~~State Fire Marshal~~ shall inform the applicant in
3098 writing whether she or he has qualified or not and, if the
3099 applicant has qualified, that she or he is eligible ~~ready~~ to be
3100 issued ~~issue~~ a certificate of competency, subject to compliance
3101 with the requirements of subsection (4).
3102 (4) As a prerequisite to issuance of a certificate, the
3103 division must ~~State Fire Marshal shall~~ require the applicant to

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3104 submit satisfactory evidence that she or he has obtained
3105 insurance providing coverage for comprehensive general liability
3106 for bodily injury and property damages, products liability,
3107 completed operations, and contractual liability. The division
3108 ~~State Fire Marshal~~ may adopt rules providing for the amount of
3109 insurance, but such amount shall not be less than $500,000 for a
3110 Contractor I, Contractor II, Contractor III, or Contractor V and
3111 shall not be less than $250,000 for a Contractor IV. An insurer
3112 which provides such coverage shall notify ~~within 30 days~~ the
3113 division within 30 days ~~State Fire Marshal~~ of any material
3114 change in coverage or any termination, cancellation, or
3115 nonrenewal of such coverage. An insurer which fails to so notify
3116 the division ~~State Fire Marshal's office~~ shall be subject to the
3117 penalties provided under s. 624.4211.
3118 (8) An individual employed by a Contractor I or Contractor
3119 II certificateholder, as established in this section, who will
3120 be inspecting water-based fire protection systems as required
3121 under s. 633.312 ~~633.082~~, must be issued a permit by the
3122 division ~~State Fire Marshal~~ to conduct such work. The permit is
3123 valid solely for use by the holder thereof in his or her
3124 employment by the certificateholder named in the permit. A
3125 permittee must have a valid and subsisting permit upon his or
3126 her person at all times while engaging in inspecting fire
3127 protection systems, and a permitholder must be able to produce
3128 such a permit upon demand. In addition, a permittee shall, at
3129 all times while performing inspections, carry an identification
3130 card containing his or her photograph and other identifying
3131 information as prescribed by the State Fire Marshal, and the
3132 permittee must produce the identification card and information

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3133 upon demand. The permit and the identification may be one and
3134 the same. A permittee is limited as to the specific type of work
3135 performed, depending upon the class of certificate held by the
3136 certificateholder under whom the permittee is working. The
3137 permit class shall be known as a Water-Based Fire Protection
3138 Inspector whose permit allows the holder to inspect water
3139 sprinkler systems, water spray systems, foam-water sprinkler
3140 systems, foam-water spray systems, standpipes, combination
3141 standpipes and sprinkler systems, all piping that is an integral
3142 part of the system beginning at the point where the piping is
3143 used exclusively for fire protection, sprinkler tank heaters,
3144 air lines, thermal systems used in connection with sprinklers,
3145 and tanks and pumps connected thereto, excluding preengineered
3146 systems.
3147 (11) It is intended that a certificateholder, or a
3148 permitholder who is employed by a certificateholder, conduct
3149 inspections required by this chapter. It is understood that
3150 after July 1, 2008, employee turnover may result in a depletion
3151 of personnel who are certified under the NICET Sub-field of
3152 Inspection and Testing of Fire Protection Systems Level II or
3153 equivalent training and education as required by the division ~~of~~
3154 ~~State Fire Marshal~~. A certificateholder may obtain a provisional
3155 permit with an endorsement for inspection, testing, and
3156 maintenance of water-based fire extinguishing systems for an
3157 employee if the employee has initiated procedures for obtaining
3158 Level II certification from the National Institute for
3159 Certification in Engineering Technologies Sub-field of
3160 Inspection and Testing of Fire Protection Systems and achieved
3161 Level I certification or an equivalent level as determined by

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3162 the State Fire Marshal through verification of experience,
3163 training, and examination. The division ~~State Fire Marshal~~ may
3164 establish rules to administer this subsection. After 2 years of
3165 provisional certification, the employee must have achieved NICET
3166 Level II certification or obtain equivalent training and
3167 education as determined by the division, or cease performing
3168 inspections requiring Level II certification. The provisional
3169 permit is valid only for the 2 calendar years after the date of
3170 issuance, may not be extended, and is not renewable. After the
3171 initial 2-year provisional permit expires, the certificateholder
3172 must wait 2 additional years before a new provisional permit may
3173 be issued. The intent is to prohibit the certificateholder from
3174 using employees who never reach NICET Level II status, or
3175 equivalent training and education as determined by the division,
3176 by continuously obtaining provisional permits.
3177 Section 42. Section 633.551, Florida Statutes, is
3178 transferred and renumbered as section 633.322, Florida Statutes,
3179 and subsections (1) through (3) of that section are amended, to
3180 read:
3181 633.322 ~~633.551~~ County, ~~and~~ municipal, and special district
3182 powers; effect of ch. 75-240.—
3183 (1) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the
3184 power of a municipality, ~~or~~ county, or special district to
3185 regulate the quality and character of work performed by
3186 contractors through a system of permits, fees, and inspections
3187 which are designed to secure compliance with, and aid in the
3188 implementation of, state and local building laws or to enforce
3189 other local laws for the protection of the public health and
3190 safety.

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3191 (2) ~~Nothing in~~ This chapter does not limit ~~act limits~~ the
3192 power of a municipality, ~~or~~ county, or special district to adopt
3193 any system of permits requiring submission to and approval by
3194 the municipality, ~~or~~ county, or special district of plans and
3195 specifications for work to be performed by contractors before
3196 commencement of the work, except that a ~~no~~ municipality, ~~or~~
3197 county, or special district may not ~~shall~~ require a fire
3198 protection system contractor's shop drawings to be sealed by a
3199 professional engineer.
3200 (3) An ~~Any~~ official authorized to issue building or other
3201 related permits shall ascertain that the applicant contractor is
3202 duly certified before issuing the permit. The evidence shall
3203 consist only of the exhibition to him or her of ~~current~~ evidence
3204 of current certification.
3205 Section 43. Section 633.527, Florida Statutes, is
3206 transferred and renumbered as section 633.324, Florida Statutes.
3207 Section 44. Section 633.531, Florida Statutes, is
3208 transferred and renumbered as section 633.326, Florida Statutes.
3209 Section 45. Section 633.534, Florida Statutes, is
3210 transferred and renumbered as section 633.328, Florida Statutes,
3211 and subsection (4) of that section is amended, to read:
3212 633.328 ~~633.534~~ Issuance of certificate to individuals and
3213 business organizations.—
3214 (4) If ~~When~~ the certified business organization makes
3215 application for an occupational license in any municipality or
3216 county of this state, the application must ~~shall~~ be made with
3217 the tax collector in the name of the business organization, and
3218 the license, when issued, shall be issued to the business
3219 organization upon payment of the appropriate licensing fee and

3220 exhibition to the tax collector of a valid certificate issued by
3221 the division ~~State Fire Marshal~~.
3222 Section 46. Section 633.537, Florida Statutes, is
3223 transferred and renumbered as section 633.332, Florida Statutes,
3224 and subsections (1) and (2) and paragraph (a) of subsection (3)
3225 of that section are amended, to read:
3226 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive
3227 certificate; continuing education.—
3228 (1) Certificates shall expire every 2 years at midnight on
3229 June 30. ~~Effective with the June 30, 1998, renewal,~~ All
3230 certificates must be renewed every 2 years. The failure to renew
3231 a certificate before ~~during~~ June 30, shall cause the certificate
3232 to become inoperative, and it is unlawful thereafter for a ~~any~~
3233 person to engage, offer to engage, or hold herself or himself
3234 out as engaging in contracting under the certificate unless the
3235 certificate is restored or reissued. A certificate which is
3236 inoperative because of failure to renew shall be restored on
3237 payment of the proper renewal fee if the application for
3238 restoration is made within 90 days after June 30. If the
3239 application for restoration is not made within the 90-day
3240 period, the fee for restoration must ~~shall~~ be equal to the
3241 original application fee, and, in addition, the State Fire
3242 Marshal must ~~shall~~ require examination or reexamination of the
3243 applicant.
3244 (2) A person who holds a valid certificate may maintain
3245 such certificate in an inactive status during which time she or
3246 he may not engage in contracting. An inactive status certificate
3247 shall be void after a 2-year period. ~~The biennial renewal fee~~
3248 ~~for an inactive status certificate shall be $75.~~ An inactive

3249 status certificate may be reactivated upon application to the
3250 State Fire Marshal and payment of the initial application fee.
3251 (3)(a) A certificate for the Contractor I, II, and III
3252 classifications as defined in this chapter may ~~shall~~ not be
3253 renewed unless the certificateholder produces documentation of
3254 at least 32 contact hours of continuing education in the fire
3255 protection discipline during the biennial licensure period.
3256 Holders of Contractor IV certificates are required to obtain 14
3257 contact hours of continuing education encompassing the
3258 appropriate National Fire Protection Association fire sprinkler
3259 documents before ~~prior to~~ renewal. Holders of Contractor V
3260 certificates are required to obtain 14 contact hours of
3261 continuing education before ~~prior to~~ renewal, at least 1 hour of
3262 which is in the fire protection discipline. Any continuing
3263 education hours approved pursuant to chapter 489 by the
3264 Construction Industry Licensing Board for underground utility
3265 and excavation contractors shall be considered as also approved
3266 to comply with Contractor V continuing education requirements. A
3267 Contractor V certificateholder shall provide to the State Fire
3268 Marshal evidence of approval of such coursework by the
3269 Construction Industry Licensing Board.
3270 Section 47. Section 633.539, Florida Statutes, is
3271 transferred and renumbered as section 633.334, Florida Statutes,
3272 and paragraph (a) of subsection (1) and subsections (2) and (4)
3273 of that section are amended, to read:
3274 633.334 ~~633.539~~ Requirements for installation, inspection,
3275 and maintenance of fire protection systems.—
3276 (1) The requirements for installation of fire protection
3277 systems are as follows:

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3278 (a) Contractors of fire protection systems shall be
3279 certified under s. 633.318 ~~633.521~~.
3280 (2) Equipment shall be inspected, serviced, and maintained
3281 in accordance with the manufacturer's maintenance procedures and
3282 with applicable National Fire Protection Association standards.
3283 The inspection of fire protection systems shall be conducted by
3284 a certificateholder or holder of a permit issued by the division
3285 ~~State Fire Marshal~~. The permitholder may perform inspections on
3286 fire protection systems only while employed by the
3287 certificateholder. This section does not prohibit the authority
3288 having jurisdiction or insurance company representatives from
3289 reviewing the system in accordance with acceptable oversight
3290 standards.
3291 (4) The Contractor V may install the cross-connection
3292 backflow prevention device as defined in this chapter on new
3293 installations following the engineer of record's direction on
3294 the type and size of the device. The retrofitting of a backflow
3295 device on an existing fire protection system will cause a
3296 reduction in available water pressure and probable system
3297 malfunction. The development of aboveground fire protection
3298 system hydraulic calculations is a task of the Contractor I and
3299 II, as defined in this chapter. Accordingly, a Contractor V is
3300 expressly prohibited from retrofitting cross-connection backflow
3301 prevention devices on an existing fire protection system, and
3302 only a Contractor I or Contractor II who is tasked to
3303 recalculate the system and take corrective actions to ensure
3304 that the system will function with the available water supply
3305 may retroactively install these backflow devices on existing
3306 fire protection systems.

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3307 Section 48. Section 633.541, Florida Statutes, is
3308 transferred and renumbered as section 633.336, Florida Statutes,
3309 and subsections (1), (3), and (4) of that section are amended,
3310 to read:
3311 633.336 ~~633.541~~ Contracting without certificate prohibited;
3312 violations; penalty.—
3313 (1) It is unlawful for any organization or individual to
3314 engage in the business of layout, fabrication, installation,
3315 inspection, alteration, repair, or service of a fire protection
3316 system, other than a preengineered system, act in the capacity
3317 of a fire protection contractor, or advertise itself as being a
3318 fire protection contractor without having been duly certified
3319 and holding a valid and existing certificate, except as
3320 hereinafter provided. The holder of a certificate used to
3321 qualify an organization must be a full-time employee of the
3322 qualified organization or business. A certificateholder who is
3323 employed by more than one fire protection contractor during the
3324 same ~~period of~~ time is deemed not to be a full-time employee of
3325 either contractor. The State Fire Marshal shall revoke, for a
3326 period ~~of time~~ determined by the State Fire Marshal, the
3327 certificate of a certificateholder who allows the use of the
3328 certificate to qualify a company of which the certificateholder
3329 is not a full-time employee. A contractor who maintains more
3330 than one place of business must employ a certificateholder at
3331 each location. ~~Nothing in~~ This subsection does not prohibit
3332 ~~prohibits~~ an employee acting on behalf of governmental entities
3333 from inspecting and enforcing firesafety codes, provided such
3334 employee is certified under s. 633.216 ~~633.081~~.
3335 (3) A ~~Any~~ person who violates any provision of this act or

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3336 commits any of the acts constituting cause for disciplinary
3337 action as herein set forth commits ~~is guilty of~~ a misdemeanor of
3338 the second degree, punishable as provided in s. 775.082 or s.
3339 775.083.
3340 (4) In addition to the penalties provided in subsection
3341 (3), a fire protection contractor certified under this chapter
3342 who violates any provision of this section or who commits any
3343 act constituting cause for disciplinary action is subject to
3344 suspension or revocation of the certificate and administrative
3345 fines pursuant to s. 633.338 ~~633.547~~.
3346 Section 49. Section 633.547, Florida Statutes, is
3347 transferred and renumbered as section 633.338, Florida Statutes,
3348 and paragraphs (d) and (h) of subsection (2) and subsection (3)
3349 of that section are amended, to read:
3350 633.338 ~~633.547~~ Disciplinary action; fire protection system
3351 contractors; grounds for denial, nonrenewal, suspension, or
3352 revocation of certificate or permit.—
3353 (2) The following acts constitute cause for disciplinary
3354 action:
3355 (d) Disciplinary action by any municipality, ~~or~~ county, or
3356 special district, which action shall be reviewed by the State
3357 Fire Marshal before taking any disciplinary action.
3358 (h) Failing to provide proof of insurance to the State Fire
3359 Marshal or failing to maintain in force the insurance coverage
3360 required by s. 633.318 ~~633.521~~.
3361 (3) The State Fire Marshal ~~is authorized to take the~~
3362 ~~following disciplinary action:~~
3363 ~~(a) She or he~~ may suspend the contractor's certificate
3364 ~~certificateholder~~ for a period of up to ~~not to exceed~~ 2 years.

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3365 During that period, the contractor must cease all operations as
3366 a contractor, but the State Fire Marshal may authorize the
3367 certificateholder ~~from all operations as a contractor during the~~
3368 ~~period fixed by the State Fire Marshal, but she or he may permit~~
3369 ~~the certificateholder~~ to complete any contracts then incomplete.
3370 ~~(b) She or he may revoke a certificate for a period not to~~
3371 ~~exceed 5 years.~~
3372 Section 50. Section 633.549, Florida Statutes, is
3373 transferred, renumbered as section 633.342, Florida Statutes,
3374 and amended to read:
3375 633.342 ~~633.549~~ Violations subject to injunction.—A ~~Any~~
3376 person who operates as a contractor without a current
3377 certificate or who violates any part of this chapter or any
3378 rule, decision, order, direction, demand, or requirement of the
3379 State Fire Marshal in relation thereto, or any part or provision
3380 thereof, may be enjoined by the courts of the state from any
3381 such violation or such unauthorized or unlawful contracting at
3382 the request ~~instance~~ of the State Fire Marshal, the board, or
3383 any resident ~~citizen~~ or taxpayer of the state.
3384 Section 51. Section 633.554, Florida Statutes, is
3385 transferred and renumbered as section 633.344, Florida Statutes.
3386 Section 52. Section 633.70, Florida Statutes, is
3387 transferred and renumbered as section 633.346, Florida Statutes,
3388 and subsection (1) of that section is amended, to read:
3389 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over
3390 alarm system contractors and certified unlimited electrical
3391 contractors.—
3392 (1) If ~~When~~ the State Fire Marshal, in the course of its
3393 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that

3394 an alarm system contractor or a certified unlimited electrical
3395 contractor working with an alarm system has violated any
3396 provision of this chapter or the rules of the State Fire
3397 Marshal, the State Fire Marshal shall have jurisdiction,
3398 notwithstanding any other provision of this chapter, to order
3399 corrective action by the alarm system contractor or the
3400 certified unlimited electrical contractor to bring the alarm
3401 system into compliance with applicable standards set forth in
3402 this chapter and the rules of the State Fire Marshal.
3403 Section 53. Section 633.701, Florida Statutes, is
3404 transferred and renumbered as section 633.348, Florida Statutes.
3405 Section 54. Section 633.702, Florida Statutes, is
3406 transferred and renumbered as section 633.3482, Florida
3407 Statutes, and subsection (2) and paragraph (c) of subsection (3)
3408 of that section are amended, to read:
3409 633.3482 ~~633.702~~ Prohibited acts regarding alarm system
3410 contractors or certified unlimited electrical contractors;
3411 penalties.—
3412 (2) A ~~Any~~ person who violates this section commits ~~is~~
3413 ~~guilty of~~ a misdemeanor of the second degree, punishable as
3414 provided in s. 775.082 or s. 775.083.
3415 (3) It is a misdemeanor of the first degree, punishable as
3416 provided in s. 775.082 or s. 775.083, for any fire alarm system
3417 contractor or certified unlimited electrical contractor to
3418 intentionally or willfully:
3419 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with
3420 a ~~any~~ person by allowing one's certificate to be used by an ~~any~~
3421 uncertified person with intent to evade ~~the provisions of~~ this
3422 act. When a licensee allows his or her license to be used by one

3423 or more companies without having any active participation in the
3424 operation or management of the ~~said~~ companies, such act
3425 constitutes prima facie evidence of any intent to evade ~~the~~
3426 ~~provisions of~~ this chapter ~~act~~.
3427 Section 55. The Division of Law Revision and Information is
3428 directed to create part IV of chapter 633, Florida Statutes,
3429 consisting of sections 633.402, 633.404, 633.406, 633.408,
3430 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
3431 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,
3432 and 633.446, Florida Statutes, to be entitled "Fire Standards
3433 and Training."
3434 Section 56. Section 633.31, Florida Statutes, is
3435 transferred and renumbered as section 633.402, Florida Statutes,
3436 subsection (1) of that section is amended, and new subsections
3437 (5) through (9) are added to that section, to read:
3438 633.402 ~~633.31~~ Firefighters Employment, Standards, and
3439 Training Council; organization; meetings; quorum; compensation;
3440 seal; special powers; firefighter training.—
3441 (1) There is created within the department a Firefighters
3442 Employment, Standards, and Training Council of 14 ~~13~~ members.
3443 (a) The members shall be appointed as follows:
3444 1. Two ~~members shall be~~ fire chiefs appointed by the
3445 Florida Fire Chiefs Association.~~,~~
3446 2. Two ~~members shall be~~ firefighters, who are not officers,
3447 appointed by the Florida Professional Firefighters Association.~~,~~
3448 3. Two ~~members shall be~~ firefighter officers, who are not
3449 fire chiefs, appointed by the State Fire Marshal.~~,~~
3450 4. One individual ~~member~~ appointed by the Florida League of
3451 Cities.~~,~~

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3452 5. One individual ~~member~~ appointed by the Florida
3453 Association of Counties.~~,~~
3454 6. One individual ~~member~~ appointed by the Florida
3455 Association of Special Districts.~~,~~
3456 7. One individual ~~member~~ appointed by the Florida Fire
3457 Marshals' and Inspectors' ~~Marshal's~~ Association.~~, and~~
3458 8. One employee of the Florida Forest Service of the
3459 Department of Agriculture and Consumer Services appointed by the
3460 director of the Florida Forest Service.
3461 9. One individual ~~member~~ appointed by the State Fire
3462 Marshal.~~, and~~
3463 10. One ~~member shall be a~~ director or instructor of a
3464 state-certified firefighting training facility appointed by the
3465 State Fire Marshal.
3466 11. The remaining member, who shall be appointed by the
3467 State Fire Marshal, may not be a member or representative of the
3468 firefighting profession or of any local government.
3469 (b) To be eligible for appointment as a member under
3470 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
3471 subparagraph (a)8., or subparagraph (a)10. ~~fire chief member,~~
3472 ~~firefighter officer member, firefighter member, or a director or~~
3473 ~~instructor of a state certified firefighting facility~~, a person
3474 must ~~shall~~ have had at least 4 years' experience in the
3475 firefighting profession. ~~The remaining member, who shall be~~
3476 ~~appointed by the State Fire Marshal, shall not be a member or~~
3477 ~~representative of the firefighting profession or of any local~~
3478 ~~government.~~ Members shall serve only as long as they continue to
3479 meet the criteria under which they were appointed, or unless a
3480 member has failed to appear at three consecutive and properly

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3481 noticed meetings unless excused by the chair.
3482 (5) The council shall elect to 1-year terms a chair and a
3483 vice chair. A person may not serve more than two consecutive
3484 terms in either office.
3485 (6) The council shall meet at the call of the chair, at the
3486 request of a majority of its membership, at the request of the
3487 department, or at such times as are prescribed by its rules, and
3488 a majority of the council shall constitute a quorum.
3489 (7) Members of the council shall serve without compensation
3490 but shall be entitled to be reimbursed for per diem and travel
3491 expenses as provided by s. 112.061.
3492 (8) The council may adopt a seal for its use containing the
3493 words "Firefighters Employment, Standards, and Training
3494 Council."
3495 (9) The council shall have special powers in connection
3496 with the employment and training of firefighters to:
3497 (a) Recommend, for adoption by the division, uniform
3498 minimum standards for the employment and training of
3499 firefighters and training of volunteer firefighters.
3500 (b) Recommend, for adoption by the division, minimum
3501 curriculum requirements for schools operated by or for any fire
3502 service provider for the specific purpose of training
3503 firefighter trainees, firefighters, and volunteer firefighters.
3504 (c) Recommend, for adoption by the division, on matters
3505 relating to the funding, general operation, and administration
3506 of the Bureau of Fire Standards and Training (Florida State Fire
3507 College), including, but not limited to, all standards,
3508 training, curriculum, and the issuance of any certificate of
3509 competency required by this chapter.

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3510 (d) Make or support studies on any aspect of firefighting
3511 employment, education, and training or recruitment.
3512 (e) Make recommendations concerning any matter within its
3513 purview pursuant to this section.
3514 Section 57. Section 633.42, Florida Statutes, is
3515 transferred, renumbered as 633.404, Florida Statutes, and
3516 amended to read:
3517 633.404 ~~633.42~~ Additional standards authorized.—Nothing
3518 herein shall be construed to preclude a fire service provider ~~an~~
3519 ~~employing agency~~ from establishing qualifications and standards
3520 for hiring, training, or promoting firefighters that exceed the
3521 minimum set by the division ~~department~~.
3522 Section 58. Section 633.406, Florida Statutes, is created
3523 to read:
3524 633.406 Classes of certification.—
3525 (1) The division may award one or more of the following
3526 certificates:
3527 (a) Firefighter Certificate of Compliance.—A Firefighter
3528 Certificate of Compliance may be awarded to a person who meets
3529 the requirements established in s. 633.408(4).
3530 (b) Fire Safety Inspector Certificate of Compliance.—A Fire
3531 Safety Inspector Certificate of Compliance may be awarded to a
3532 person who meets the requirements established in s. 633.216(2).
3533 (c) Special Certificate of Compliance.—A Special
3534 Certificate of Compliance may be awarded to a person who
3535 qualifies under s. 633.408(6).
3536 (d) Forestry Certificate of Compliance.—A Forestry
3537 Certificate of Compliance may be awarded to a person who has
3538 satisfactorily complied with a training program and successfully

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3539 passed an examination as prescribed by rule, and who possesses
3540 the qualifications established in s. 590.02(1)(e).
3541 (e) Fire Service Instructor Certificate.—A Fire Service
3542 Instructor Certificate may be awarded to a person who
3543 demonstrates general or specialized knowledge, skills, and
3544 abilities in firefighting service and meets the qualification
3545 requirements prescribed by rule.
3546 (f) Certificate of Competency.—A Certificate of Competency
3547 may be awarded to a person who meets the experience, training,
3548 advanced education, or examination requirements as prescribed by
3549 rule, and is especially qualified for particular aspects of
3550 firefighting service.
3551 (g) Volunteer Firefighter Certificate of Completion.—A
3552 Volunteer Firefighter Certificate of Completion may be awarded
3553 to a person who has satisfactorily completed the training
3554 requirements as prescribed by rule for a volunteer firefighter.
3555 (2) The division may establish by rule certificates, in
3556 addition to those provided in subsection (1), that the division
3557 may award in recognition of special training or education
3558 received by an individual, authorizing that individual to
3559 perform specialized firefighting services or provide specialized
3560 firefighting instruction, such as hazardous materials and urban
3561 search and rescue.
3562 Section 59. Section 633.35, Florida Statutes, is
3563 transferred, renumbered as section 633.408, Florida Statutes,
3564 and amended to read:
3565 633.408 ~~633.35~~ Firefighter and volunteer firefighter
3566 training and certification.—
3567 (1) The division shall establish by rule:

3568 (a) A Minimum Standards Course and course examination to
3569 provide the training required to obtain a Firefighter
3570 Certificate of Compliance.
3571 (b) Courses and course examinations to provide training
3572 required to obtain a Volunteer Firefighter Certificate of
3573 Completion or a Special Certificate of Compliance.
3574 (c) Courses to provide continuing training for firefighters
3575 and volunteer firefighters.
3576 (2) Courses under subsection (1) may only be administered
3577 by education or training providers approved by the division
3578 pursuant to s. 633.128(1)(c) and taught by instructors certified
3579 pursuant to s. 633.128(1)(d) ~~a firefighter training program of~~
3580 ~~not less than 360 hours, administered by such agencies and~~
3581 ~~institutions as it approves for the purpose of providing basic~~
3582 ~~employment training for firefighters~~.
3583 (3)(a) Nothing herein shall require a fire service provider
3584 ~~public employer~~ to pay the cost of such training.
3585 (b) A fire service provider may pay part or all of the
3586 costs of tuition for attendance at approved courses.
3587 (4)~~(2)~~ The division shall issue a firefighter certificate
3588 of compliance to any individual who:
3589 (a) ~~person~~ Satisfactorily completes ~~complying with~~ the
3590 Minimum Standards Course or who has satisfactorily completed
3591 training for firefighters in another state which has been
3592 determined by the division to be at least the equivalent of the
3593 training required for the Minimum Standards Course.
3594 (b) Passes the minimum standards course examination.
3595 ~~training program established in subsection (1), who has~~
3596 ~~successfully passed an examination as prescribed by the~~

3597 ~~division, and~~
3598 (c) ~~who~~ Possesses the qualifications ~~for employment~~ in s.
3599 633.412 ~~633.34, except s. 633.34(5)~~.
3600 (5) The division shall issue a Volunteer Firefighter
3601 Certificate of Completion to any individual who satisfactorily
3602 completes the course established under paragraph (1)(b) ~~No~~
3603 ~~person may be employed as a regular or permanent firefighter by~~
3604 ~~an employing agency, or by a private entity under contract with~~
3605 ~~the state or any political subdivision of the state, including~~
3606 ~~authorities and special districts, for a period of time in~~
3607 ~~excess of 1 year from the date of initial employment until he or~~
3608 ~~she has obtained such certificate of compliance~~. ~~A person who~~
3609 ~~does not hold a certificate of compliance and is employed under~~
3610 ~~this section may not directly engage in hazardous operations,~~
3611 ~~such as interior structural firefighting and hazardous-~~
3612 ~~materials incident mitigation, requiring the knowledge and~~
3613 ~~skills taught in a training program established in subsection~~
3614 ~~(1). However, a person who has served as a volunteer firefighter~~
3615 ~~with the state or any political subdivision of the state,~~
3616 ~~including authorities and special districts, who is then~~
3617 ~~employed as a regular or permanent firefighter may function,~~
3618 ~~during this period, in the same capacity in which he or she~~
3619 ~~acted as a volunteer firefighter, provided that he or she has~~
3620 ~~completed all training required by the volunteer organization.~~
3621 ~~(3) The division may issue a certificate to any person who~~
3622 ~~has received basic employment training for firefighters in~~
3623 ~~another state when the division has determined that such~~
3624 ~~training was at least equivalent to that required by the~~
3625 ~~division for approved firefighter education and training~~

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3626 ~~programs in this state and when such person has satisfactorily~~
3627 ~~complied with all other requirements of this section.~~
3628 (6)(a) The division may ~~also~~ issue a Special Certificate of
3629 Compliance to an individual ~~a person~~ who:
3630 1. Satisfactorily completes the course established in
3631 paragraph (1)(b) to obtain a Special Certificate of Compliance.
3632 2. Passes the examination established in paragraph (1)(b),
3633 to obtain a Special Certificate of Compliance.
3634 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~
3635 ~~qualified under this section and who is employed as the~~
3636 ~~administrative and command head of a fire/rescue/emergency~~
3637 ~~services organization, based on the acknowledgment that such~~
3638 ~~person is less likely to need physical dexterity and more likely~~
3639 ~~to need advanced knowledge of firefighting and supervisory~~
3640 ~~skills~~.
3641 (b) A special ~~The~~ certificate of compliance ~~is valid~~ only
3642 authorizes an individual to serve ~~while the person is serving in~~
3643 ~~a position~~ as an administrative and command head of a fire
3644 service provider ~~fire/rescue/emergency services organization~~.
3645 (7)~~(4)~~ An individual ~~A person~~ who fails an examination
3646 given under this section may retake the examination once within
3647 6 months after the original examination date. If the individual
3648 ~~An applicant who~~ does not retake the examination or fails the
3649 reexamination within such time, the individual must take the
3650 Minimum Standards Course for a Firefighter Certificate of
3651 Compliance or the course established under paragraph (1)(b) for
3652 a Special Certificate of Compliance~~, pursuant to subsection (1),~~
3653 before being reexamined. The division may grant an extension of
3654 the 6-month period based upon documented medical necessity and

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3655 may establish reasonable preregistration deadlines for ~~such~~
3656 reexaminations.
3657 (8)~~(5)~~ Pursuant to s. 590.02(1)(e), the division shall
3658 establish a structural fire training program of not less than
3659 206 ~~40~~ hours. The division shall issue to a ~~any~~ person
3660 satisfactorily complying with this training program and who has
3661 successfully passed an examination as prescribed by the division
3662 and who has met the requirements of s. 590.02(1)(e), a Forestry
3663 Certificate of Compliance ~~Certificate of Forestry Firefighter~~.
3664 ~~(6)~~ An individual who holds a current and valid Forestry
3665 Certificate of Compliance ~~A certified forestry firefighter~~ is
3666 entitled to the same rights, privileges, and benefits provided
3667 for by law as a ~~certified~~ firefighter.
3668 Section 60. Section 633.34, Florida Statutes, is
3669 transferred, renumbered as section 633.412, Florida Statutes,
3670 and amended to read:
3671 633.412 ~~633.34~~ Firefighters; qualifications for
3672 certification ~~employment~~.—
3673 (1) A ~~Any~~ person applying for certification ~~employment~~ as a
3674 firefighter must:
3675 (a)~~(1)~~ Be a high school graduate or the equivalent, as the
3676 term may be determined by the division, and at least 18 years of
3677 age.
3678 (b)~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor
3679 relating to the certification or to perjury or false statements,
3680 or a felony or a crime punishable by imprisonment of 1 year or
3681 more under the law of the United States or of any state thereof
3682 or under the law of any other country, or dishonorably
3683 discharged from any of the Armed Forces of the United States.

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3684 "Convicted" means a finding of guilt or the acceptance of a plea
3685 of guilty or nolo contendere, in any federal or state court or a
3686 court in any other country, without regard to whether a judgment
3687 of conviction has been entered by the court having jurisdiction
3688 of the case ~~felony or of a misdemeanor directly related to the~~
3689 ~~position of employment sought, nor have pled nolo contendere to~~
3690 ~~any charge of a felony~~. ~~If an applicant has been convicted of a~~
3691 ~~felony, such applicant must be in compliance with s.~~
3692 ~~112.011(2)(b). If an applicant has been convicted of a~~
3693 ~~misdemeanor directly related to the position of employment~~
3694 ~~sought, such applicant shall be excluded from employment for a~~
3695 ~~period of 4 years after expiration of sentence. If the sentence~~
3696 ~~is suspended or adjudication is withheld in a felony charge or~~
3697 ~~in a misdemeanor directly related to the position or employment~~
3698 ~~sought and a period of probation is imposed, the applicant must~~
3699 ~~have been released from probation.~~
3700 (c)~~(3)~~ Submit fingerprints ~~a fingerprint card~~ to the
3701 division with a current processing fee. The fingerprints
3702 ~~fingerprint card~~ will be forwarded to the Department of Law
3703 Enforcement for state processing, and forwarded by the
3704 Department of Law Enforcement to ~~and/or~~ the Federal Bureau of
3705 Investigation for national processing.
3706 (d)~~(4)~~ Have a good moral character as determined by
3707 investigation under procedure established by the division.
3708 (e)~~(5)~~ Be in good physical condition as determined by a
3709 medical examination given by a physician, surgeon, or physician
3710 assistant licensed to practice in the state pursuant to chapter
3711 458; an osteopathic physician, surgeon, or physician assistant
3712 licensed to practice in the state pursuant to chapter 459; or an

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3713 advanced registered nurse practitioner licensed to practice in
3714 the state pursuant to chapter 464. Such examination may include,
3715 but need not be limited to, ~~provisions of~~ the National Fire
3716 Protection Association Standard 1582. A medical examination
3717 evidencing good physical condition shall be submitted to the
3718 division, on a form as provided by rule, before an individual is
3719 eligible for admission into a course under ~~firefighter training~~
3720 ~~program as defined in~~ s. 633.408 ~~633.35~~.
3721 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at
3722 least 1 year immediately preceding application, as evidenced by
3723 the sworn affidavit of the applicant.
3724 (2) If the division suspends or revokes an individual's
3725 certificate, the division must suspend or revoke all other
3726 certificates issued by the division pursuant to this part.
3727 Section 61. Section 633.352, Florida Statutes, is
3728 transferred, renumbered as section 633.414, Florida Statutes,
3729 and amended to read:
3730 633.414 ~~633.352~~ Retention of firefighter certification.—
3731 (1) In order for a firefighter to retain her or his
3732 Firefighter Certificate of Compliance, every 4 years he or she
3733 must:
3734 (a) Be ~~Any certified firefighter who has not been~~ active as
3735 a firefighter~~, or as a volunteer firefighter with an organized~~
3736 ~~fire department, for a period of 3 years shall be required to~~
3737 ~~retake the practical portion of the minimum standards state~~
3738 ~~examination specified in rule 69A-37.056(6)(b), Florida~~
3739 ~~Administrative Code, in order to maintain her or his~~
3740 ~~certification as a firefighter~~;
3741 (b) Maintain a current and valid fire service instructor

3742 certificate, instruct at least 40 hours during the 4-year
3743 period, and provide proof of such instruction to the division,
3744 which proof must be registered in an electronic database
3745 designated by the division;
3746 (c) Successfully complete a refresher course consisting of
3747 a minimum of 40 hours of training to be prescribed by rule; or
3748 (d) Within 6 months before the 4-year period expires,
3749 successfully retake and pass the Minimum Standards Course
3750 examination.
3751 (2) In order for a volunteer firefighter to retain her or
3752 his Volunteer Firefighter Certificate of Completion, every 4
3753 years he or she must:
3754 (a) Be active as a volunteer firefighter; or
3755 (b) Successfully complete a refresher course consisting of
3756 a minimum of 40 hours of training to be prescribed by rule.
3757 (3) Subsection (1) ~~however, this requirement~~ does not apply
3758 to state-certified firefighters who are certified and employed
3759 ~~as~~ full-time, as determined by the fire service provider, as
3760 firesafety inspectors or fire investigators ~~firesafety~~
3761 ~~instructors~~, regardless of her or his ~~the firefighter's~~
3762 employment status as a firefighter.
3763 (4) For the purposes of this section, the term "active"
3764 means being employed as a firefighter or providing service as a
3765 volunteer firefighter for a cumulative 6 months within a 4-year
3766 period.
3767 (5) The 4-year ~~3-year~~ period begins:
3768 (a) If the individual is certified on or after July 1,
3769 2013, on the date the certificate ~~of compliance~~ is issued or
3770 upon termination of employment or service with a ~~an organized~~

3771 fire department.
3772 (b) If the individual is certified before July 1, 2013, on
3773 July 1, 2014, or upon termination of employment or service
3774 thereafter.
3775 Section 62. Section 633.41, Florida Statutes, is
3776 transferred, renumbered as section 633.416, Florida Statutes,
3777 and amended to read:
3778 633.416 ~~633.41~~ Firefighter employment and volunteer
3779 firefighter service; saving clause.—
3780 (1) A fire service provider may not employ an individual
3781 to:
3782 (a) Extinguish fires for the protection of life or property
3783 or to supervise individuals who perform such services unless the
3784 individual holds a current and valid Firefighter Certificate of
3785 Compliance; or
3786 (b) Serve as the administrative and command head of a fire
3787 service provider for a period in excess of 1 year unless the
3788 individual holds a current and valid Firefighter Certificate of
3789 Compliance or Special Certificate of Compliance.
3790 (2) A fire service provider may not retain the services of
3791 an individual volunteering to extinguish fires for the
3792 protection of life or property or to supervise individuals who
3793 perform such services unless the individual holds a current and
3794 valid Volunteer Firefighter Certificate of Completion.
3795 (3)(a) A fire service provider must make a diligent effort
3796 to determine whether the individual has a current and valid
3797 certificate before employing or retaining an individual for the
3798 services under subsection (1) or subsection (2), including
3799 making a determination of whether the requirements set forth in

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3800 s. 633.414 have been fulfilled.
3801 (b) For the purposes of this subsection, the term "diligent
3802 effort" means contacting at least three of the individual's
3803 previous employers to obtain her or his dates of employment and
3804 contacting the division to determine the certification status of
3805 the individual.
3806 (4)(a) A fire service provider must notify the division
3807 electronically, as directed by rule by the division, within 10
3808 days after:
3809 1. The hiring of a firefighter.
3810 2. The retention of a volunteer firefighter.
3811 3. The cessation of employment of a firefighter.
3812 4. A decision not to retain a volunteer firefighter.
3813 (b) Notification under paragraph (a) must include:
3814 1. The individual's name.
3815 2. The date on which he or she was hired or retained.
3816 3. The last date of employment or retention before leaving
3817 the fire service provider.
3818 4. Any other information deemed necessary by the division
3819 to determine compliance with ss. 633.414 and 633.426.
3820 (5) If the fire service provider makes a determination that
3821 an individual has not met the requirements set forth in s.
3822 633.414(1), the fire service provider must notify the division
3823 in writing within 10 days after making that determination.
3824 (6) The division may conduct site visits to fire
3825 departments to monitor compliance with this section.
3826 (7) For purposes of this section, the term "employ" means
3827 to pay an individual a salary, wage, or other compensation for
3828 the performance of work. The term does not include the payment

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3829 of expenses, reasonable benefits, a nominal fee, or a
3830 combination thereof to a volunteer for a public or private fire
3831 service provider who is only paid in a manner that would be
3832 authorized for a volunteer under the federal Fair Labor
3833 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,
3834 and its implementing rules.
3835 (8) Firefighters employed on July 5, 1969, are not required
3836 to meet the provisions of ss. 633.412 and 633.408 ~~633.34 and~~
3837 ~~633.35~~ as a condition of tenure or continued employment, and~~,~~
3838 ~~nor shall~~ their failure to fulfill such requirements does not
3839 make them ineligible for any promotional examination for which
3840 they are otherwise eligible or affect in any way any pension
3841 rights to which they may be entitled on July 5, 1969.
3842 Section 63. Section 633.38, Florida Statutes, is
3843 transferred, renumbered as section 633.418, Florida Statutes,
3844 and amended to read:
3845 633.418 ~~633.38~~ Inservice training and promotion;
3846 participation.—
3847 (1)(a) The division shall by rule ~~rules and regulations~~
3848 prescribe curricula and standards for advanced and specialized
3849 training courses and education ~~training~~ in addition to those
3850 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.
3851 (b) The standards provided by this section do ~~shall~~ not
3852 bind any fire service provider ~~employing agency~~ as to the
3853 requirements it may have for promoting personnel.
3854 (2) A fire service provider ~~departments or any fire service~~
3855 participating under ~~the provisions of~~ this section shall adhere
3856 to the standards and procedures established by the division.
3857 Section 64. Section 633.382, Florida Statutes, is

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3858 transferred, renumbered as section 633.422, Florida Statutes,
3859 and amended to read:
3860 633.422 ~~633.382~~ Firefighters; supplemental compensation.—
3861 ~~(1) DEFINITIONS.—As used in this section, the term:~~
3862 ~~(a) "Employing agency" means any municipality or any~~
3863 ~~county, the state, or any political subdivision of the state,~~
3864 ~~including authorities and special districts employing~~
3865 ~~firefighters.~~
3866 ~~(b) "Firefighter" means any person who meets the definition~~
3867 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~
3868 ~~compliance with s. 633.35 and who is employed solely within the~~
3869 ~~fire department of the employing agency or is employed by the~~
3870 ~~division.~~
3871 (1)~~(2)~~ QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The
3872 Legislature recognizes the need for supplemental compensation
3873 for firefighters who pursue higher educational opportunities
3874 that directly relate to the improvement of the health, safety,
3875 and welfare of firefighters and those who firefighters protect.
3876 The State Fire Marshal shall determine, and adopt by rule, the
3877 course work or degrees that represent the best practices toward
3878 this goal in the field of firefighting.
3879 (a) In addition to the compensation now paid by a fire
3880 service provider ~~an employing agency~~ to any firefighter, every
3881 firefighter shall be paid supplemental compensation by the fire
3882 service provider ~~employing agency~~ when such firefighter is a
3883 full-time employee, as determined by the employing fire service
3884 provider, and has complied with one of the following criteria:
3885 1. A ~~Any~~ firefighter who receives an associate degree from
3886 an accredited ~~a~~ college, which degree is directly applicable to

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3887 fire department duties, as outlined in policy guidelines adopted
3888 by rule by ~~of~~ the division, shall be additionally compensated as
3889 outlined in paragraph (2)(a) ~~(3)(a)~~.
3890 2. A ~~Any~~ firefighter, regardless of whether or not she or
3891 he earned an associate degree earlier, who receives from an
3892 accredited college or university a bachelor's degree, which
3893 bachelor's degree is directly applicable to fire department
3894 duties, as outlined in policy guidelines adopted by rule by ~~of~~
3895 the division, shall receive compensation as outlined in
3896 paragraph (2)(b) ~~(3)(b)~~.
3897 (b) If ~~Whenever~~ any question arises as to the eligibility
3898 of any firefighter to receive supplemental compensation as
3899 provided in this section, the question, together with all facts
3900 relating thereto, must ~~shall~~ be submitted to the division for
3901 determination, and the decision of the division with regard to
3902 determination of eligibility shall be final, subject to ~~the~~
3903 ~~provisions of~~ chapter 120.
3904 (2)~~(3)~~ SUPPLEMENTAL COMPENSATION.—Supplemental compensation
3905 shall be determined as follows:
3906 (a) Fifty dollars shall be paid monthly to each firefighter
3907 who qualifies under ~~the provisions of~~ subparagraph (1)(a)1
3908 ~~(2)(a)1~~.
3909 (b) One hundred and ten dollars shall be paid monthly to
3910 each firefighter who qualifies under ~~the provisions of~~
3911 subparagraph (1)(a)2 ~~(2)(a)2~~.
3912 (3)~~(4)~~ FUNDING.—
3913 (a) The fire service provider ~~employing agency~~ is
3914 responsible for the correct payment of firefighters pursuant to
3915 ~~the provisions of~~ this section. The division may review, in a

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3916 postaudit capacity, any action taken by an agency in
3917 administering the educational incentive program. The fire
3918 service provider ~~employing agency~~ shall take appropriate action
3919 when a postaudit shows that an action taken by the fire service
3920 provider ~~employing agency~~ was in error.
3921 (b) Each fire service provider ~~agency~~ employing
3922 firefighters who are eligible for this compensation shall submit
3923 reports containing information relating to compensation paid as
3924 a result of this section to the division on March 31, June 30,
3925 September 30, and December 31 of each year.
3926 (c) There is appropriated from the Police and Firefighter's
3927 Premium Tax Trust Fund to the Firefighters' Supplemental
3928 Compensation Trust Fund, which is ~~hereby~~ created under the
3929 Department of Revenue, all moneys which have not been
3930 distributed to municipalities and special fire control districts
3931 in accordance with s. 175.121 as a result of the limitation
3932 contained in s. 175.122 on the disbursement of revenues
3933 collected pursuant to chapter 175 or as a result of any
3934 municipality or special fire control district not having
3935 qualified in any given year, or portion thereof, for
3936 participation in the distribution of the revenues collected
3937 pursuant to chapter 175. The total required annual distribution
3938 from the Firefighters' Supplemental Compensation Trust Fund
3939 shall equal the amount necessary to pay supplemental
3940 compensation as provided in this section, provided that:
3941 1. Any deficit in the total required annual distribution
3942 shall be made up from accrued surplus funds existing in the
3943 Firefighters' Supplemental Compensation Trust Fund on June 30,
3944 1990, for as long as such funds last. If the accrued surplus is

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3945 insufficient to cure the deficit in any given year, the
3946 proration of the appropriation among the counties,
3947 municipalities, and special fire service taxing districts shall
3948 equal the ratio of compensation paid in the prior year to
3949 county, municipal, and special fire service taxing district
3950 firefighters pursuant to this section. This ratio shall be
3951 provided annually to the Department of Revenue by the division
3952 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue
3953 on or after July 1, 1990, shall be redistributed to
3954 municipalities and special fire control districts as provided in
3955 subparagraph 2.
3956 2. By October 1 of each year, any funds that have accrued
3957 or accrue on or after July 1, 1990, and remain in the
3958 Firefighters' Supplemental Compensation Trust Fund following the
3959 required annual distribution shall be redistributed by the
3960 Department of Revenue pro rata to those municipalities and
3961 special fire control districts identified by the Department of
3962 Management Services as being eligible for additional funds
3963 pursuant to s. 175.121(3)(b).
3964 (d) Salary incentive payments to firefighters shall
3965 commence in the first full calendar month following the initial
3966 date of certification of eligibility by the division ~~of State~~
3967 ~~Fire Marshal~~.
3968 (e) Special fire service taxing districts are authorized
3969 ~~and empowered~~ to spend ~~expend~~ the funds necessary to ensure
3970 correct payment to firefighters.
3971 (4) ~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental
3972 compensation and expenses of the administration provided by this
3973 section is found to serve a state, county, district, and

3974 municipal purpose and to provide benefit to the state and to its
3975 counties, municipalities, and districts.
3976 (5) APPLICABILITY.—For the purposes of this section, the
3977 division shall be considered a fire service provider responsible
3978 for the payment of supplemental compensation in accordance with
3979 this section to firefighters employed full-time by the division.
3980 Section 65. Section 633.353, Florida Statutes, is
3981 transferred, renumbered as section 633.424, Florida Statutes,
3982 and amended to read:
3983 633.424 ~~633.353~~ Falsification of qualifications.—An
3984 individual ~~Any person~~ who willfully and knowingly falsifies her
3985 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of
3986 Fire Standards and Training of the division commits ~~is guilty of~~
3987 a misdemeanor of the second degree, punishable as provided in s.
3988 775.082 or s. 775.083.
3989 Section 66. Section 633.351, Florida Statutes, is
3990 transferred, renumbered as section 633.426, Florida Statutes,
3991 and amended to read:
3992 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~
3993 standards for revocation of certification.—
3994 (1) For purposes of this section, the term:
3995 (a) "Certificate" means any of the certificates issued
3996 under s. 633.406.
3997 (b) "Certification" or "certified" means the act of holding
3998 a current and valid certificate.
3999 (c) "Convicted" means a finding of guilt, or the acceptance
4000 of a plea of guilty or nolo contendere, in any federal or state
4001 court or a court in any other country, without regard to whether
4002 a judgment of conviction has been entered by the court having

4003 jurisdiction of the case.
4004 (2) An individual is ineligible to apply for certification
4005 if the individual has, at any time, been:
4006 (a) Convicted of a misdemeanor relating to the
4007 certification or to perjury or false statements.
4008 (b) Convicted of a felony or a crime punishable by
4009 imprisonment of 1 year or more under the law of the United
4010 States or of any state thereof, or under the law of any other
4011 country.
4012 (c) Dishonorably discharged from any of the Armed Forces of
4013 the United States.
4014 (3)(a) The certification of an individual shall be
4015 permanently revoked if the individual is:
4016 1. Convicted of a misdemeanor relating to perjury or false
4017 statement.
4018 2. Convicted of a felony or a crime punishable by
4019 imprisonment of 1 year or more under the law of the United
4020 States or of any state thereof, or under the law of any other
4021 country.
4022 3. Dishonorably discharged from any of the Armed Forces of
4023 the United States.
4024 (b) For individuals who are certified before July 1, 2013:
4025 1. This subsection applies prospectively to convictions or
4026 dishonorable discharges entered on or after July 1, 2013.
4027 2. Section 633.351 as it existed before July 1, 2013,
4028 applies to convictions entered before July 1, 2013.
4029 (4) The certification of an individual ~~a firefighter~~ shall
4030 be revoked if evidence is found which demonstrates that the
4031 certification was improperly issued by the division or ~~if~~

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4032 ~~evidence is found that the certification~~ was issued on the basis
4033 of false, incorrect, incomplete, or misleading information, or
4034 that the individual has demonstrated a lack of moral fitness or
4035 trustworthiness to carry out the responsibilities under the
4036 individual's certification.
4037 (5) After investigation, if the division has reason to
4038 believe that an individual who is certified may have been
4039 convicted of a felony or of a misdemeanor related to perjury or
4040 false statement in this state or any other state or
4041 jurisdiction, the division may require the individual to submit
4042 fingerprints to the division with a current processing fee. The
4043 fingerprints shall be forwarded by the division to the
4044 Department of Law Enforcement for state processing and shall be
4045 forwarded by the Department of Law Enforcement to the Federal
4046 Bureau of Investigation for national processing.
4047 ~~(2) The certification of a firefighter who is convicted of~~
4048 ~~a felony, or who is convicted of a misdemeanor relating to~~
4049 ~~misleading or false statements, or who pleads nolo contendere to~~
4050 ~~any charge of a felony shall be revoked until the firefighter~~
4051 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~
4052 ~~felony or such misdemeanor charge is suspended or adjudication~~
4053 ~~is withheld, the firefighter's certification shall be revoked~~
4054 ~~until she or he completes any probation.~~
4055 Section 67. Section 633.43, Florida Statutes, is
4056 transferred, renumbered as section 633.428, Florida Statutes,
4057 and amended to read:
4058 633.428 ~~633.43~~ Florida State Fire College established.—
4059 There is ~~hereby~~ established a state institution to be known as
4060 the Florida State Fire College, to be located at or near Ocala,

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4061 Marion County. The institution shall be operated by the division
4062 ~~of State Fire Marshal of the department~~.
4063 Section 68. Section 633.44, Florida Statutes, is
4064 transferred, renumbered as section 633.432, Florida Statutes,
4065 and amended to read:
4066 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
4067 part IV ~~ss. 633.43-633.49~~ and of the Florida State Fire College
4068 are ~~shall be~~:
4069 (1) To provide professional and volunteer firefighters with
4070 needful professional instruction and training in subjects,
4071 including, but not limited to, firefighting, fire prevention,
4072 hazardous materials, urban search and rescue, and emergency
4073 operations, at a minimum of cost to them and to their employers.
4074 (2) To ensure the professionalism and competence of those
4075 performing firefighting, fire prevention, and associated fire
4076 protection functions by administering a system of certification
4077 and licensing.
4078 (3)~~(2)~~ To develop new methods and practices of firefighting
4079 and fire prevention.
4080 (4)~~(3)~~ To assist the state and county, municipal, and other
4081 local governments of this state and their agencies and officers
4082 in their investigation and determination of the causes of fires.
4083 (5)~~(4)~~ To provide testing facilities for testing
4084 firefighting equipment.
4085 (6)~~(5)~~ To disseminate useful information on fires,
4086 firefighting and fire prevention and other related subjects, to
4087 fire departments and others interested in such information.
4088 (7)~~(6)~~ To do such other needful or useful things necessary
4089 to the promotion of public safety in the field of fire hazards

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4090 and fire prevention work.
4091
4092 It is ~~hereby~~ declared by the Legislature that the above purposes
4093 are legitimate state functions and are designed to promote
4094 public safety.
4095 Section 69. Section 633.48, Florida Statutes, is
4096 transferred, renumbered as section 633.434, Florida Statutes,
4097 and amended to read:
4098 633.434 ~~633.48~~ Superintendent of college.—The division may
4099 employ a superintendent for the Florida State Fire College, who
4100 must ~~shall~~ be especially trained and qualified in firefighting,
4101 fire prevention and fire experimental work, and may employ on
4102 the recommendations of the ~~said~~ superintendent such other
4103 instructors, experimental helpers and laborers as may be
4104 necessary to the proper conduct of the ~~said~~ institution; and may
4105 proceed with the erection and detailed operation of the ~~said~~
4106 institution under ss. 633.428-633.444 ~~633.43-633.49~~.
4107 Section 70. Section 633.461, Florida Statutes, is
4108 transferred, renumbered as section 633.436, Florida Statutes,
4109 and amended to read:
4110 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The
4111 funds received from the Insurance Regulatory Trust Fund shall be
4112 used by the staff of the Florida State Fire College to provide
4113 all necessary services, training, equipment, and supplies to
4114 carry out the college's responsibilities, including, but not
4115 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~
4116 the procurement of training resources and ~~films, videotapes,~~
4117 ~~audiovisual~~ equipment~~,~~ and other useful information on fire,
4118 firefighting, and fire prevention, including public fire service

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4119 information packages.
4120 Section 71. Section 633.47, Florida Statutes, is
4121 transferred and renumbered as section 633.438, Florida Statutes.
4122 Section 72. Section 633.49, Florida Statutes, is
4123 transferred, renumbered as section 633.442, Florida Statutes,
4124 and amended to read:
4125 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
4126 use.—The division shall have the power to prescribe and shall
4127 make the necessary rules ~~and regulations~~ for the use of
4128 buildings, equipment, and other facilities of the Florida State
4129 Fire College when they are not in use for the purposes set forth
4130 in part IV ~~ss. 633.43-633.49~~.
4131 Section 73. Section 633.50, Florida Statutes, is
4132 transferred, renumbered as section 633.444, Florida Statutes,
4133 and amended to read:
4134 633.444 ~~633.50~~ Division powers and duties; Florida State
4135 Fire College.—
4136 (1) The division, in performing its duties related to the
4137 Florida State Fire College, specified in part IV ~~ss. 633.43-~~
4138 ~~633.49~~, shall:
4139 (a) Enter into agreements with public or private school
4140 districts, community colleges, junior colleges, or state
4141 universities to carry out its duties and responsibilities.
4142 (b) Review and approve budget requests for the fire college
4143 educational program.
4144 (c) Prepare the legislative budget request for the Florida
4145 State Fire College education program. The superintendent is
4146 responsible for all expenditures pursuant to appropriations.
4147 (d) Implement procedures to obtain appropriate entitlement

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4148 funds from federal and state grants to supplement the annual
4149 legislative appropriation. Such funds must be used expressly for
4150 the fire college educational programs.
4151 (e) Develop a staffing and funding formula for the Florida
4152 State Fire College. The formula must ~~shall~~ include differential
4153 funding levels for various types of programs, must ~~shall~~ be
4154 based on the number of full-time equivalent students and
4155 information obtained from scheduled attendance counts taken the
4156 first day of each program, and must ~~shall~~ provide the basis for
4157 the legislative budget request. As used in this section, a full-
4158 time equivalent student is equal to a minimum of 900 hours in a
4159 technical certificate program and 400 hours in a degree-seeking
4160 program. The funding formula must ~~shall~~ be as prescribed
4161 pursuant to s. 1011.62, must ~~shall~~ include procedures to
4162 document daily attendance, and must ~~shall~~ require that
4163 attendance records be retained for audit purposes.
4164 (f) Approve and register in an electronic database an
4165 education or training provider, designated by the division,
4166 before the education or training provider may offer any course
4167 to fulfill any education or training requirement under this
4168 chapter. The division shall establish criteria, by rule, for the
4169 approval of such education or training providers, including
4170 courses taught. Only approved and registered education or
4171 training providers are eligible to provide instruction or
4172 training that will be recognized by the division as fulfilling
4173 any education or training requirement under this chapter.
4174 (g) Recognize only courses offered by approved and
4175 registered training or education providers as fulfilling the
4176 education or training requirements under this chapter.

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4177 (2) Funds generated by the formula per full-time equivalent
4178 student may not exceed the level of state funding per full-time
4179 equivalent student generated through the Florida Education
4180 Finance Program or the State Community College Program Fund for
4181 students enrolled in comparable education programs provided by
4182 public school districts and community colleges. Funds
4183 appropriated for education and operational costs shall be
4184 deposited in the Insurance Regulatory Trust Fund to be used
4185 solely for purposes specified in s. 633.436 ~~633.461~~ and may not
4186 be transferred to any other budget entity for purposes other
4187 than education.
4188 Section 74. Section 633.46, Florida Statues, is transferred
4189 and renumbered as section 633.446, Florida Statutes.
4190 Section 75. The Division of Law Revision and Information is
4191 directed to create part V of chapter 633, Florida Statutes,
4192 consisting of sections 633.502, 633.504, 633.506, 633.508,
4193 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,
4194 633.532, 633.534, and 633.536, Florida Statutes, to be entitled
4195 "Florida Firefighters Occupational Safety and Health Act."
4196 Section 76. Section 633.801, Florida Statutes, is
4197 transferred, renumbered as section 633.502, Florida Statutes,
4198 and amended to read:
4199 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,
4200 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
4201 Occupational Safety and Health Act."
4202 Section 77. Section 633.802, Florida Statutes, is
4203 transferred and renumbered as section 633.504, Florida Statutes,
4204 and subsections (1), (2), and (4) of that section are amended,
4205 to read:

4206 633.504 ~~633.802~~ Definitions.—As used in this part, the term
4207 ~~Unless the context clearly requires otherwise, the following~~
4208 ~~definitions shall apply to ss. 633.801-633.821~~:
4209 (1) "Firefighter employee" means a firefighter, volunteer
4210 firefighter, or individual providing support services who is ~~any~~
4211 ~~person~~ engaged in any employment, public or private, ~~as a~~
4212 ~~firefighter~~ under any appointment or contract of hire or
4213 apprenticeship, express or implied, oral or written, whether
4214 lawfully or unlawfully employed, responding to or assisting with
4215 fire or medical emergencies, regardless of whether ~~or not the~~
4216 ~~firefighter is~~ on duty, except those appointed under s.
4217 590.02(1)(d).
4218 (2) "Firefighter employer" means the state and all
4219 political subdivisions of this state, all public and quasi-
4220 public corporations in this state, and a ~~every~~ person carrying
4221 on any employment for this state, political subdivisions of this
4222 state, and public and quasi-public corporations in this state
4223 which employs firefighter employees ~~firefighters~~, except those
4224 appointed under s. 590.02(1)(d).
4225 (4) "Firefighter place of employment" or "place of
4226 employment" means the physical location at which the firefighter
4227 employee is employed or deployed.
4228 Section 78. Section 633.803, Florida Statutes, is
4229 transferred, renumbered as section 633.506, Florida Statutes,
4230 and amended to read:
4231 633.506 ~~633.803~~ Legislative intent.—It is the intent of the
4232 Legislature to enhance firefighter occupational safety and
4233 health in the state through the implementation and maintenance
4234 of policies, procedures, practices, rules, and standards that

4235 reduce the incidence of firefighter employee accidents,
4236 firefighter employee occupational diseases, and firefighter
4237 employee fatalities compensable under chapter 440 or otherwise.
4238 The Legislature further intends that the division develop a
4239 means by which the division can identify individual firefighter
4240 employers with a high frequency or severity of work-related
4241 injuries, conduct safety inspections of those firefighter
4242 employers, and assist those firefighter employers in the
4243 development and implementation of firefighter employee safety
4244 and health programs. In addition, it is the intent of the
4245 Legislature that the division administer and enforce this part
4246 ~~the provisions of ss. 633.801-633.821~~; provide assistance to
4247 firefighter employers, firefighter employees, and insurers; and
4248 enforce the policies, rules, and standards set forth in this
4249 part ~~ss. 633.801-633.821~~.
4250 Section 79. Section 633.821, Florida Statutes, is
4251 transferred and renumbered as section 633.508, Florida Statutes,
4252 subsections (2), (3), (5), and (6) of that section are amended,
4253 and subsection (7) is added to that section, to read:
4254 633.508 ~~633.821~~ Workplace safety; rulemaking authority;
4255 division authority.—
4256 (2) The division shall have the authority to adopt rules
4257 for the purpose of ensuring safe working conditions for all
4258 firefighter employees by authorizing the enforcement of
4259 effective standards, by assisting and encouraging firefighter
4260 employers to maintain safe working conditions, and by providing
4261 for education and training in the field of safety. Specifically,
4262 the division may by rule adopt the most current edition of all
4263 or any part of subparts C through T and subpart Z of 29 C.F.R.

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4264 s. 1910~~, as revised April 8, 1998; the National Fire Protection~~
4265 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~
4266 ~~Safety System) (1992 edition)~~; the National Fire Protection
4267 Association, Inc., Publication 1403, Standard on Live Fire
4268 Training Evolutions ~~(latest edition)~~, as limited by subsection
4269 (6); and ANSI A 10.4~~-1990~~.
4270 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
4271 individuals located outside the immediately dangerous to life
4272 and health atmosphere may be assigned to an additional role,
4273 such as incident commander, pumper operator, engineer, or
4274 driver, so long as such individual can ~~is able to~~ immediately
4275 perform assistance or rescue activities without jeopardizing the
4276 safety or health of any firefighter employee working at an
4277 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~
4278 ~~(a) Each county, municipality, and special district shall~~
4279 ~~implement such provision by April 1, 2002, except as provided in~~
4280 ~~paragraphs (b) and (c).~~
4281 ~~(b) If any county, municipality, or special district is~~
4282 ~~unable to implement such provision by April 1, 2002, without~~
4283 ~~adding additional personnel to its firefighting staff or~~
4284 ~~expending significant additional funds, such county,~~
4285 ~~municipality, or special district shall have an additional 6~~
4286 ~~months within which to implement such provision. Such county,~~
4287 ~~municipality, or special district shall notify the division that~~
4288 ~~the 6-month extension to implement such provision is in effect~~
4289 ~~in such county, municipality, or special district within 30 days~~
4290 ~~after its decision to extend the time for the additional 6~~
4291 ~~months. The decision to extend the time for implementation shall~~
4292 ~~be made prior to April 1, 2002.~~

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4293 ~~(c) If, after the extension granted in paragraph (b), the~~
4294 ~~county, municipality, or special district, after having worked~~
4295 ~~with and cooperated fully with the division and the Firefighters~~
4296 ~~Employment, Standards, and Training Council, is still unable to~~
4297 ~~implement such provisions without adding additional personnel to~~
4298 ~~its firefighting staff or expending significant additional~~
4299 ~~funds, such municipality, county, or special district shall be~~
4300 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
4301 ~~However, each year thereafter the division shall review each~~
4302 ~~such county, municipality, or special district to determine if~~
4303 ~~such county, municipality, or special district has the ability~~
4304 ~~to implement such provision without adding additional personnel~~
4305 ~~to its firefighting staff or expending significant additional~~
4306 ~~funds. If the division determines that any county, municipality,~~
4307 ~~or special district has the ability to implement such provision~~
4308 ~~without adding additional personnel to its firefighting staff or~~
4309 ~~expending significant additional funds, the division shall~~
4310 ~~require such county, municipality, or special district to~~
4311 ~~implement such provision. Such requirement by the division under~~
4312 ~~this paragraph constitutes final agency action subject to~~
4313 ~~chapter 120.~~
4314 (5) The division may adopt any rule necessary to implement,
4315 interpret, and make specific the provisions of this section,
4316 provided the division may not adopt by rule any other standard
4317 or standards of the Occupational Safety and Health
4318 Administration or the National Fire Protection Association
4319 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter
4320 employment safety without specific legislative authority.
4321 (6)(a) The division shall adopt rules for live fire

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4322 training that all firefighter employees ~~firefighters~~ subject to
4323 this chapter must complete. The division shall also adopt rules
4324 for a training and certification process for live fire training
4325 instructors.
4326 (b) Such rules for training must ~~shall~~ include:
4327 1. Sections of the most current edition of the National
4328 Fire Protection Association, Inc., Publication 1402, Guide to
4329 Building Fire Service Training Centers, relating to establishing
4330 policies and procedures for effective use of such permanent
4331 facilities or structures.
4332 2. Sections of the most current edition of the National
4333 Fire Protection Association, Inc., Publication 1403, Standard on
4334 Live Fire Training Evolutions, excluding, however:
4335 a. Any chapter entitled “Referenced Publications.”
4336 b. References to the National Fire Protection Association,
4337 Inc., Publication 1975, Station Uniform.
4338 c. Provisions of the National Fire Protection Association,
4339 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~
4340 ~~references to such publication in the National Fire Protection~~
4341 ~~Association, Inc., Publication 1975~~.
4342 d. Any reference to an authority having jurisdiction in the
4343 National Fire Protection Association, Inc., Publication 1403,
4344 defined as the organization, office, or individual responsible
4345 for approving equipment, materials, installations, and
4346 procedures.
4347 3. A 40-hour training program for live fire training
4348 instructors, including:
4349 a. Live fire instructional techniques.
4350 b. Training safety in acquired or permanent facilities or

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4351 props.
4352 c. Personnel safety.
4353 d. Exterior props, including, but not limited to, liquid
4354 petroleum gas, other liquid fuels, and similar props.
4355 ~~(c) The rules, excluding those pertaining to live fire~~
4356 ~~training instructor certification, shall take effect no later~~
4357 ~~than January 1, 2006.~~
4358 (c) ~~(d)~~ Each live fire training instructor is required to be
4359 a state certified fire safety instructor. All live fire training
4360 ~~commenced on and after January 1, 2007,~~ must be conducted by a
4361 certified live fire training instructor.
4362 (d) ~~(e)~~ This subsection does not apply to wildland or
4363 prescribed live fire training exercises sanctioned by the
4364 Florida Forest Service of the Department of Agriculture and
4365 Consumer Services or the National Wildfire Coordinating Group.
4366 (7) The division shall:
4367 (a) Investigate and prescribe by rule what safety devices,
4368 safeguards, or other means of protection must be adopted for the
4369 prevention of accidents and injuries in every firefighter
4370 employee place of employment or at any fire scene; determine
4371 what suitable devices, safeguards, or other means of protection
4372 for the prevention of occupational diseases must be adopted or
4373 followed in any or all such firefighter places of employment or
4374 at any emergency fire scene; and adopt reasonable rules for the
4375 prevention of accidents, the safety, protection, and security of
4376 firefighter employees engaged in interior firefighting, and the
4377 prevention of occupational diseases.
4378 (b) Ascertain, fix, and order such reasonable standards and
4379 rules for the construction, repair, and maintenance of

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4380 firefighter employee places of employment so as to render them
4381 safe. Such rules and standards shall be adopted in accordance
4382 with chapter 120.
4383 (c) Adopt rules prescribing recordkeeping responsibilities
4384 for firefighter employers, which may include maintaining a log
4385 and summary of occupational injuries, diseases, and illnesses,
4386 for producing on request a notice of injury and firefighter
4387 employee accident investigation records, and prescribing a
4388 retention schedule for such records.
4389 Section 80. Section 633.817, Florida Statutes, is
4390 transferred, renumbered as section 633.512, Florida Statutes,
4391 and amended to read:
4392 633.512 ~~633.817~~ Compliance.—Failure of a firefighter
4393 employer or an insurer to comply with this part ~~ss. 633.801-~~
4394 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~
4395 ~~633.821~~, constitutes grounds for the division to seek remedies,
4396 including injunctive relief, by making appropriate filings with
4397 the circuit court.
4398 Section 81. Section 633.805, Florida Statutes, is
4399 transferred and renumbered as section 633.516, Florida Statutes.
4400 Section 82. Section 633.806, Florida Statutes, is
4401 transferred, renumbered as section 633.518, Florida Statutes,
4402 and amended to read:
4403 633.518 ~~633.806~~ Studies, investigations, inspections, or
4404 inquiries by the division; refusal to admit; penalty.—
4405 (1) The division shall make studies, ~~and~~ investigations,
4406 inspections, or inquiries with respect to compliance with this
4407 part or any rules authorized under this part ~~safety provisions~~
4408 and the causes of firefighter employee injuries, illnesses,

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4409 safety-based complaints, or Line of Duty Deaths (LODD) as
4410 defined in rule in firefighter employee places of employment and
4411 shall make such recommendations to the Legislature and
4412 firefighter employers and insurers as the division considers
4413 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~
4414 ~~of preventing firefighter injuries~~. In making such studies, ~~and~~
4415 investigations, inspections, or inquiries, the division may
4416 cooperate with any agency of the United States charged with the
4417 duty of enforcing any law securing safety against injury in any
4418 place of firefighter employment covered by this part ~~as.~~
4419 ~~633.801-633.821~~ or any agency or department of the state engaged
4420 in enforcing any law to ensure safety for firefighter employees.
4421 (2) The division by rule may adopt procedures for
4422 conducting investigations, inspections, or inquiries of
4423 firefighter employers under this part ~~as. 633.801-633.821~~.
4424 (3) The division and authorized representatives of the
4425 division may enter and inspect any firefighter employee's place
4426 of employment at any reasonable time for the purpose of
4427 investigating compliance with this part and conducting
4428 inspections for the proper enforcement of this part. A
4429 firefighter employer who refuses to admit any member of the
4430 division or authorized representative of the division to any
4431 place of employment or to allow investigation and inspection
4432 pursuant to this section commits a misdemeanor of the second
4433 degree, punishable as provided in s. 775.082 or s. 775.083.
4434 Section 83. Section 633.807, Florida Statutes, is
4435 transferred, renumbered as section 633.520, Florida Statutes,
4436 and amended to read:
4437 633.520 ~~633.807~~ Safety; firefighter employer

4438 responsibilities.—Every firefighter employer shall furnish and
4439 use safety devices and safeguards, adopt and use methods and
4440 processes reasonably adequate to render such an employment and
4441 place of employment safe, and do every other thing reasonably
4442 necessary to protect the lives, health, and safety of such
4443 firefighter employees. As used in this section, the terms "safe"
4444 and "safety," as applied to any employment or place of
4445 ~~firefighter~~ employment, mean such freedom from danger as is
4446 reasonably necessary for the protection of the lives, health,
4447 and safety of firefighter employees, including conditions and
4448 methods of sanitation and hygiene. Safety devices and safeguards
4449 required to be furnished by the firefighter employer by this
4450 section or by the division under authority of this section do
4451 ~~shall~~ not include personal apparel and protective devices that
4452 replace personal apparel normally worn by firefighter employees
4453 during regular working hours.
4454 Section 84. Section 633.809, Florida Statutes, is
4455 transferred, renumbered as section 633.522, Florida Statutes,
4456 and amended to read:
4457 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~
4458 ~~employees have a~~ high frequency of work-related injuries;
4459 corrective plans; workplace safety committees and coordinators;
4460 failure to implement a safety and health program; cancellation.—
4461 (1) The division shall develop a means to ~~by which the~~
4462 ~~division may~~ identify individual firefighter employers with
4463 ~~whose firefighter employees have~~ a high frequency ~~or severity~~ of
4464 firefighter employee work-related injuries. ~~The division shall~~
4465 ~~carry out safety inspections of the facilities and operations of~~
4466 ~~those firefighter employers in order to assist them in reducing~~

4467 ~~the frequency and severity of work-related injuries. The~~
4468 ~~division shall develop safety and health programs for those~~
4469 ~~firefighter employers. Insurers shall distribute such safety and~~
4470 ~~health programs to the firefighter employers so identified by~~
4471 ~~the division. Those firefighter employers identified by the~~
4472 ~~division as having a high frequency or severity of work-related~~
4473 ~~injuries shall implement a safety and health program developed~~
4474 ~~by the division.~~ The division shall conduct ~~carry out~~ safety
4475 inspections of those firefighter employers so identified to
4476 ensure compliance with this part or the division's rules and
4477 make recommendations based upon current ~~the~~ safety and health
4478 practices ~~program~~ and to assist such firefighter employers in
4479 reducing the number of work-related injuries. The division may
4480 not assess penalties as a result of such inspections~~, except as~~
4481 ~~provided by s. 633.813~~. Copies of any report made as the result
4482 of such an inspection shall be provided to the firefighter
4483 employer and its insurer. Firefighter employers shall ~~may~~ submit
4484 a plan for the correction of any noncompliance issues ~~their own~~
4485 ~~safety and health programs~~ to the division for approval in
4486 accordance with division rule ~~lieu of using the safety and~~
4487 ~~health program developed by the division~~. The division shall
4488 promptly review the plan ~~program~~ submitted and approve or
4489 disapprove the plan ~~program~~ within 60 days or such plan ~~program~~
4490 shall be deemed approved. Upon approval by the division, the
4491 plan ~~program~~ shall be implemented by the firefighter employer.
4492 If the plan ~~program~~ is not submitted, does not provide
4493 corrective actions for all deficiencies, is not complete, or is
4494 not implemented, the fire service provider shall be subject to
4495 s. 633.526 ~~approved or if a program is not submitted, the~~

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4496 ~~firefighter employer shall implement the program developed by~~
4497 ~~the division. The division shall adopt rules setting forth the~~
4498 ~~criteria for safety and health programs, as such rules relate to~~
4499 ~~this section~~.
4500 (2) In order to promote health and safety in firefighter
4501 employee places of employment in this state:
4502 (a) Each firefighter employer of 20 or more firefighter
4503 employees shall establish and administer a workplace safety
4504 committee in accordance with rules adopted under this section.
4505 (b) Each firefighter employer of fewer than 20 firefighter
4506 employees with a high frequency or high severity of work-related
4507 injuries, as identified by the division, shall establish and
4508 administer a workplace safety committee or designate a workplace
4509 safety coordinator who shall establish and administer workplace
4510 safety activities in accordance with rules adopted under this
4511 section.
4512 (3) The division shall adopt rules:
4513 (a) Prescribing the membership of the workplace safety
4514 committees so as to ensure an equal number of firefighter
4515 employee representatives who are volunteers or are elected by
4516 their peers and firefighter employer representatives, and
4517 specifying the frequency of meetings.
4518 (b) Requiring firefighter employers to make adequate
4519 records of each meeting and to file and to maintain the records
4520 subject to inspection by the division.
4521 (c) Prescribing the duties and functions of the workplace
4522 safety committee and workplace safety coordinator which include,
4523 but are not limited to:
4524 1. Establishing procedures for workplace safety inspections

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4525 by the committee.
4526 2. Establishing procedures for investigating all workplace
4527 accidents, safety-related incidents, illnesses, and deaths.
4528 3. Evaluating accident prevention and illness prevention
4529 programs.
4530 4. Prescribing guidelines for the training of safety
4531 committee members.
4532 (4) The composition, selection, and function of workplace
4533 safety committees shall be a mandatory topic of negotiations
4534 with any certified collective bargaining agent for firefighter
4535 employers that operate under a collective bargaining agreement.
4536 Firefighter employers that operate under a collective bargaining
4537 agreement that contains provisions governing the formation and
4538 operation of workplace safety committees that meet or exceed the
4539 minimum requirements contained in this section, or firefighter
4540 employers who otherwise have existing workplace safety
4541 committees that meet or exceed the minimum requirements
4542 established by this section, are in compliance with this
4543 section.
4544 (5) Firefighter employees shall be compensated their
4545 regular hourly wage while engaged in workplace safety committee
4546 or workplace safety coordinator training, meetings, or other
4547 duties prescribed under this section.
4548 (6) If a firefighter employer fails to implement a
4549 corrective plan, the insurer or self-insurer's fund that is
4550 providing coverage for the firefighter employer may cancel the
4551 contract for insurance with the firefighter employer. In the
4552 alternative, the insurer or fund may terminate any discount or
4553 deviation granted to the firefighter employer for the remainder

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4554 of the term of the policy. If the contract is canceled or the
4555 discount or deviation is terminated, the insurer must make such
4556 reports as are required by law.
4557 Section 85. Section 633.811, Florida Statutes, is
4558 transferred, renumbered as section 633.526, Florida Statutes,
4559 and amended to read:
4560 633.526 ~~633.811~~ Firefighter employer penalties.—If any
4561 firefighter employer violates or fails or refuses to comply with
4562 this part ~~ss. 633.801-633.821~~, or with any rule adopted by the
4563 division under such sections in accordance with chapter 120 for
4564 the prevention of injuries, accidents, or occupational diseases
4565 or with any lawful order of the division in connection with this
4566 part ~~ss. 633.801-633.821~~, or fails or refuses to furnish or
4567 adopt any safety device, safeguard, or other means of protection
4568 prescribed by division rule under this part ~~ss. 633.801-633.821~~
4569 for the prevention of accidents or occupational diseases, the
4570 division may:
4571 (1) Issue an administrative cease and desist order,
4572 enforceable in the circuit court in the jurisdiction where the
4573 violation is occurring or has occurred.
4574 (2) Assess an administrative fine against a firefighter
4575 employer of not less than $100 or more than $1,000 for each
4576 violation and each day a violation is committed.
4577 (3) Assess against the firefighter employer a civil penalty
4578 of not less than $100 nor more than $5,000 for each day the
4579 violation, omission, failure, or refusal continues after the
4580 firefighter employer has been given written notice of such
4581 violation, omission, failure, or refusal. The total penalty for
4582 each violation shall not exceed $50,000. The division shall

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4583 adopt rules requiring penalties commensurate with the frequency
4584 or severity of safety violations. Hearings requested under this
4585 section shall be conducted in Tallahassee ~~A hearing shall be~~
4586 ~~held in the county in which the violation, omission, failure, or~~
4587 ~~refusal is alleged to have occurred, unless otherwise agreed to~~
4588 ~~by the firefighter employer and authorized by the division~~. All
4589 penalties assessed and collected under this section shall be
4590 deposited in the Insurance Regulatory Trust Fund.
4591 Section 86. Section 633.812, Florida Statutes, is
4592 transferred and renumbered as section 633.528, Florida Statutes,
4593 and subsections (2) and (3) of that section are amended, to
4594 read:
4595 633.528 ~~633.812~~ Division cooperation with Federal
4596 Government; exemption from requirements for private firefighter
4597 employers.—
4598 (2) ~~Except as provided in this section,~~ A private
4599 firefighter employer is not subject to the requirements set
4600 forth in part IV and part V ~~of the division~~ if the private
4601 firefighter employer meets the requirements of this part and:
4602 (a) The private firefighter employer is subject to the
4603 federal regulations in 29 C.F.R. ss. 1910 and 1926.
4604 (b) The private firefighter employer has adopted and
4605 implemented a written safety program that conforms to the
4606 requirements of 29 C.F.R. ss. 1910 and 1926.
4607 ~~(c) A private firefighter employer with 20 or more full-~~
4608 ~~time firefighter employees shall include provisions for a safety~~
4609 ~~committee in the safety program. The safety committee shall~~
4610 ~~include firefighter employee representation and shall meet at~~
4611 ~~least once each calendar quarter. The private firefighter~~

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4612 ~~employer shall make adequate records of each meeting and~~
4613 ~~maintain the records subject to inspections under subsection~~
4614 ~~(3). The safety committee shall, if appropriate, make~~
4615 ~~recommendations regarding improvements to the safety program and~~
4616 ~~corrections of hazards affecting workplace safety.~~
4617 (c) ~~(d)~~ The private firefighter employer provides the
4618 division with a written statement that certifies compliance with
4619 this subsection.
4620 (3) The division may enter at any reasonable time any place
4621 of private firefighter employment for the purpose of verifying
4622 the accuracy of the written certification. If the division
4623 determines that the private firefighter employer has not
4624 complied with the requirements of subsection (2), the private
4625 firefighter employer shall be subject to the rules of the
4626 division until the private firefighter employer complies with
4627 subsection (2), which must be verified by a reinspection by ~~and~~
4628 ~~recertifies that fact to~~ the division.
4629 Section 87. Section 633.816, Florida Statutes, is
4630 transferred, renumbered as section 633.532, Florida Statutes,
4631 and amended to read:
4632 633.532 ~~633.816~~ Firefighter employee rights and
4633 responsibilities.—
4634 (1) Each firefighter employee of a firefighter employer
4635 covered under this part ~~ss. 633.801-633.821~~ shall comply with
4636 rules adopted by the division and with reasonable workplace
4637 safety and health standards, rules, policies, procedures, and
4638 work practices established by the firefighter employer and the
4639 workplace safety committee. A firefighter employee who knowingly
4640 fails to comply with this subsection may be disciplined or

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4641 discharged by the firefighter employer.
4642 (2) A firefighter employer may not discharge, threaten to
4643 discharge, cause to be discharged, intimidate, coerce, otherwise
4644 discipline, or in any manner discriminate against a firefighter
4645 employee for any of the following reasons:
4646 (a) The firefighter employee has testified or is about to
4647 testify, on her or his own behalf or on behalf of others, in any
4648 proceeding instituted under this part ~~ss. 633.801-633.821~~;
4649 (b) The firefighter employee has exercised any other right
4650 given ~~afforded~~ under this part ~~ss. 633.801-633.821~~; or
4651 (c) The firefighter employee is engaged in activities
4652 relating to the workplace safety committee.
4653 (3) ~~No~~ Pay, a position, seniority, or any other benefit may
4654 not be lost for exercising any right under, or for seeking
4655 compliance with any requirement of, this part ~~ss. 633.801-~~
4656 ~~633.821~~.
4657 Section 88. Section 633.818, Florida Statutes, is
4658 transferred, renumbered as section 633.534, Florida Statutes,
4659 and amended to read:
4660 633.534 ~~633.818~~ False, fictitious, or fraudulent acts,
4661 statements, and representations prohibited; penalty; statute of
4662 limitations ~~to insurers~~.—
4663 (1) A firefighter employer who knowingly and willfully
4664 falsifies or conceals a material fact, who makes a false,
4665 fictitious, or fraudulent statement or representation, or who
4666 makes or uses any false document knowing the document to contain
4667 any false, fictitious, or fraudulent entry or statement to an
4668 insurer of workers' compensation insurance under this part ~~ss.~~
4669 ~~633.801-633.821~~ commits a misdemeanor of the second degree,

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4670 punishable as provided in s. 775.082 or s. 775.083.
4671 (2) A person may not, in any matter within the jurisdiction
4672 of the division, knowingly and willfully falsify or conceal a
4673 material fact; make any false, fictitious, or fraudulent
4674 statement or representation; or make or use any false document,
4675 knowing the same to contain any false, fictitious, or fraudulent
4676 statement or entry. A person who violates this section commits a
4677 misdemeanor of the second degree, punishable as provided in s.
4678 775.082 or s. 775.083. The statute of limitations for
4679 prosecution of an act committed in violation of this section is
4680 5 years after the date the act was committed or, if not
4681 discovered within 30 days after the act was committed, 5 years
4682 after the date the act was discovered.
4683 Section 89. Section 633.814, Florida Statutes, is
4684 transferred, renumbered as section 633.536, Florida Statutes,
4685 and amended to read:
4686 633.536 ~~633.814~~ Expenses of administration.—The amounts
4687 that are needed to administer this part ~~ss. 633.801-633.821~~
4688 shall be disbursed from the Insurance Regulatory Trust Fund.
4689 Section 90. Paragraph (b) of subsection (2) of section
4690 112.011, Florida Statutes, is amended to read:
4691 112.011 Disqualification from licensing and public
4692 employment based on criminal conviction.—
4693 (2)
4694 (b) This section does not apply to the employment practices
4695 of any fire department relating to the hiring of firefighters.
4696 ~~An applicant for employment with any fire department who has a~~
4697 ~~prior felony conviction shall be excluded from employment for a~~
4698 ~~period of 4 years after expiration of sentence or final release~~

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4699 ~~by the Parole Commission unless the applicant, before the~~
4700 ~~expiration of the 4-year period, has received a full pardon or~~
4701 ~~has had his or her civil rights restored.~~
4702 Section 91. Paragraph (i) of subsection (2) of section
4703 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
4704 and (c) of subsection (2) of that section are reenacted, to
4705 read:
4706 112.191 Firefighters; death benefits.—
4707 (2)(a) The sum of $50,000, as adjusted pursuant to
4708 paragraph (i), shall be paid as provided in this section when a
4709 firefighter, while engaged in the performance of his or her
4710 firefighter duties, is accidentally killed or receives
4711 accidental bodily injury which subsequently results in the loss
4712 of the firefighter's life, provided that such killing is not the
4713 result of suicide and that such bodily injury is not
4714 intentionally self-inflicted. Notwithstanding any other
4715 provision of law, in no case shall the amount payable under this
4716 subsection be less than the actual amount stated therein.
4717 (b) The sum of $50,000, as adjusted pursuant to paragraph
4718 (i), shall be paid as provided in this section if a firefighter
4719 is accidentally killed as specified in paragraph (a) and the
4720 accidental death occurs as a result of the firefighter's
4721 response to what is reasonably believed to be an emergency
4722 involving the protection of life or property or the
4723 firefighter's participation in a training exercise. This sum is
4724 in addition to any sum provided in paragraph (a).
4725 Notwithstanding any other provision of law, the amount payable
4726 under this subsection may not be less than the actual amount
4727 stated therein.

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4728 (c) If a firefighter, while engaged in the performance of
4729 his or her firefighter duties, is unlawfully and intentionally
4730 killed, is injured by an unlawful and intentional act of another
4731 person and dies as a result of such injury, dies as a result of
4732 a fire which has been determined to have been caused by an act
4733 of arson, or subsequently dies as a result of injuries sustained
4734 therefrom, the sum of $150,000, as adjusted pursuant to
4735 paragraph (i), shall be paid as provided in this section.
4736 Notwithstanding any other provision of law, the amount payable
4737 under this subsection may not be less than the actual amount
4738 stated therein.
4739 (i) Any payments made pursuant to paragraph (a), paragraph
4740 (b), or paragraph (c) shall consist of the statutory amount
4741 adjusted to show ~~reflect~~ price level changes in the Consumer
4742 Price Index for All Urban Consumers published by the United
4743 States Department of Labor since July 1, 2002 ~~the effective date~~
4744 ~~of the act~~. The Division of State Fire Marshal, using the most
4745 recent month for which Consumer Price Index data is available,
4746 shall, on June 15 of each year, calculate and publish on the
4747 division's internet website the amount resulting from the
4748 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~
4749 ~~on the Consumer Price Index for All Urban Consumers published by~~
4750 ~~the United States Department of Labor~~. The adjusted statutory
4751 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each
4752 year ~~using the most recent month for which data are available at~~
4753 ~~the time of the adjustment~~.
4754 Section 92. Subsection (4) of section 120.541, Florida
4755 Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws
4756 of Florida, is amended to read:

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4757 120.541 Statement of estimated regulatory costs.—
4758 (4) Subsection (3) does not apply to the adoption of:
4759 (a) Federal standards pursuant to s. 120.54(6).
4760 (b) Triennial updates of and amendments to the Florida
4761 Building Code which are expressly authorized by s. 553.73.
4762 (c) Triennial updates of and amendments to the Florida Fire
4763 Prevention Code which are expressly authorized by s. 633.202 ~~s.~~
4764 ~~633.0215~~.
4765 Section 93. Paragraph (c) of subsection (6) of section
4766 196.081, Florida Statutes, as amended by section 2 of chapter
4767 2012-54, Laws of Florida, and section 19 of chapter 2012-193,
4768 Laws of Florida, is amended to read:
4769 196.081 Exemption for certain permanently and totally
4770 disabled veterans and for surviving spouses of veterans; ~~;~~
4771 exemption for surviving spouses of first responders who die in
4772 the line of duty.—
4773 (6) Any real estate that is owned and used as a homestead
4774 by the surviving spouse of a first responder who died in the
4775 line of duty while employed by the state or any political
4776 subdivision of the state, including authorities and special
4777 districts, and for whom a letter from the state or appropriate
4778 political subdivision of the state, or other authority or
4779 special district, has been issued which legally recognizes and
4780 certifies that the first responder died in the line of duty
4781 while employed as a first responder is exempt from taxation if
4782 the first responder and his or her surviving spouse were
4783 permanent residents of this state on January 1 of the year in
4784 which the first responder died.
4785 (c) As used in this subsection only, and not applicable to

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4786 the payment of benefits under s. 112.19 or s. 112.191, the term:
4787 1. "First responder" means a law enforcement officer or
4788 correctional officer as defined in s. 943.10, a firefighter as
4789 defined in s. 633.102 ~~s. 633.30~~, or an emergency medical
4790 technician or paramedic as defined in s. 401.23 who is a full-
4791 time paid employee, part-time paid employee, or unpaid
4792 volunteer.
4793 2. "In the line of duty" means:
4794 a. While engaging in law enforcement;
4795 b. While performing an activity relating to fire
4796 suppression and prevention;
4797 c. While responding to a hazardous material emergency;
4798 d. While performing rescue activity;
4799 e. While providing emergency medical services;
4800 f. While performing disaster relief activity;
4801 g. While otherwise engaging in emergency response activity;
4802 or
4803 h. While engaging in a training exercise related to any of
4804 the events or activities enumerated in this subparagraph if the
4805 training has been authorized by the employing entity.
4806
4807 A heart attack or stroke that causes death or causes an injury
4808 resulting in death must occur within 24 hours after an event or
4809 activity enumerated in this subparagraph and must be directly
4810 and proximately caused by the event or activity in order to be
4811 considered as having occurred in the line of duty.
4812 Section 94. Section 633.024, Florida Statutes, is repealed.
4813 Section 95. Section 633.0245, Florida Statutes, is
4814 repealed.

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4815 Section 96. Section 633.03, Florida Statutes, is repealed.
4816 Section 97. Section 633.0421, Florida Statutes, is
4817 repealed.
4818 Section 98. Section 633.13, Florida Statutes, is repealed.
4819 Section 99. Section 633.167, Florida Statutes, is repealed.
4820 Section 100. Section 633.18, Florida Statutes, is repealed.
4821 Section 101. Section 633.30, Florida Statutes, is repealed.
4822 Section 102. Section 633.32, Florida Statutes, is repealed.
4823 Section 103. Section 633.33, Florida Statutes, is repealed.
4824 Section 104. Section 633.37, Florida Statutes, is repealed.
4825 Section 105. Section 633.445, Florida Statutes, is
4826 repealed.
4827 Section 106. Section 633.46, Florida Statutes, is repealed.
4828 Section 107. Section 633.514, Florida Statutes, is
4829 repealed.
4830 Section 108. Section 633.517, Florida Statutes, is
4831 repealed.
4832 Section 109. Section 633.524, Florida Statutes, is
4833 repealed.
4834 Section 110. Section 633.804, Florida Statutes, is
4835 repealed.
4836 Section 111. Section 633.808, Florida Statutes, is
4837 repealed.
4838 Section 112. Section 633.810, Florida Statutes, is
4839 repealed.
4840 Section 113. Section 633.813, Florida Statutes, is
4841 repealed.
4842 Section 114. Section 633.815, Florida Statutes, is
4843 repealed.

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4844 Section 115. Section 633.819, Florida Statutes, is
4845 repealed.
4846 Section 116. Section 633.820, Florida Statutes, is
4847 repealed.
4848 Section 117. Subsection (1) of section 112.1815, Florida
4849 Statutes, is amended to read:
4850 112.1815 Firefighters, paramedics, emergency medical
4851 technicians, and law enforcement officers; special provisions
4852 for employment-related accidents and injuries.—
4853 (1) The term "first responder" as used in this section
4854 means a law enforcement officer as defined in s. 943.10, a
4855 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
4856 medical technician or paramedic as defined in s. 401.23 employed
4857 by state or local government. A volunteer law enforcement
4858 officer, firefighter, or emergency medical technician or
4859 paramedic engaged by the state or a local government is also
4860 considered a first responder of the state or local government
4861 for purposes of this section.
4862 Section 118. Paragraph (b) of subsection (1) of section
4863 112.191, Florida Statutes, is amended to read:
4864 112.191 Firefighters; death benefits.—
4865 (1) Whenever used in this act:
4866 (b) The term "firefighter" means any full-time duly
4867 employed uniformed firefighter employed by an employer, whose
4868 primary duty is the prevention and extinguishing of fires, the
4869 protection of life and property therefrom, the enforcement of
4870 municipal, county, and state fire prevention codes, as well as
4871 the enforcement of any law pertaining to the prevention and
4872 control of fires, who is certified pursuant to s. 633.408

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4873 ~~633.35,~~ and who is a member of a duly constituted fire
4874 department of such employer or who is a volunteer firefighter.
4875 Section 119. Subsection (1) of section 112.81, Florida
4876 Statutes, is amended to read:
4877 112.81 Definitions.—As used in this part:
4878 (1) "Firefighter" means a ~~any~~ person who is certified in
4879 compliance with s. 633.408 ~~633.35~~ and who is employed solely
4880 within the fire department or public safety department of an
4881 employing agency as a full-time firefighter whose primary
4882 responsibility is the prevention and extinguishment of fires;
4883 the protection of life and property; and the enforcement of
4884 municipal, county, and state fire prevention codes and laws
4885 pertaining to the prevention and control of fires.
4886 Section 120. Paragraph (d) of subsection (4) of section
4887 119.071, Florida Statutes, is amended to read:
4888 119.071 General exemptions from inspection or copying of
4889 public records.—
4890 (4) AGENCY PERSONNEL INFORMATION.—
4891 (d)1. For purposes of this paragraph, the term "telephone
4892 numbers" includes home telephone numbers, personal cellular
4893 telephone numbers, personal pager telephone numbers, and
4894 telephone numbers associated with personal communications
4895 devices.
4896 2.a. The home addresses, telephone numbers, social security
4897 numbers, dates of birth, and photographs of active or former
4898 sworn or civilian law enforcement personnel, including
4899 correctional and correctional probation officers, personnel of
4900 the Department of Children and Family Services whose duties
4901 include the investigation of abuse, neglect, exploitation,

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4902 fraud, theft, or other criminal activities, personnel of the
4903 Department of Health whose duties are to support the
4904 investigation of child abuse or neglect, and personnel of the
4905 Department of Revenue or local governments whose
4906 responsibilities include revenue collection and enforcement or
4907 child support enforcement; the home addresses, telephone
4908 numbers, social security numbers, photographs, dates of birth,
4909 and places of employment of the spouses and children of such
4910 personnel; and the names and locations of schools and day care
4911 facilities attended by the children of such personnel are exempt
4912 from s. 119.07(1).
4913 b. The home addresses, telephone numbers, dates of birth,
4914 and photographs of firefighters certified in compliance with s.
4915 633.408 ~~633.35~~; the home addresses, telephone numbers,
4916 photographs, dates of birth, and places of employment of the
4917 spouses and children of such firefighters; and the names and
4918 locations of schools and day care facilities attended by the
4919 children of such firefighters are exempt from s. 119.07(1).
4920 c. The home addresses, dates of birth, and telephone
4921 numbers of current or former justices of the Supreme Court,
4922 district court of appeal judges, circuit court judges, and
4923 county court judges; the home addresses, telephone numbers,
4924 dates of birth, and places of employment of the spouses and
4925 children of current or former justices and judges; and the names
4926 and locations of schools and day care facilities attended by the
4927 children of current or former justices and judges are exempt
4928 from s. 119.07(1).
4929 d. The home addresses, telephone numbers, social security
4930 numbers, dates of birth, and photographs of current or former

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4931 state attorneys, assistant state attorneys, statewide
4932 prosecutors, or assistant statewide prosecutors; the home
4933 addresses, telephone numbers, social security numbers,
4934 photographs, dates of birth, and places of employment of the
4935 spouses and children of current or former state attorneys,
4936 assistant state attorneys, statewide prosecutors, or assistant
4937 statewide prosecutors; and the names and locations of schools
4938 and day care facilities attended by the children of current or
4939 former state attorneys, assistant state attorneys, statewide
4940 prosecutors, or assistant statewide prosecutors are exempt from
4941 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
4942 e. The home addresses, dates of birth, and telephone
4943 numbers of general magistrates, special magistrates, judges of
4944 compensation claims, administrative law judges of the Division
4945 of Administrative Hearings, and child support enforcement
4946 hearing officers; the home addresses, telephone numbers, dates
4947 of birth, and places of employment of the spouses and children
4948 of general magistrates, special magistrates, judges of
4949 compensation claims, administrative law judges of the Division
4950 of Administrative Hearings, and child support enforcement
4951 hearing officers; and the names and locations of schools and day
4952 care facilities attended by the children of general magistrates,
4953 special magistrates, judges of compensation claims,
4954 administrative law judges of the Division of Administrative
4955 Hearings, and child support enforcement hearing officers are
4956 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
4957 Constitution if the general magistrate, special magistrate,
4958 judge of compensation claims, administrative law judge of the
4959 Division of Administrative Hearings, or child support hearing

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4960 officer provides a written statement that the general
4961 magistrate, special magistrate, judge of compensation claims,
4962 administrative law judge of the Division of Administrative
4963 Hearings, or child support hearing officer has made reasonable
4964 efforts to protect such information from being accessible
4965 through other means available to the public.
4966 f. The home addresses, telephone numbers, dates of birth,
4967 and photographs of current or former human resource, labor
4968 relations, or employee relations directors, assistant directors,
4969 managers, or assistant managers of any local government agency
4970 or water management district whose duties include hiring and
4971 firing employees, labor contract negotiation, administration, or
4972 other personnel-related duties; the names, home addresses,
4973 telephone numbers, dates of birth, and places of employment of
4974 the spouses and children of such personnel; and the names and
4975 locations of schools and day care facilities attended by the
4976 children of such personnel are exempt from s. 119.07(1) and s.
4977 24(a), Art. I of the State Constitution.
4978 g. The home addresses, telephone numbers, dates of birth,
4979 and photographs of current or former code enforcement officers;
4980 the names, home addresses, telephone numbers, dates of birth,
4981 and places of employment of the spouses and children of such
4982 personnel; and the names and locations of schools and day care
4983 facilities attended by the children of such personnel are exempt
4984 from s. 119.07(1) and s. 24(a), Art. I of the State
4985 Constitution.
4986 h. The home addresses, telephone numbers, places of
4987 employment, dates of birth, and photographs of current or former
4988 guardians ad litem, as defined in s. 39.820; the names, home

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4989 addresses, telephone numbers, dates of birth, and places of
4990 employment of the spouses and children of such persons; and the
4991 names and locations of schools and day care facilities attended
4992 by the children of such persons are exempt from s. 119.07(1) and
4993 s. 24(a), Art. I of the State Constitution, if the guardian ad
4994 litem provides a written statement that the guardian ad litem
4995 has made reasonable efforts to protect such information from
4996 being accessible through other means available to the public.
4997 i. The home addresses, telephone numbers, dates of birth,
4998 and photographs of current or former juvenile probation
4999 officers, juvenile probation supervisors, detention
5000 superintendents, assistant detention superintendents, juvenile
5001 justice detention officers I and II, juvenile justice detention
5002 officer supervisors, juvenile justice residential officers,
5003 juvenile justice residential officer supervisors I and II,
5004 juvenile justice counselors, juvenile justice counselor
5005 supervisors, human services counselor administrators, senior
5006 human services counselor administrators, rehabilitation
5007 therapists, and social services counselors of the Department of
5008 Juvenile Justice; the names, home addresses, telephone numbers,
5009 dates of birth, and places of employment of spouses and children
5010 of such personnel; and the names and locations of schools and
5011 day care facilities attended by the children of such personnel
5012 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5013 Constitution.
5014 j. The home addresses, telephone numbers, dates of birth,
5015 and photographs of current or former public defenders, assistant
5016 public defenders, criminal conflict and civil regional counsel,
5017 and assistant criminal conflict and civil regional counsel; the

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5018 home addresses, telephone numbers, dates of birth, and places of
5019 employment of the spouses and children of such defenders or
5020 counsel; and the names and locations of schools and day care
5021 facilities attended by the children of such defenders or counsel
5022 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5023 Constitution.
5024 k. The home addresses, telephone numbers, and photographs
5025 of current or former investigators or inspectors of the
5026 Department of Business and Professional Regulation; the names,
5027 home addresses, telephone numbers, and places of employment of
5028 the spouses and children of such current or former investigators
5029 and inspectors; and the names and locations of schools and day
5030 care facilities attended by the children of such current or
5031 former investigators and inspectors are exempt from s. 119.07(1)
5032 and s. 24(a), Art. I of the State Constitution if the
5033 investigator or inspector has made reasonable efforts to protect
5034 such information from being accessible through other means
5035 available to the public. This sub-subparagraph is subject to the
5036 Open Government Sunset Review Act in accordance with s. 119.15
5037 and shall stand repealed on October 2, 2017, unless reviewed and
5038 saved from repeal through reenactment by the Legislature.
5039 l. The home addresses and telephone numbers of county tax
5040 collectors; the names, home addresses, telephone numbers, and
5041 places of employment of the spouses and children of such tax
5042 collectors; and the names and locations of schools and day care
5043 facilities attended by the children of such tax collectors are
5044 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5045 Constitution if the county tax collector has made reasonable
5046 efforts to protect such information from being accessible

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5047 through other means available to the public. This sub-
5048 subparagraph is subject to the Open Government Sunset Review Act
5049 in accordance with s. 119.15 and shall stand repealed on October
5050 2, 2017, unless reviewed and saved from repeal through
5051 reenactment by the Legislature.
5052 3. An agency that is the custodian of the information
5053 specified in subparagraph 2. and that is not the employer of the
5054 officer, employee, justice, judge, or other person specified in
5055 subparagraph 2. shall maintain the exempt status of that
5056 information only if the officer, employee, justice, judge, other
5057 person, or employing agency of the designated employee submits a
5058 written request for maintenance of the exemption to the
5059 custodial agency.
5060 4. The exemptions in this paragraph apply to information
5061 held by an agency before, on, or after the effective date of the
5062 exemption.
5063 5. This paragraph is subject to the Open Government Sunset
5064 Review Act in accordance with s. 119.15, and shall stand
5065 repealed on October 2, 2017, unless reviewed and saved from
5066 repeal through reenactment by the Legislature.
5067 Section 121. Subsection (17) of section 120.80, Florida
5068 Statutes, is amended to read:
5069 120.80 Exceptions and special requirements; agencies.—
5070 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
5071 to the adoption of amendments and the triennial update to the
5072 Florida Fire Prevention Code expressly authorized by s. 633.202
5073 ~~633.0215~~.
5074 Section 122. Subsection (3) and paragraph (a) of subsection
5075 (6) of section 121.0515, Florida Statutes, are amended to read:

5076 121.0515 Special Risk Class.—
5077 (3) CRITERIA.—A member, to be designated as a special risk
5078 member, must meet the following criteria:
5079 (a) Effective October 1, 1978, the member must be employed
5080 as a law enforcement officer and be certified, or required to be
5081 certified, in compliance with s. 943.1395; however, sheriffs and
5082 elected police chiefs are excluded from meeting the
5083 certification requirements of this paragraph. In addition, the
5084 member's duties and responsibilities must include the pursuit,
5085 apprehension, and arrest of law violators or suspected law
5086 violators; or as of July 1, 1982, the member must be an active
5087 member of a bomb disposal unit whose primary responsibility is
5088 the location, handling, and disposal of explosive devices; or
5089 the member must be the supervisor or command officer of a member
5090 or members who have such responsibilities. Administrative
5091 support personnel, including, but not limited to, those whose
5092 primary duties and responsibilities are in accounting,
5093 purchasing, legal, and personnel, are not included;
5094 (b) Effective October 1, 1978, the member must be employed
5095 as a firefighter and be certified, or required to be certified,
5096 in compliance with s. 633.408 ~~633.35~~ and be employed solely
5097 within the fire department of a local government employer or an
5098 agency of state government with firefighting responsibilities.
5099 In addition, the member's duties and responsibilities must
5100 include on-the-scene fighting of fires; as of October 1, 2001,
5101 fire prevention or firefighter training; as of October 1, 2001,
5102 direct supervision of firefighting units, fire prevention, or
5103 firefighter training; or as of July 1, 2001, aerial firefighting
5104 surveillance performed by fixed-wing aircraft pilots employed by

5105 the Florida Forest Service of the Department of Agriculture and
5106 Consumer Services; or the member must be the supervisor or
5107 command officer of a member or members who have such
5108 responsibilities. Administrative support personnel, including,
5109 but not limited to, those whose primary duties and
5110 responsibilities are in accounting, purchasing, legal, and
5111 personnel, are not included. All periods of creditable service
5112 in fire prevention or firefighter training, or as the supervisor
5113 or command officer of a member or members who have such
5114 responsibilities, and for which the employer paid the special
5115 risk contribution rate, are included;
5116 (c) Effective October 1, 1978, the member must be employed
5117 as a correctional officer and be certified, or required to be
5118 certified, in compliance with s. 943.1395. In addition, the
5119 member's primary duties and responsibilities must be the
5120 custody, and physical restraint when necessary, of prisoners or
5121 inmates within a prison, jail, or other criminal detention
5122 facility, or while on work detail outside the facility, or while
5123 being transported; or as of July 1, 1984, the member must be the
5124 supervisor or command officer of a member or members who have
5125 such responsibilities. Administrative support personnel,
5126 including, but not limited to, those whose primary duties and
5127 responsibilities are in accounting, purchasing, legal, and
5128 personnel, are not included; however, wardens and assistant
5129 wardens, as defined by rule, are included;
5130 (d) Effective October 1, 1999, the member must be employed
5131 by a licensed Advance Life Support (ALS) or Basic Life Support
5132 (BLS) employer as an emergency medical technician or a paramedic
5133 and be certified in compliance with s. 401.27. In addition, the

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5134 member's primary duties and responsibilities must include on-
5135 the-scene emergency medical care or as of October 1, 2001,
5136 direct supervision of emergency medical technicians or
5137 paramedics, or the member must be the supervisor or command
5138 officer of one or more members who have such responsibility.
5139 Administrative support personnel, including, but not limited to,
5140 those whose primary responsibilities are in accounting,
5141 purchasing, legal, and personnel, are not included;
5142 (e) Effective January 1, 2001, the member must be employed
5143 as a community-based correctional probation officer and be
5144 certified, or required to be certified, in compliance with s.
5145 943.1395. In addition, the member's primary duties and
5146 responsibilities must be the supervised custody, surveillance,
5147 control, investigation, and counseling of assigned inmates,
5148 probationers, parolees, or community controllees within the
5149 community; or the member must be the supervisor of a member or
5150 members who have such responsibilities. Administrative support
5151 personnel, including, but not limited to, those whose primary
5152 duties and responsibilities are in accounting, purchasing, legal
5153 services, and personnel management, are not included; however,
5154 probation and parole circuit and deputy circuit administrators
5155 are included;
5156 (f) Effective January 1, 2001, the member must be employed
5157 in one of the following classes and must spend at least 75
5158 percent of his or her time performing duties which involve
5159 contact with patients or inmates in a correctional or forensic
5160 facility or institution:
5161 1. Dietitian (class codes 5203 and 5204);
5162 2. Public health nutrition consultant (class code 5224);

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5163 3. Psychological specialist (class codes 5230 and 5231);
5164 4. Psychologist (class code 5234);
5165 5. Senior psychologist (class codes 5237 and 5238);
5166 6. Regional mental health consultant (class code 5240);
5167 7. Psychological Services Director—DCF (class code 5242);
5168 8. Pharmacist (class codes 5245 and 5246);
5169 9. Senior pharmacist (class codes 5248 and 5249);
5170 10. Dentist (class code 5266);
5171 11. Senior dentist (class code 5269);
5172 12. Registered nurse (class codes 5290 and 5291);
5173 13. Senior registered nurse (class codes 5292 and 5293);
5174 14. Registered nurse specialist (class codes 5294 and
5175 5295);
5176 15. Clinical associate (class codes 5298 and 5299);
5177 16. Advanced registered nurse practitioner (class codes
5178 5297 and 5300);
5179 17. Advanced registered nurse practitioner specialist
5180 (class codes 5304 and 5305);
5181 18. Registered nurse supervisor (class codes 5306 and
5182 5307);
5183 19. Senior registered nurse supervisor (class codes 5308
5184 and 5309);
5185 20. Registered nursing consultant (class codes 5312 and
5186 5313);
5187 21. Quality management program supervisor (class code
5188 5314);
5189 22. Executive nursing director (class codes 5320 and 5321);
5190 23. Speech and hearing therapist (class code 5406); or
5191 24. Pharmacy manager (class code 5251);

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5192 (g) Effective July 1, 2001, the member must be employed as
5193 a youth custody officer and be certified, or required to be
5194 certified, in compliance with s. 943.1395. In addition, the
5195 member's primary duties and responsibilities must be the
5196 supervised custody, surveillance, control, investigation,
5197 apprehension, arrest, and counseling of assigned juveniles
5198 within the community;
5199 (h) Effective October 1, 2005, through June 30, 2008, the
5200 member must be employed by a law enforcement agency or medical
5201 examiner's office in a forensic discipline recognized by the
5202 International Association for Identification and must qualify
5203 for active membership in the International Association for
5204 Identification. The member's primary duties and responsibilities
5205 must include the collection, examination, preservation,
5206 documentation, preparation, or analysis of physical evidence or
5207 testimony, or both, or the member must be the direct supervisor,
5208 quality management supervisor, or command officer of one or more
5209 individuals with such responsibility. Administrative support
5210 personnel, including, but not limited to, those whose primary
5211 responsibilities are clerical or in accounting, purchasing,
5212 legal, and personnel, are not included;
5213 (i) Effective July 1, 2008, the member must be employed by
5214 the Department of Law Enforcement in the crime laboratory or by
5215 the Division of State Fire Marshal in the forensic laboratory in
5216 one of the following classes:
5217 1. Forensic technologist (class code 8459);
5218 2. Crime laboratory technician (class code 8461);
5219 3. Crime laboratory analyst (class code 8463);
5220 4. Senior crime laboratory analyst (class code 8464);

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5221 5. Crime laboratory analyst supervisor (class code 8466);
5222 6. Forensic chief (class code 9602); or
5223 7. Forensic services quality manager (class code 9603);
5224 (j) Effective July 1, 2008, the member must be employed by
5225 a local government law enforcement agency or medical examiner's
5226 office and must spend at least 65 percent of his or her time
5227 performing duties that involve the collection, examination,
5228 preservation, documentation, preparation, or analysis of human
5229 tissues or fluids or physical evidence having potential
5230 biological, chemical, or radiological hazard or contamination,
5231 or use chemicals, processes, or materials that may have
5232 carcinogenic or health-damaging properties in the analysis of
5233 such evidence, or the member must be the direct supervisor of
5234 one or more individuals having such responsibility. If a special
5235 risk member changes to another position within the same agency,
5236 he or she must submit a complete application as provided in
5237 paragraph (4)(a); or
5238 (k) The member must have already qualified for and be
5239 actively participating in special risk membership under
5240 paragraph (a), paragraph (b), or paragraph (c), must have
5241 suffered a qualifying injury as defined in this paragraph, must
5242 not be receiving disability retirement benefits as provided in
5243 s. 121.091(4), and must satisfy the requirements of this
5244 paragraph.
5245 1. The ability to qualify for the class of membership
5246 defined in paragraph (2)(i) occurs when two licensed medical
5247 physicians, one of whom is a primary treating physician of the
5248 member, certify the existence of the physical injury and medical
5249 condition that constitute a qualifying injury as defined in this

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5250 paragraph and that the member has reached maximum medical
5251 improvement after August 1, 2008. The certifications from the
5252 licensed medical physicians must include, at a minimum, that the
5253 injury to the special risk member has resulted in a physical
5254 loss, or loss of use, of at least two of the following: left
5255 arm, right arm, left leg, or right leg; and:
5256 a. That this physical loss or loss of use is total and
5257 permanent, except if ~~in the event that~~ the loss of use is due to
5258 a physical injury to the member's brain, in which event the loss
5259 of use is permanent with at least 75 percent loss of motor
5260 function with respect to each arm or leg affected.
5261 b. That this physical loss or loss of use renders the
5262 member physically unable to perform the essential job functions
5263 of his or her special risk position.
5264 c. That, notwithstanding this physical loss or loss of use,
5265 the individual can ~~is able to~~ perform the essential job
5266 functions required by the member's new position, as provided in
5267 subparagraph 3.
5268 d. That use of artificial limbs is ~~either~~ not possible or
5269 does not alter the member's ability to perform the essential job
5270 functions of the member's position.
5271 e. That the physical loss or loss of use is a direct result
5272 of a physical injury and not a result of any mental,
5273 psychological, or emotional injury.
5274 2. For the purposes of this paragraph, "qualifying injury"
5275 means an injury sustained in the line of duty, as certified by
5276 the member's employing agency, by a special risk member that
5277 does not result in total and permanent disability as defined in
5278 s. 121.091(4)(b). An injury is a qualifying injury if the injury

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5279 is a physical injury to the member's physical body resulting in
5280 a physical loss, or loss of use, of at least two of the
5281 following: left arm, right arm, left leg, or right leg.
5282 Notwithstanding any other provision of this section, an injury
5283 that would otherwise qualify as a qualifying injury is not
5284 considered a qualifying injury if and when the member ceases
5285 employment with the employer for whom he or she was providing
5286 special risk services on the date the injury occurred.
5287 3. The new position, as described in sub-subparagraph 1.c.,
5288 that is required for qualification as a special risk member
5289 under this paragraph is not required to be a position with
5290 essential job functions that entitle an individual to special
5291 risk membership. Whether a new position as described in sub-
5292 subparagraph 1.c. exists and is available to the special risk
5293 member is a decision to be made solely by the employer in
5294 accordance with its hiring practices and applicable law.
5295 4. This paragraph does not grant or create additional
5296 rights for any individual to continued employment or to be hired
5297 or rehired by his or her employer that are not already provided
5298 within the Florida Statutes, the State Constitution, the
5299 Americans with Disabilities Act, if applicable, or any other
5300 applicable state or federal law.
5301 (6) CREDIT FOR PAST SERVICE.—A special risk member may
5302 purchase retirement credit in the Special Risk Class based upon
5303 past service, and may upgrade retirement credit for such past
5304 service, to the extent of 2 percent of the member's average
5305 monthly compensation as specified in s. 121.091(1)(a) for such
5306 service as follows:
5307 (a) The member may purchase special risk credit for past

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5308 service with a municipality or special district which has
5309 elected to join the Florida Retirement System, or with a
5310 participating agency to which a member's governmental unit was
5311 transferred, merged, or consolidated as provided in s.
5312 121.081(1)(f), if the member was employed with the municipality
5313 or special district when ~~at the time~~ it commenced participating
5314 in the Florida Retirement System or with the governmental unit
5315 at the time of its transfer, merger, or consolidation with the
5316 participating agency. The service must satisfy the criteria set
5317 forth in subsection (3) for Special Risk Class membership as a
5318 law enforcement officer, firefighter, or correctional officer;
5319 however, a certificate or waiver of certificate of compliance
5320 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such
5321 service.
5322 Section 123. Paragraph (d) of subsection (1) of section
5323 125.01, Florida Statutes, is amended to read:
5324 125.01 Powers and duties.—
5325 (1) The legislative and governing body of a county shall
5326 have the power to carry on county government. To the extent not
5327 inconsistent with general or special law, this power includes,
5328 but is not restricted to, the power to:
5329 (d) Provide fire protection, including the enforcement of
5330 the Florida Fire Prevention Code, as provided in ss. 633.206
5331 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local
5332 technical amendments to the Florida Fire Prevention Code as
5333 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.
5334 Section 124. Subsection (2) of section 125.01045, Florida
5335 Statutes, is amended to read:
5336 125.01045 Prohibition of fees for first responder

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5337 services.—
5338 (2) As used in this section, the term "first responder"
5339 means a law enforcement officer as defined in s. 943.10, a
5340 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5341 medical technician or paramedic as defined in s. 401.23 who is
5342 employed by the state or a local government. A volunteer law
5343 enforcement officer, firefighter, or emergency medical
5344 technician or paramedic engaged by the state or a local
5345 government is also considered a first responder of the state or
5346 local government for purposes of this section.
5347 Section 125. Subsection (1) of section 125.56, Florida
5348 Statutes, is amended to read:
5349 125.56 Enforcement and amendment of the Florida Building
5350 Code and the Florida Fire Prevention Code; inspection fees;
5351 inspectors; etc.—
5352 (1) The board of county commissioners of each of the
5353 several counties of the state may ~~is authorized to~~ enforce the
5354 Florida Building Code and the Florida Fire Prevention Code, as
5355 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,
5356 and, at its discretion, to adopt local technical amendments to
5357 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)
5358 and local technical amendments to the Florida Fire Prevention
5359 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe
5360 construction, erection, alteration, repair, securing, and
5361 demolition of any building within its territory outside the
5362 corporate limits of any municipality. Upon a determination to
5363 consider amending the Florida Building Code or the Florida Fire
5364 Prevention Code by a majority of the members of the board of
5365 county commissioners of such county, the board shall call a

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5366 public hearing and comply with the public notice requirements of
5367 s. 125.66(2). The board shall hear all interested parties at the
5368 public hearing and may then amend the building code or the fire
5369 code consistent with the terms and purposes of this act. Upon
5370 adoption, an amendment to the code shall be in full force and
5371 effect throughout the unincorporated area of such county until
5372 otherwise notified by the Florida Building Commission pursuant
5373 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202
5374 ~~633.0215~~. Nothing herein contained shall be construed to prevent
5375 the board of county commissioners from repealing such amendment
5376 to the building code or the fire code at any regular meeting of
5377 such board.
5378 Section 126. Subsection (2) of section 166.0446, Florida
5379 Statutes, is amended to read:
5380 166.0446 Prohibition of fees for first responder services.—
5381 (2) As used in this section, the term "first responder"
5382 means a law enforcement officer as defined in s. 943.10, a
5383 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5384 medical technician or paramedic as defined in s. 401.23 who is
5385 employed by the state or a local government. A volunteer law
5386 enforcement officer, firefighter, or emergency medical
5387 technician or paramedic engaged by the state or a local
5388 government is also considered a first responder of the state or
5389 local government for purposes of this section.
5390 Section 127. Paragraph (a) of subsection (8) of section
5391 175.032, Florida Statutes, is amended to read:
5392 175.032 Definitions.—For any municipality, special fire
5393 control district, chapter plan, local law municipality, local
5394 law special fire control district, or local law plan under this

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5395 chapter, the following words and phrases have the following
5396 meanings:
5397 (8)(a) "Firefighter" means a ~~any~~ person employed solely by
5398 a constituted fire department of any municipality or special
5399 fire control district who is certified as a firefighter as a
5400 condition of employment in accordance with s. 633.408 ~~633.35~~ and
5401 whose duty it is to extinguish fires, to protect life, or to
5402 protect property. The term includes all certified, supervisory,
5403 and command personnel whose duties include, in whole or in part,
5404 the supervision, training, guidance, and management
5405 responsibilities of full-time firefighters, part-time
5406 firefighters, or auxiliary firefighters but does not include
5407 part-time firefighters or auxiliary firefighters. However, for
5408 purposes of this chapter only, the term also includes public
5409 safety officers who are responsible for performing both police
5410 and fire services, who are certified as police officers or
5411 firefighters, and who are certified by their employers to the
5412 Chief Financial Officer as participating in this chapter before
5413 October 1, 1979. Effective October 1, 1979, public safety
5414 officers who have not been certified as participating in this
5415 chapter are considered police officers for retirement purposes
5416 and are eligible to participate in chapter 185. Any plan may
5417 provide that the fire chief has an option to participate, or
5418 not, in that plan.
5419 Section 128. Subsection (3) of section 175.121, Florida
5420 Statutes, is amended to read:
5421 175.121 Department of Revenue and Division of Retirement to
5422 keep accounts of deposits; disbursements.—For any municipality
5423 or special fire control district having a chapter or local law

5424 plan established pursuant to this chapter:
5425 (3)(a) All moneys not distributed to municipalities and
5426 special fire control districts under this section as a result of
5427 the limitation on disbursement contained in s. 175.122, or as a
5428 result of any municipality or special fire control district not
5429 having qualified in any given year, or portion thereof, shall be
5430 transferred to the Firefighters' Supplemental Compensation Trust
5431 Fund administered by the Department of Revenue, as provided in
5432 s. 633.422 ~~633.382~~.
5433 (b)1. Moneys transferred under paragraph (a) but not needed
5434 to support the supplemental compensation program in a given year
5435 shall be redistributed pro rata to those participating
5436 municipalities and special fire control districts that transfer
5437 any portion of their funds to support the supplemental
5438 compensation program in that year. Such additional moneys shall
5439 be used to cover or offset costs of the retirement plan.
5440 2. To assist the Department of Revenue, the division shall
5441 identify those municipalities and special fire control districts
5442 that are eligible for redistribution as provided in s.
5443 633.422(3)(c)2. ~~633.382(4)(e)2.~~, by listing the municipalities
5444 and special fire control districts from which funds were
5445 transferred under paragraph (a) and specifying the amount
5446 transferred by each.
5447 Section 129. Paragraph (e) of subsection (1) of section
5448 218.23, Florida Statutes, is amended to read:
5449 218.23 Revenue sharing with units of local government.—
5450 (1) To be eligible to participate in revenue sharing beyond
5451 the minimum entitlement in any fiscal year, a unit of local
5452 government is required to have:

5453 (e) Certified that persons in its employ as firefighters,
5454 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for
5455 employment as established by the Division of State Fire Marshal
5456 pursuant to ~~the provisions of~~ ss. 633.412 ~~633.34~~ and 633.408
5457 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 has ~~633.382 have~~
5458 been met.
5459
5460 Additionally, to receive its share of revenue sharing funds, a
5461 unit of local government shall certify to the Department of
5462 Revenue that the requirements of s. 200.065, if applicable, were
5463 met. The certification shall be made annually within 30 days of
5464 adoption of an ordinance or resolution establishing a final
5465 property tax levy or, if no property tax is levied, not later
5466 than November 1. The portion of revenue sharing funds which,
5467 pursuant to this part, would otherwise be distributed to a unit
5468 of local government which has not certified compliance or has
5469 otherwise failed to meet the requirements of s. 200.065 shall be
5470 deposited in the General Revenue Fund for the 12 months
5471 following a determination of noncompliance by the department.
5472 Section 130. Paragraph (a) of subsection (3) of section
5473 252.515, Florida Statutes, is amended to read:
5474 252.515 Postdisaster Relief Assistance Act; immunity from
5475 civil liability.—
5476 (3) As used in this section, the term:
5477 (a) "Emergency first responder" means:
5478 1. A physician licensed under chapter 458.
5479 2. An osteopathic physician licensed under chapter 459.
5480 3. A chiropractic physician licensed under chapter 460.
5481 4. A podiatric physician licensed under chapter 461.

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5482 5. A dentist licensed under chapter 466.
5483 6. An advanced registered nurse practitioner certified
5484 under s. 464.012.
5485 7. A physician assistant licensed under s. 458.347 or s.
5486 459.022.
5487 8. A worker employed by a public or private hospital in the
5488 state.
5489 9. A paramedic as defined in s. 401.23(17).
5490 10. An emergency medical technician as defined in s.
5491 401.23(11).
5492 11. A firefighter as defined in s. 633.102 ~~633.30~~.
5493 12. A law enforcement officer as defined in s. 943.10.
5494 13. A member of the Florida National Guard.
5495 14. Any other personnel designated as emergency personnel
5496 by the Governor pursuant to a declared emergency.
5497 Section 131. Section 255.45, Florida Statutes, is amended
5498 to read:
5499 255.45 Correction of firesafety violations in certain
5500 state-owned property.—The Department of Management Services is
5501 responsible for ensuring that firesafety violations that are
5502 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~
5503 are corrected as soon as practicable for all state-owned
5504 property which is leased from the Department of Management
5505 Services.
5506 Section 132. Subsection (4) of section 258.0145, Florida
5507 Statutes, is amended to read:
5508 258.0145 Military state park fee discounts.—The Division of
5509 Recreation and Parks shall provide the following discounts on
5510 park fees to persons who present written documentation

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5511 satisfactory to the division which evidences their eligibility
5512 for the discounts:
5513 (4) The surviving spouse and parents of a law enforcement
5514 officer, as defined in s. 943.10(1), or a firefighter, as
5515 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of
5516 duty shall receive lifetime family annual entrance passes at no
5517 charge.
5518 Section 133. Subsection (1) of section 281.02, Florida
5519 Statutes, is amended to read:
5520 281.02 Powers and duties of the Department of Management
5521 Services with respect to firesafety and security.—The Department
5522 of Management Services has the following powers and duties with
5523 respect to firesafety and security:
5524 (1) To assist the State Fire Marshal in maintaining the
5525 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.
5526 Section 134. Subsection (1) of section 384.287, Florida
5527 Statutes, is amended to read:
5528 384.287 Screening for sexually transmissible disease.—
5529 (1) An officer as defined in s. 943.10(14); support
5530 personnel as defined in s. 943.10(11) who are employed by the
5531 Department of Law Enforcement, including, but not limited to,
5532 any crime scene analyst, forensic technologist, or crime lab
5533 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or
5534 ambulance driver, paramedic, or emergency medical technician as
5535 defined in s. 401.23, acting within the scope of employment, who
5536 comes into contact with a person in such a way that significant
5537 exposure, as defined in s. 381.004, has occurred may request
5538 that the person be screened for a sexually transmissible disease
5539 that can be transmitted through a significant exposure.

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5540 Section 135. Paragraph (a) of subsection (1) of section
5541 395.0163, Florida Statutes, is amended to read:
5542 395.0163 Construction inspections; plan submission and
5543 approval; fees.—
5544 (1)(a) The design, construction, erection, alteration,
5545 modification, repair, and demolition of all public and private
5546 health care facilities are governed by the Florida Building Code
5547 and the Florida Fire Prevention Code under ss. 553.73 and
5548 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79
5549 and 553.80, the agency shall review facility plans and survey
5550 the construction of any facility licensed under this chapter.
5551 The agency shall make, or cause to be made, such construction
5552 inspections and investigations as it deems necessary. The agency
5553 may prescribe by rule that any licensee or applicant desiring to
5554 make specified types of alterations or additions to its
5555 facilities or to construct new facilities shall, before
5556 commencing such alteration, addition, or new construction,
5557 submit plans and specifications therefor to the agency for
5558 preliminary inspection and approval or recommendation with
5559 respect to compliance with applicable provisions of the Florida
5560 Building Code or agency rules and standards. The agency shall
5561 approve or disapprove the plans and specifications within 60
5562 days after receipt of the fee for review of plans as required in
5563 subsection (2). The agency may be granted one 15-day extension
5564 for the review period if the director of the agency approves the
5565 extension. If the agency fails to act within the specified time,
5566 it shall be deemed to have approved the plans and
5567 specifications. When the agency disapproves plans and
5568 specifications, it shall set forth in writing the reasons for

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5569 its disapproval. Conferences and consultations may be provided
5570 as necessary.
5571 Section 136. Section 400.232, Florida Statutes, is amended
5572 to read:
5573 400.232 Review and approval of plans; fees and costs.—The
5574 design, construction, erection, alteration, modification,
5575 repair, and demolition of all public and private health care
5576 facilities are governed by the Florida Building Code and the
5577 Florida Fire Prevention Code under ss. 553.73 and 633.206
5578 ~~633.022~~. In addition to the requirements of ss. 553.79 and
5579 553.80, the agency shall review the facility plans and survey
5580 the construction of facilities licensed under this chapter.
5581 (1) The agency shall approve or disapprove the plans and
5582 specifications within 60 days after receipt of the final plans
5583 and specifications. The agency may be granted one 15-day
5584 extension for the review period, if the director of the agency
5585 so approves. If the agency fails to act within the specified
5586 time, it shall be deemed to have approved the plans and
5587 specifications. When the agency disapproves plans and
5588 specifications, it shall set forth in writing the reasons for
5589 disapproval. Conferences and consultations may be provided as
5590 necessary.
5591 (2) The agency may ~~is authorized to~~ charge an initial fee
5592 of $2,000 for review of plans and construction on all projects,
5593 no part of which is refundable. The agency may also collect a
5594 fee, not to exceed 1 percent of the estimated construction cost
5595 or the actual cost of review, whichever is less, for the portion
5596 of the review which encompasses initial review through the
5597 initial revised construction document review. The agency is

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5598 further authorized to collect its actual costs on all subsequent
5599 portions of the review and construction inspections. Initial fee
5600 payment shall accompany the initial submission of plans and
5601 specifications. Any subsequent payment that is due is payable
5602 upon receipt of the invoice from the agency. Notwithstanding any
5603 other ~~provisions of~~ law to the contrary, all money received by
5604 the agency pursuant to ~~the provisions of~~ this section shall be
5605 ~~deemed to be~~ trust funds, to be held and applied solely for the
5606 operations required under this section.
5607 Section 137. Section 400.915, Florida Statutes, is amended
5608 to read:
5609 400.915 Construction and renovation; requirements.—The
5610 requirements for the construction or renovation of a PPEC center
5611 shall comply with:
5612 (1) The provisions of chapter 553, which pertain to
5613 building construction standards, including plumbing, electrical
5614 code, glass, manufactured buildings, accessibility for the
5615 physically disabled;
5616 (2) Section 633.206 ~~The provisions of s. 633.022~~ and
5617 applicable rules pertaining to physical standards for
5618 nonresidential child care facilities; and
5619 (3) The standards or rules adopted pursuant to this part
5620 and part II of chapter 408.
5621 Section 138. Paragraph (a) of subsection (1) of section
5622 429.41, Florida Statutes, is amended to read:
5623 429.41 Rules establishing standards.—
5624 (1) It is the intent of the Legislature that rules
5625 published and enforced pursuant to this section shall include
5626 criteria by which a reasonable and consistent quality of

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5627 resident care and quality of life may be ensured and the results
5628 of such resident care may be demonstrated. Such rules shall also
5629 ensure a safe and sanitary environment that is residential and
5630 noninstitutional in design or nature. It is further intended
5631 that reasonable efforts be made to accommodate the needs and
5632 preferences of residents to enhance the quality of life in a
5633 facility. The agency, in consultation with the department, may
5634 adopt rules to administer the requirements of part II of chapter
5635 408. In order to provide safe and sanitary facilities and the
5636 highest quality of resident care accommodating the needs and
5637 preferences of residents, the department, in consultation with
5638 the agency, the Department of Children and Family Services, and
5639 the Department of Health, shall adopt rules, policies, and
5640 procedures to administer this part, which must include
5641 reasonable and fair minimum standards in relation to:
5642 (a) The requirements for and maintenance of facilities, not
5643 in conflict with ~~the provisions of~~ chapter 553, relating to
5644 plumbing, heating, cooling, lighting, ventilation, living space,
5645 and other housing conditions, which will ensure the health,
5646 safety, and comfort of residents and protection from fire
5647 hazard, including adequate provisions for fire alarm and other
5648 fire protection suitable to the size of the structure. Uniform
5649 firesafety standards shall be established and enforced by the
5650 State Fire Marshal in cooperation with the agency, the
5651 department, and the Department of Health.
5652 1. Evacuation capability determination.—
5653 a. The ~~provisions of the~~ National Fire Protection
5654 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
5655 for determining the ability of the residents, with or without

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5656 staff assistance, to relocate from or within a licensed facility
5657 to a point of safety as provided in the fire codes adopted
5658 herein. An evacuation capability evaluation for initial
5659 licensure shall be conducted within 6 months after the date of
5660 licensure. For existing licensed facilities that are not
5661 equipped with an automatic fire sprinkler system, the
5662 administrator shall evaluate the evacuation capability of
5663 residents at least annually. The evacuation capability
5664 evaluation for each facility not equipped with an automatic fire
5665 sprinkler system shall be validated, without liability, by the
5666 State Fire Marshal, by the local fire marshal, or by the local
5667 authority having jurisdiction over firesafety, before the
5668 license renewal date. If the State Fire Marshal, local fire
5669 marshal, or local authority having jurisdiction over firesafety
5670 has reason to believe that the evacuation capability of a
5671 facility as reported by the administrator may have changed, it
5672 may, with assistance from the facility administrator, reevaluate
5673 the evacuation capability through timed exiting drills.
5674 Translation of timed fire exiting drills to evacuation
5675 capability may be determined:
5676 (I) Three minutes or less: prompt.
5677 (II) More than 3 minutes, but not more than 13 minutes:
5678 slow.
5679 (III) More than 13 minutes: impractical.
5680 b. The Office of the State Fire Marshal shall provide or
5681 cause the provision of training and education on the proper
5682 application of Chapter 5, NFPA 101A, 1995 edition, to its
5683 employees, to staff of the Agency for Health Care Administration
5684 who are responsible for regulating facilities under this part,

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5685 and to local governmental inspectors. The Office of the State
5686 Fire Marshal shall provide or cause the provision of this
5687 training within its existing budget, but may charge a fee for
5688 this training to offset its costs. The initial training must be
5689 delivered within 6 months after July 1, 1995, and as needed
5690 thereafter.
5691 c. The Office of the State Fire Marshal, in cooperation
5692 with provider associations, shall provide or cause the provision
5693 of a training program designed to inform facility operators on
5694 how to properly review bid documents relating to the
5695 installation of automatic fire sprinklers. The Office of the
5696 State Fire Marshal shall provide or cause the provision of this
5697 training within its existing budget, but may charge a fee for
5698 this training to offset its costs. The initial training must be
5699 delivered within 6 months after July 1, 1995, and as needed
5700 thereafter.
5701 d. The administrator of a licensed facility shall sign an
5702 affidavit verifying the number of residents occupying the
5703 facility at the time of the evacuation capability evaluation.
5704 2. Firesafety requirements.—
5705 a. Except for the special applications provided herein,
5706 effective January 1, 1996, the ~~provisions of the~~ National Fire
5707 Protection Association, Life Safety Code, NFPA 101, 1994
5708 edition, Chapter 22 for new facilities and Chapter 23 for
5709 existing facilities shall be the uniform fire code applied by
5710 the State Fire Marshal for assisted living facilities, pursuant
5711 to s. 633.206 ~~633.022~~.
5712 b. Any new facility, regardless of size, that applies for a
5713 license on or after January 1, 1996, must be equipped with an

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5714 automatic fire sprinkler system. The exceptions as provided in
5715 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
5716 to any new facility housing eight or fewer residents. On July 1,
5717 1995, local governmental entities responsible for the issuance
5718 of permits for construction shall inform, without liability, any
5719 facility whose permit for construction is obtained before ~~prior~~
5720 ~~to~~ January 1, 1996, of this automatic fire sprinkler
5721 requirement. As used in this part, the term "a new facility"
5722 does not mean an existing facility that has undergone change of
5723 ownership.
5724 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or
5725 of the National Fire Protection Association, NFPA 101A, Chapter
5726 5, 1995 edition, to the contrary, any existing facility housing
5727 eight or fewer residents is not required to install an automatic
5728 fire sprinkler system, nor to comply with any other requirement
5729 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
5730 firesafety requirements of NFPA 101, 1988 edition, that applies
5731 to this size facility, unless the facility has been classified
5732 as impractical to evacuate. Any existing facility housing eight
5733 or fewer residents that is classified as impractical to evacuate
5734 must install an automatic fire sprinkler system within the
5735 timeframes granted in this section.
5736 d. Any existing facility that is required to install an
5737 automatic fire sprinkler system under this paragraph need not
5738 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
5739 edition, which exceed the provisions of NFPA 101, 1988 edition.
5740 The mandate contained in this paragraph which requires certain
5741 facilities to install an automatic fire sprinkler system
5742 supersedes any other requirement.

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5743 e. This paragraph does not supersede the exceptions granted
5744 in NFPA 101, 1988 edition or 1994 edition.
5745 f. This paragraph does not exempt facilities from other
5746 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local
5747 building code requirements in effect before July 1, 1995.
5748 g. A local government may charge fees only in an amount not
5749 to exceed the actual expenses incurred by local government
5750 relating to the installation and maintenance of an automatic
5751 fire sprinkler system in an existing and properly licensed
5752 assisted living facility structure as of January 1, 1996.
5753 h. If a licensed facility undergoes major reconstruction or
5754 addition to an existing building on or after January 1, 1996,
5755 the entire building must be equipped with an automatic fire
5756 sprinkler system. Major reconstruction of a building means
5757 repair or restoration that costs in excess of 50 percent of the
5758 value of the building as reported on the tax rolls, excluding
5759 land, before reconstruction. Multiple reconstruction projects
5760 within a 5-year period the total costs of which exceed 50
5761 percent of the initial value of the building when ~~at the time~~
5762 the first reconstruction project was permitted are to be
5763 considered as major reconstruction. Application for a permit for
5764 an automatic fire sprinkler system is required upon application
5765 for a permit for a reconstruction project that creates costs
5766 that go over the 50-percent threshold.
5767 i. Any facility licensed before January 1, 1996, that is
5768 required to install an automatic fire sprinkler system shall
5769 ensure that the installation is completed within the following
5770 timeframes based upon evacuation capability of the facility as
5771 determined under subparagraph 1.:

5772 (I) Impractical evacuation capability, 24 months.
5773 (II) Slow evacuation capability, 48 months.
5774 (III) Prompt evacuation capability, 60 months.
5775
5776 The beginning date from which the deadline for the automatic
5777 fire sprinkler installation requirement must be calculated is
5778 upon receipt of written notice from the local fire official that
5779 an automatic fire sprinkler system must be installed. The local
5780 fire official shall send a copy of the document indicating the
5781 requirement of a fire sprinkler system to the Agency for Health
5782 Care Administration.
5783 j. It is recognized that the installation of an automatic
5784 fire sprinkler system may create financial hardship for some
5785 facilities. The appropriate local fire official shall, without
5786 liability, grant two 1-year extensions to the timeframes for
5787 installation established herein, if an automatic fire sprinkler
5788 installation cost estimate and proof of denial from two
5789 financial institutions for a construction loan to install the
5790 automatic fire sprinkler system are submitted. However, for any
5791 facility with a class I or class II, or a history of uncorrected
5792 class III, firesafety deficiencies, an extension must not be
5793 granted. The local fire official shall send a copy of the
5794 document granting the time extension to the Agency for Health
5795 Care Administration.
5796 k. A facility owner whose facility is required to be
5797 equipped with an automatic fire sprinkler system under Chapter
5798 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
5799 any potential buyer of the facility that an installation of an
5800 automatic fire sprinkler requirement exists. The sale of the

5801 facility does not alter the timeframe for the installation of
5802 the automatic fire sprinkler system.
5803 l. Existing facilities required to install an automatic
5804 fire sprinkler system as a result of construction-type
5805 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted
5806 herein, or evacuation capability requirements shall be notified
5807 by the local fire official in writing of the automatic fire
5808 sprinkler requirement, as well as the appropriate date for final
5809 compliance as provided in this subparagraph. The local fire
5810 official shall send a copy of the document to the Agency for
5811 Health Care Administration.
5812 m. Except in cases of life-threatening fire hazards, if an
5813 existing facility experiences a change in the evacuation
5814 capability, or if the local authority having jurisdiction
5815 identifies a construction-type restriction, such that an
5816 automatic fire sprinkler system is required, it shall be given
5817 ~~afforded~~ time for installation as provided in this subparagraph.
5818
5819 Facilities that are fully sprinkled and in compliance with other
5820 firesafety standards are not required to conduct more than one
5821 of the required fire drills between the hours of 11 p.m. and 7
5822 a.m., per year. In lieu of the remaining drills, staff
5823 responsible for residents during such hours may be required to
5824 participate in a mock drill that includes a review of evacuation
5825 procedures. Such standards must be included or referenced in the
5826 rules adopted by the State Fire Marshal. Pursuant to s.
5827 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final
5828 administrative authority for firesafety standards established
5829 and enforced pursuant to this section. All licensed facilities

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5830 must have an annual fire inspection conducted by the local fire
5831 marshal or authority having jurisdiction.
5832 3. Resident elopement requirements.—Facilities are required
5833 to conduct a minimum of two resident elopement prevention and
5834 response drills per year. All administrators and direct care
5835 staff must participate in the drills which shall include a
5836 review of procedures to address resident elopement. Facilities
5837 must document the implementation of the drills and ensure that
5838 the drills are conducted in a manner consistent with the
5839 facility's resident elopement policies and procedures.
5840 Section 139. Subsection (1) of section 429.44, Florida
5841 Statutes, is amended to read:
5842 429.44 Construction and renovation; requirements.—
5843 (1) The requirements for the construction and renovation of
5844 a facility shall comply with ~~the provisions of~~ chapter 553 which
5845 pertains ~~pertain~~ to building construction standards, including
5846 plumbing, electrical code, glass, manufactured buildings,
5847 accessibility for persons with disabilities, and the state
5848 minimum building code and with ~~the provisions of~~ s. 633.206
5849 ~~633.022~~, which pertains ~~pertain~~ to uniform firesafety standards.
5850 Section 140. Subsection (2) of section 429.73, Florida
5851 Statutes, is amended to read:
5852 429.73 Rules and standards relating to adult family-care
5853 homes.—
5854 (2) The department shall by rule provide minimum standards
5855 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,
5856 the State Fire Marshal, in consultation with the department and
5857 the agency, shall adopt uniform firesafety standards for adult
5858 family-care homes.

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5859 Section 141. Subsection (4) of section 447.203, Florida
5860 Statutes, is amended to read:
5861 447.203 Definitions.—As used in this part:
5862 (4) "Managerial employees" are those employees who:
5863 (a) Perform jobs that are not of a routine, clerical, or
5864 ministerial nature and require the exercise of independent
5865 judgment in the performance of such jobs and to whom one or more
5866 of the following applies:
5867 1. They formulate or assist in formulating policies which
5868 are applicable to bargaining unit employees.
5869 2. They may reasonably be required on behalf of the
5870 employer to assist in the preparation for the conduct of
5871 collective bargaining negotiations.
5872 3. They have a role in the administration of agreements
5873 resulting from collective bargaining negotiations.
5874 4. They have a significant role in personnel
5875 administration.
5876 5. They have a significant role in employee relations.
5877 6. They are included in the definition of administrative
5878 personnel contained in s. 1012.01(3).
5879 7. They have a significant role in the preparation or
5880 administration of budgets for any public agency or institution
5881 or subdivision thereof.
5882 (b) Serve as police chiefs, fire chiefs, or directors of
5883 public safety of any police, fire, or public safety department.
5884 Other police officers, as defined in s. 943.10(1), and
5885 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be
5886 determined by the commission to be managerial employees of such
5887 departments. In making such determinations, the commission shall

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5888 consider, in addition to the criteria established in paragraph
5889 (a), the paramilitary organizational structure of the department
5890 involved.
5891
5892 However, in determining whether an individual is a managerial
5893 employee pursuant to ~~either~~ paragraph (a) or paragraph (b),
5894 above, the commission may consider historic relationships of the
5895 employee to the public employer and to coemployees.
5896 Section 142. Subsection (1) of section 468.602, Florida
5897 Statutes, is amended to read:
5898 468.602 Exemptions.—This part does not apply to:
5899 (1) Persons who possess a valid certificate, issued
5900 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety
5901 inspections, when conducting firesafety inspections.
5902 Section 143. Paragraph (c) of subsection (2) of section
5903 468.609, Florida Statutes, is amended to read:
5904 468.609 Administration of this part; standards for
5905 certification; additional categories of certification.—
5906 (2) A person may take the examination for certification as
5907 a building code inspector or plans examiner pursuant to this
5908 part if the person:
5909 (c) Meets eligibility requirements according to one of the
5910 following criteria:
5911 1. Demonstrates 5 years' combined experience in the field
5912 of construction or a related field, building code inspection, or
5913 plans review corresponding to the certification category sought;
5914 2. Demonstrates a combination of postsecondary education in
5915 the field of construction or a related field and experience
5916 which totals 4 years, with at least 1 year of such total being

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5917 experience in construction, building code inspection, or plans
5918 review;
5919 3. Demonstrates a combination of technical education in the
5920 field of construction or a related field and experience which
5921 totals 4 years, with at least 1 year of such total being
5922 experience in construction, building code inspection, or plans
5923 review;
5924 4. Currently holds a standard certificate as issued by the
5925 board, or a fire safety inspector license issued pursuant to
5926 chapter 633, has a minimum of 5 years' verifiable full-time
5927 experience in inspection or plan review, and satisfactorily
5928 completes a building code inspector or plans examiner training
5929 program of not less than 200 hours in the certification category
5930 sought. The board shall establish by rule criteria for the
5931 development and implementation of the training programs; or
5932 5. Demonstrates a combination of the completion of an
5933 approved training program in the field of building code
5934 inspection or plan review and a minimum of 2 years' experience
5935 in the field of building code inspection, plan review, fire code
5936 inspections and fire plans review of new buildings as a
5937 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or
5938 construction. The approved training portion of this requirement
5939 shall include proof of satisfactory completion of a training
5940 program of not less than 300 hours which is approved by the
5941 board in the chosen category of building code inspection or plan
5942 review in the certification category sought with not less than
5943 20 hours of instruction in state laws, rules, and ethics
5944 relating to professional standards of practice, duties, and
5945 responsibilities of a certificateholder. The board shall

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5946 coordinate with the Building Officials Association of Florida,
5947 Inc., to establish by rule the development and implementation of
5948 the training program.
5949 Section 144. Subsection (22) of section 489.103, Florida
5950 Statutes, is amended to read:
5951 489.103 Exemptions.—This part does not apply to:
5952 (22) A person licensed pursuant to s. 633.304(1)(d)
5953 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such
5954 license.
5955 Section 145. Paragraph (n) of subsection (3) of section
5956 489.105, Florida Statutes, is amended to read:
5957 489.105 Definitions.—As used in this part:
5958 (3) "Contractor" means the person who is qualified for, and
5959 is only responsible for, the project contracted for and means,
5960 except as exempted in this part, the person who, for
5961 compensation, undertakes to, submits a bid to, or does himself
5962 or herself or by others construct, repair, alter, remodel, add
5963 to, demolish, subtract from, or improve any building or
5964 structure, including related improvements to real estate, for
5965 others or for resale to others; and whose job scope is
5966 substantially similar to the job scope described in one of the
5967 paragraphs of this subsection. For the purposes of regulation
5968 under this part, the term "demolish" applies only to demolition
5969 of steel tanks more than 50 feet in height; towers more than 50
5970 feet in height; other structures more than 50 feet in height;
5971 and all buildings or residences. Contractors are subdivided into
5972 two divisions, Division I, consisting of those contractors
5973 defined in paragraphs (a)-(c), and Division II, consisting of
5974 those contractors defined in paragraphs (d)-(q):

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5975 (n) "Underground utility and excavation contractor" means a
5976 contractor whose services are limited to the construction,
5977 installation, and repair, on public or private property, whether
5978 accomplished through open excavations or through other means,
5979 including, but not limited to, directional drilling, auger
5980 boring, jacking and boring, trenchless technologies, wet and dry
5981 taps, grouting, and slip lining, of main sanitary sewer
5982 collection systems, main water distribution systems, storm sewer
5983 collection systems, and the continuation of utility lines from
5984 the main systems to a point of termination up to and including
5985 the meter location for the individual occupancy, sewer
5986 collection systems at property line on residential or single-
5987 occupancy commercial properties, or on multioccupancy properties
5988 at manhole or wye lateral extended to an invert elevation as
5989 engineered to accommodate future building sewers, water
5990 distribution systems, or storm sewer collection systems at storm
5991 sewer structures. However, an underground utility and excavation
5992 contractor may install empty underground conduits in rights-of-
5993 way, easements, platted rights-of-way in new site development,
5994 and sleeves for parking lot crossings no smaller than 2 inches
5995 in diameter if each conduit system installed is designed by a
5996 licensed professional engineer or an authorized employee of a
5997 municipality, county, or public utility and the installation of
5998 such conduit does not include installation of any conductor
5999 wiring or connection to an energized electrical system. An
6000 underground utility and excavation contractor may not install
6001 piping that is an integral part of a fire protection system as
6002 defined in s. 633.102 ~~633.021~~ beginning at the point where the
6003 piping is used exclusively for such system.

6004 Section 146. Subsection (9) of section 496.404, Florida
6005 Statutes, is amended to read:
6006 496.404 Definitions.—As used in ss. 496.401-496.424:
6007 (9) "Emergency service employee" means any employee who is
6008 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance
6009 driver, emergency medical technician, or paramedic, as defined
6010 in s. 401.23.
6011 Section 147. Paragraph (a) of subsection (7) of section
6012 509.032, Florida Statutes, is amended to read:
6013 509.032 Duties.—
6014 (7) PREEMPTION AUTHORITY.—
6015 (a) The regulation of public lodging establishments and
6016 public food service establishments, including, but not limited
6017 to, sanitation standards, inspections, training and testing of
6018 personnel, and matters related to the nutritional content and
6019 marketing of foods offered in such establishments, is preempted
6020 to the state. This paragraph does not preempt the authority of a
6021 local government or local enforcement district to conduct
6022 inspections of public lodging and public food service
6023 establishments for compliance with the Florida Building Code and
6024 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
6025 633.206 ~~633.022~~.
6026 Section 148. Section 513.05, Florida Statutes, is amended
6027 to read:
6028 513.05 Rules.—The department may adopt rules pertaining to
6029 the location, construction, modification, equipment, and
6030 operation of mobile home parks, lodging parks, recreational
6031 vehicle parks, and recreational camps, except as provided in s.
6032 633.206 ~~633.022~~, as necessary to administer this chapter. Such

6033 rules may include definitions of terms; requirements for plan
6034 reviews of proposed and existing parks and camps; plan reviews
6035 of parks that consolidate space or change space size; water
6036 supply; sewage collection and disposal; plumbing and backflow
6037 prevention; garbage and refuse storage, collection, and
6038 disposal; insect and rodent control; space requirements; heating
6039 facilities; food service; lighting; sanitary facilities;
6040 bedding; an occupancy equivalency to spaces for permits for
6041 recreational camps; sanitary facilities in recreational vehicle
6042 parks; and the owners' responsibilities at recreational vehicle
6043 parks and recreational camps.
6044 Section 149. Paragraph (d) of subsection (1) and paragraph
6045 (f) of subsection (11) of section 553.73, Florida Statutes, are
6046 amended to read:
6047 553.73 Florida Building Code.—
6048 (1)
6049 (d) Conflicting requirements between the Florida Building
6050 Code and the Florida Fire Prevention Code and Life Safety Code
6051 of the state established pursuant to ss. 633.206 ~~633.022~~ and
6052 633.208 ~~633.025~~ shall be resolved by agreement between the
6053 commission and the State Fire Marshal in favor of the
6054 requirement that offers the greatest degree of lifesafety or
6055 alternatives that would provide an equivalent degree of
6056 lifesafety and an equivalent method of construction. If the
6057 commission and State Fire Marshal are unable to agree on a
6058 resolution, the question shall be referred to a mediator,
6059 mutually agreeable to both parties, to resolve the conflict in
6060 favor of the provision that offers the greatest lifesafety, or
6061 alternatives that would provide an equivalent degree of

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6062 lifesafety and an equivalent method of construction.
6063 (11)
6064 (f) All decisions of the local building official and local
6065 fire official and all decisions of the administrative board
6066 shall be in writing and shall be binding upon a person ~~all~~
6067 ~~persons~~ but do ~~shall~~ not limit the authority of the State Fire
6068 Marshal or the Florida Building Commission pursuant to paragraph
6069 (1)(d) and ss. 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of
6070 general application shall be indexed by building and fire code
6071 sections and shall be available for inspection during normal
6072 business hours.
6073 Section 150. Paragraph (e) of subsection (1) of section
6074 553.77, Florida Statutes, is amended to read:
6075 553.77 Specific powers of the commission.—
6076 (1) The commission shall:
6077 (e) Participate with the Florida Fire Code Advisory Council
6078 created under s. 633.204 ~~633.72~~, to provide assistance and
6079 recommendations relating to firesafety code interpretations. The
6080 administrative staff of the commission shall attend meetings of
6081 the Florida Fire Code Advisory Council and coordinate efforts to
6082 provide consistency between the Florida Building Code and the
6083 Florida Fire Prevention Code and the Life Safety Code.
6084 Section 151. Subsections (2) and (12) of section 553.79,
6085 Florida Statutes, are amended to read:
6086 553.79 Permits; applications; issuance; inspections.—
6087 (2) Except as provided in subsection (6), an enforcing
6088 agency may not issue any permit for construction, erection,
6089 alteration, modification, repair, or demolition of any building
6090 or structure until the local building code administrator or

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6091 inspector has reviewed the plans and specifications required by
6092 the Florida Building Code, or local amendment thereto, for such
6093 proposal and found the plans to be in compliance with the
6094 Florida Building Code. If the local building code administrator
6095 or inspector finds that the plans are not in compliance with the
6096 Florida Building Code, the local building code administrator or
6097 inspector shall identify the specific plan features that do not
6098 comply with the applicable codes, identify the specific code
6099 chapters and sections upon which the finding is based, and
6100 provide this information to the local enforcing agency. The
6101 local enforcing agency shall provide this information to the
6102 permit applicant. In addition, an enforcing agency may not issue
6103 any permit for construction, erection, alteration, modification,
6104 repair, or demolition of any building until the appropriate
6105 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~
6106 has reviewed the plans and specifications required by the
6107 Florida Building Code, or local amendment thereto, for such
6108 proposal and found that the plans comply with the Florida Fire
6109 Prevention Code and the Life Safety Code. Any building or
6110 structure which is not subject to a firesafety code shall not be
6111 required to have its plans reviewed by the firesafety inspector.
6112 Any building or structure that is exempt from the local building
6113 permit process may not be required to have its plans reviewed by
6114 the local building code administrator. Industrial construction
6115 on sites where design, construction, and firesafety are
6116 supervised by appropriate design and inspection professionals
6117 and which contain adequate in-house fire departments and rescue
6118 squads is exempt, subject to local government option, from
6119 review of plans and inspections, providing owners certify that

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6120 applicable codes and standards have been met and supply
6121 appropriate approved drawings to local building and firesafety
6122 inspectors. The enforcing agency shall issue a permit to
6123 construct, erect, alter, modify, repair, or demolish any
6124 building or structure when the plans and specifications for such
6125 proposal comply with ~~the provisions of~~ the Florida Building Code
6126 and the Florida Fire Prevention Code and the Life Safety Code as
6127 determined by the local authority in accordance with this
6128 chapter and chapter 633.
6129 (12) One-family and two-family detached residential
6130 dwelling units are not subject to plan review by the local fire
6131 official as described in this section or inspection by the local
6132 fire official as described in s. 633.216 ~~633.081~~, unless
6133 expressly made subject to the ~~said~~ plan review or inspection by
6134 local ordinance.
6135 Section 152. Paragraph (d) of subsection (1) of section
6136 590.02, Florida Statutes, is amended to read:
6137 590.02 Florida Forest Service; powers, authority, and
6138 duties; liability; building structures; Florida Center for
6139 Wildfire and Forest Resources Management Training.—
6140 (1) The Florida Forest Service has the following powers,
6141 authority, and duties:
6142 (d) To appoint center managers, forest area supervisors,
6143 forestry program administrators, a forest protection bureau
6144 chief, a forest protection assistant bureau chief, a field
6145 operations bureau chief, deputy chiefs of field operations,
6146 district managers, forest operations administrators, senior
6147 forest rangers, investigators, forest rangers, firefighter
6148 rotorcraft pilots, and other employees who may, at the Florida

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6149 Forest Service's discretion, be certified as forestry
6150 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other
6151 ~~provisions of~~ law notwithstanding, center managers, district
6152 managers, forest protection assistant bureau chief, and deputy
6153 chiefs of field operations shall have Selected Exempt Service
6154 status in the state personnel designation;
6155 Section 153. Section 627.4107, Florida Statutes, is amended
6156 to read:
6157 627.4107 Government employees exposed to toxic drug
6158 chemicals; cancellation of life or health policy or certificate
6159 prohibited.—No life or health insurer may cancel or nonrenew a
6160 life or health insurance policy or certificate of insurance
6161 providing coverage to a state or local law enforcement officer
6162 as defined in s. 943.10, firefighter as defined in s. 633.102
6163 ~~633.30~~, emergency medical technician as defined in s. 401.23, or
6164 paramedic as defined in s. 401.23, a volunteer firefighter as
6165 defined in 633.102 engaged by state or local government, a law
6166 enforcement officer employed by the Federal Government, or any
6167 other local, state, or Federal Government employee solely based
6168 on the fact that the individual has been exposed to toxic
6169 chemicals or suffered injury or disease as a result of the
6170 individual's lawful duties arising out of the commission of a
6171 violation of chapter 893 by another person. This section does
6172 not apply to a ~~any~~ person who commits an offense under chapter
6173 893. This section does not prohibit an insurer from canceling or
6174 nonrenewing an insurance policy or certificate, as permitted
6175 under the applicable state insurance code, based on an act or
6176 practice of the policyholder or certificateholder that
6177 constitutes fraud or intentional misrepresentation of material

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6178 fact by the policyholder or certificateholder.
6179 Section 154. Subsection (10) of section 893.13, Florida
6180 Statutes, is amended to read:
6181 893.13 Prohibited acts; penalties.—
6182 (10) If a person violates any provision of this chapter and
6183 the violation results in a serious injury to a state or local
6184 law enforcement officer as defined in s. 943.10, firefighter as
6185 defined in s. 633.102 ~~633.30~~, emergency medical technician as
6186 defined in s. 401.23, paramedic as defined in s. 401.23,
6187 employee of a public utility or an electric utility as defined
6188 in s. 366.02, animal control officer as defined in s. 828.27,
6189 volunteer firefighter engaged by state or local government, law
6190 enforcement officer employed by the Federal Government, or any
6191 other local, state, or Federal Government employee injured
6192 during the course and scope of his or her employment, the person
6193 commits a felony of the third degree, punishable as provided in
6194 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained
6195 results in death or great bodily harm, the person commits a
6196 felony of the second degree, punishable as provided in s.
6197 775.082, s. 775.083, or s. 775.084.
6198 Section 155. Paragraph (g) of subsection (2) of section
6199 934.03, Florida Statutes, is amended to read:
6200 934.03 Interception and disclosure of wire, oral, or
6201 electronic communications prohibited.—
6202 (2)
6203 (g) It is lawful under ss. 934.03-934.09 for an employee
6204 of:
6205 1. An ambulance service licensed pursuant to s. 401.25, a
6206 fire station employing firefighters as defined by s. 633.102

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6207 ~~633.30~~, a public utility, a law enforcement agency as defined by
6208 s. 934.02(10), or any other entity with published emergency
6209 telephone numbers;
6210 2. An agency operating an emergency telephone number "911"
6211 system established pursuant to s. 365.171; or
6212 3. The central abuse hotline operated pursuant to s. 39.201
6213
6214 to intercept and record incoming wire communications; however,
6215 such employee may intercept and record incoming wire
6216 communications on designated "911" telephone numbers and
6217 published nonemergency telephone numbers staffed by trained
6218 dispatchers at public safety answering points only. It is also
6219 lawful for such employee to intercept and record outgoing wire
6220 communications to the numbers from which such incoming wire
6221 communications were placed when necessary to obtain information
6222 required to provide the emergency services being requested. For
6223 the purpose of this paragraph, the term "public utility" has the
6224 same meaning as provided in s. 366.02 and includes a person,
6225 partnership, association, or corporation now or hereafter owning
6226 or operating equipment or facilities in the state for conveying
6227 or transmitting messages or communications by telephone or
6228 telegraph to the public for compensation.
6229 Section 156. Paragraph (b) of subsection (4) of section
6230 943.61, Florida Statutes, is amended to read:
6231 943.61 Powers and duties of the Capitol Police.—
6232 (4) The Capitol Police shall have the following
6233 responsibilities, powers, and duties:
6234 (b) To provide and maintain the security of all property
6235 located in the Capitol Complex in a manner consistent with the

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6236 security plans developed and approved under paragraph (a) and,
6237 in consultation with the State Fire Marshal, to provide for
6238 evacuations, information, and training required for firesafety
6239 on such property in a manner consistent with s. 633.218 ~~633.085~~.
6240 Section 157. Paragraph (b) of subsection (18) of section
6241 1002.33, Florida Statutes, is amended to read:
6242 1002.33 Charter schools.—
6243 (18) FACILITIES.—
6244 (b) A charter school shall use ~~utilize~~ facilities that
6245 comply with the Florida Fire Prevention Code, pursuant to s.
6246 633.208 ~~633.025~~, as adopted by the authority in whose
6247 jurisdiction the facility is located as provided in paragraph
6248 (a).
6249 Section 158. Subsection (9) of section 1002.34, Florida
6250 Statutes, is amended to read:
6251 1002.34 Charter technical career centers.—
6252 (9) FACILITIES.—A center may be located in any suitable
6253 location, including part of an existing public school or Florida
6254 College System institution building, space provided on a public
6255 worksite, or a public building. A center's facilities must
6256 comply with the State Uniform Building Code for Public
6257 Educational Facilities Construction adopted pursuant to s.
6258 1013.37, or with applicable state minimum building codes
6259 pursuant to chapter 553, and state minimum fire protection codes
6260 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in
6261 whose jurisdiction the facility is located. If K-12 public
6262 school funds are used for construction, the facility must remain
6263 on the local school district's Florida Inventory of School
6264 Houses (FISH) school building inventory of the district school

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6265 board and must revert to the district school board if the
6266 consortium dissolves and the program is discontinued. If Florida
6267 College System institution public school funds are used for
6268 construction, the facility must remain on the local Florida
6269 College System institution's facilities inventory and must
6270 revert to the local Florida College System institution board of
6271 trustees if the consortium dissolves and the program is
6272 discontinued. The additional student capacity created by the
6273 addition of the center to the local school district's FISH may
6274 not be calculated in the permanent student capacity for the
6275 purpose of determining need or eligibility for state capital
6276 outlay funds while the facility is used as a center. If the
6277 construction of the center is funded jointly by K-12 public
6278 school funds and Florida College System institution funds, the
6279 sponsoring entities must agree, before granting the charter, on
6280 the appropriate owner and terms of transfer of the facility if
6281 the charter is dissolved.
6282 Section 159. Subsection (1), paragraph (c) of subsection
6283 (2), and paragraphs (a) and (c) of subsection (6) of section
6284 1013.12, Florida Statutes, are amended to read:
6285 1013.12 Casualty, safety, sanitation, and firesafety
6286 standards and inspection of property.—
6287 (1) FIRESAFETY.—The State Board of Education shall adopt
6288 and administer rules prescribing standards for the safety and
6289 health of occupants of educational and ancillary plants as a
6290 part of State Requirements for Educational Facilities or the
6291 Florida Building Code for educational facilities construction as
6292 provided in s. 1013.37, except that the State Fire Marshal in
6293 consultation with the Department of Education shall adopt

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6294 uniform firesafety standards for educational and ancillary
6295 plants and educational facilities, as provided in s.
6296 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system
6297 to be used as an alternate firesafety inspection standard for
6298 existing educational and ancillary plants and educational
6299 facilities. The uniform firesafety standards and the alternate
6300 firesafety evaluation system shall be administered and enforced
6301 by fire officials certified by the State Fire Marshal under s.
6302 633.216 ~~633.081~~. These standards must be used by all public
6303 agencies when inspecting public educational and ancillary
6304 plants, and the firesafety standards must be used by county,
6305 municipal, or independent special fire control district
6306 inspectors when performing firesafety inspections of public
6307 educational and ancillary plants and educational facilities. In
6308 accordance with such standards, each board shall prescribe
6309 policies and procedures establishing a comprehensive program of
6310 safety and sanitation for the protection of occupants of public
6311 educational and ancillary plants. Such policies must contain
6312 procedures for periodic inspections as prescribed in this
6313 section or chapter 633 and for withdrawal of any educational and
6314 ancillary plant, or portion thereof, from use until unsafe or
6315 unsanitary conditions are corrected or removed.
6316 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6317 BOARDS.—
6318 (c) Under the direction of the fire official appointed by
6319 the board under s. 1013.371(2), firesafety inspections of each
6320 educational and ancillary plant located on property owned or
6321 leased by the board, or other educational facilities operated by
6322 the board, must be made no sooner than 1 year after issuance of

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6323 a certificate of occupancy and annually thereafter. Such
6324 inspections shall be made by persons certified by the Division
6325 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct
6326 firesafety inspections in public educational and ancillary
6327 plants. The board shall submit a copy of the firesafety
6328 inspection report to the county, municipality, or independent
6329 special fire control district providing fire protection services
6330 to the school facility within 10 business days after the date of
6331 the inspection. Alternate schedules for delivery of reports may
6332 be agreed upon between the school district and the county,
6333 municipality, or independent special fire control district
6334 providing fire protection services to the site in cases in which
6335 delivery is impossible due to hurricanes or other natural
6336 disasters. Regardless, if immediate life-threatening
6337 deficiencies are noted in the report, the report shall be
6338 delivered immediately. In addition, the board and any other
6339 authority conducting the fire safety inspection shall certify to
6340 the State Fire Marshal that the annual inspection has been
6341 completed. The certification shall be made electronically or by
6342 such other means as directed by the State Fire Marshal.
6343 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
6344 FACILITIES.—
6345 (a) Firesafety inspections of public college facilities,
6346 including charter schools located on board-owned or board-leased
6347 facilities or otherwise operated by public college boards, shall
6348 be made in accordance with the Florida Fire Prevention Code, as
6349 adopted by the State Fire Marshal. Notwithstanding s. 633.202
6350 ~~633.0215~~, provisions of the code relating to inspections of such
6351 facilities are not subject to any local amendments as provided

6352 by s. 1013.371. Each public college facility shall be inspected
6353 annually by persons certified under s. 633.216 ~~633.081~~.
6354 (c) Firesafety inspections of state universities shall
6355 comply with the Florida Fire Prevention Code, as adopted by the
6356 State Fire Marshal under s. 633.202 ~~633.0215~~.
6357 Section 160. Paragraphs (a), (b), and (d) of subsection (2)
6358 and paragraph (a) of subsection (4) of section 1013.38, Florida
6359 Statutes, are amended to read:
6360 1013.38 Boards to ensure that facilities comply with
6361 building codes and life safety codes.—
6362 (2) In addition to the submission of site plans, boards may
6363 provide compliance as follows:
6364 (a) Boards or consortia may individually or cooperatively
6365 provide review services under the insurance risk management
6366 oversight through the use of board employees or consortia
6367 employees registered pursuant to chapter 471, chapter 481, or
6368 part XII of chapter 468 and firesafety inspectors certified
6369 under s. 633.216 ~~633.081~~.
6370 (b) Boards may elect to review construction documents using
6371 their own employees registered pursuant to chapter 471, chapter
6372 481, or part XII of chapter 468 and firesafety inspectors
6373 certified under s. 633.216 ~~633.081~~.
6374 (d) Boards or consortia may contract for plan review
6375 services directly with engineers and architects registered
6376 pursuant to chapter 471 or chapter 481 and firesafety inspectors
6377 certified under s. 633.216 ~~633.081~~.
6378 (4)(a) Before the commencement of any new construction,
6379 renovation, or remodeling, the board shall:
6380 1. Approve or cause to be approved the construction

6381 documents and evaluate such documents for compliance with the
6382 Florida Building Code and the Florida Fire Prevention Code.
6383 2. Ensure compliance with all applicable firesafety codes
6384 and standards by contracting with a firesafety inspector
6385 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.
6386 Section 161. This act shall take effect July 1, 2013.

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The Florida Senate

Committee Agenda Request

To: Senator Greg Evers, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: April 9, 2013

I respectfully request that **Senate Bill 1410**, relating to Fire Safety and Prevention, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator David Simmons
Florida Senate, District 10

File signed original with committee office

S-020 (03/2004)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 15 /2013
Meeting Date

Topic _____

Bill Number 1410 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15
Meeting Date

Topic: SB 1410

Bill Number: SB 1410 *(if applicable)*

Name: Elizabeth Boyd

Amendment Barcode: *(if applicable)*

Job Title: Deputy Dir. of Leg. Affairs

Address: 400 S. Monroe
Street

Tallahassee FL 32399
City *State* *Zip*

Phone: 413-2829

E-mail: elizabeth.boyd@myflorida cfo.com

Speaking: [X] For [ ] Against [ ] Information

Representing: CFO Atwater

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/CS/SB 1442

INTRODUCER: Criminal Justice Committee; Regulated Industries Committee; and Senator Lee

SUBJECT: Alarm System Contracting and Permitting

DATE: April 15, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	**Fav/CS**
2.	Cellon	Cannon	CJ	**Fav/CS**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/CS/SB 1442 creates s. 553.793, F.S., regarding Alarm System Contracting and Permitting. The bill adds an exemption from regulation and licensing for the sale of certain equipment when those sales are by employees, contractors, subcontractors, or affiliates of telecommunications companies certified under ch. 364, F.S., companies with a state-issued franchise for the provision of cable or video services under ch. 610, F.S., or under a local franchise or right-of-way agreement (certificate holders), if the items transmit data as part of a television, radio, communications or telecommunications system.

The bill provides that employees, contractors, subcontractors or affiliates of certificate holders are not subject to any local ordinance or licensure for the performance of low-voltage electrical work. It clarifies that alarm system contractors are not exempt from contractor licensure requirements. The bill deletes an exemption previously granted to telecommunications companies, which allowed certain limited low voltage electrical work by employees, but not to work by subcontractors.

The bill adds an exemption from regulation and licensing for employees and sales representatives of an alarm system contractor who do not work on end-user premises and are not

granted access to passwords or codes to arm or disarm systems (disarming codes). The bill exempts employees and sales representatives who have access to disarming codes, but only if they work at out-of-state locations and have had a satisfactory background check from a state or federal agency.

The bill defines a low-voltage alarm system project and states requirements for permitting by a local enforcement agency.

The bill requires a local enforcement agency to issue uniform basic permit labels available for purchase by contractors.

The bill regulates labels and the method of their issuance and use. Labels may be purchased in bulk for unspecified current or future projects and are valid for one year. The labels must be posted by a contractor in a conspicuous place on the premises of the project site before commencement of work on the project.

The bill provides that a contractor must submit a uniform notice within 21 days after completing the project.

The bill includes a format for a uniform notice of a low-voltage alarm system project and establishes a maximum cost for uniform basic permit labels of $55 per label. The bill provides that local enforcement agencies that charged more than $55 for such permits before January 1, 2013, may continue to charge the same amount until January 1, 2015, but that local enforcement agencies that charged more than $175 before January 1, 2013, may charge a maximum of $175 until January 1, 2015.

The bill prohibits a municipality, county, district, or other local government entity from adopting or maintaining an ordinance or rule regarding a low-voltage alarm system project that is inconsistent with the provisions of s. 553.793, F.S.

The bill provides an October 1, 2013 effective date.

The bill amends section 489.503, Florida Statutes.

The bill creates section 553.793, Florida Statutes.

II. Present Situation:

Part II of Chapter 489 of the Florida Statutes regulates electrical and alarm system contractors. An alarm system is any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.[1] Licensure of electrical and alarm systems contractors is required, and applicants must have sufficient technical experience and be tested on technical and business matters.

[1] Section 489.505(1), F.S.

Section 489.505, F.S., contains definitions for various types of contractors that may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service (all alarm services) alarm systems.

An alarm system contractor means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.[2] The term also means any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.[3]

An alarm system contractor I (contractor I) means an alarm system contractor whose business includes all types of alarm systems for all purposes, and an alarm system contractor II (contractor II) means an alarm system contractor whose business includes all types of alarm systems for all purposes, with the exception of fire alarm systems.[4]

Section 489.503, F.S., provides an exemption from regulation for the installation, repair, alteration, addition to or design of electrical wiring, fixtures, appliances, and appurtenant equipment when those items transmit data, voice, communications or commands as part of a cable television, community antenna television, radio distribution system, or telecommunications system. The exemption is limited to electrical circuits and equipment governed by provisions of the National Electrical Code and the Code of Federal Regulations.[5]

Section 489.113(1), F.S., provides that any person desiring to engage in contracting on a statewide basis must first establish competency and qualifications to be certified. To establish competency, a person must pass an appropriate examination approved by the Electrical Contractors' Licensing Board (board) and be certified by the Department of Business and Professional Regulation (department).[6]

Any person desiring to engage in contracting on other than a statewide basis must first be registered, unless exempted.[7] Section 489.105(10), F.S., defines registered contractor as any contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions.[8] Those classes of persons exempted from certification or registration are described in s. 489.103, F.S.

Section 489.505(12), F.S., defines the terms electrical contractor and unlimited electrical contractor as a person who, in part, conducts business in the electrical trade field with the experience, knowledge, and skill to undertake the installation, repair, alteration, or design of electrical wiring, fixtures or appliances, in compliance with applicable plans, specifications,

[2] Section 489.505(2), F.S.
[3] *Id.*
[4] *Id.*
[5] Section 489.503(14)(b), F.S.
[6] Section 489.113(1), F.S.
[7] *Id.*
[8] Section 489.105(10), F.S.

codes, laws, and regulations.[9] Section 489.505(8), F.S., defines certified electrical contractor as an electrical contractor who possesses a certificate of competency issued by the department.

Section 489.505(9), F.S., defines contracting as a person engaging in business as a contractor or performing electrical or alarm work for compensation, except if exempted.[10] A contractor is a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department.[11]

A registered alarm system contractor I is an alarm system contractor registered with the department whose business includes all types of alarm systems for all purposes, but who may contract only in the jurisdictions for which the registration is issued.[12] A registered alarm system contractor II is an alarm system contractor registered with the department whose business includes all types of alarm systems for all purposes with the exception of fire alarm systems, but who may contract only in the jurisdiction for which his or her registration is issued.

Section 489.505(23), F.S., defines registered residential alarm system contractor as an alarm system contractor registered with the department whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes of a residential occupancy class (as defined by rule of the board), but who may contract only in the jurisdiction for which his or her registration is issued.

Section 489.505(25) provides that a burglar alarm system agent is a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor;
- Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and
- Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring[13] an intrusion or burglar alarm system for compensation.

Section 489.505(28), F.S., defines fire alarm system agent as a person:

- Who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor;
- Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and

[9] *See* Section 489.505(12), F.S., for the complete definition.
[10] *See* Section 489.103, F.S.
[11] *See* Section 489.505(10), F.S.
[12] *See* Section 489.505(21), F.S.
[13] Section 489.505(27), F.S. defines monitoring as receiving electrical or electronic signals originating from any structure within or outside the state, whether or not those signals are relayed through a jurisdiction outside the state, where the signals are produced by any security, medical, fire, or burglar alarm, closed circuit television camera, access-control system, or related or similar protective system and are intended by design to initiate a response thereto. A person shall not have committed the act of monitoring if he or she is an occupant or employee working within the protected premises, is responding to hearing or seeing an alarm signal, is acting incidentally to his or her primary responsibilities, and is not employed in a monitoring facility as defined by the National Fire Protection Association.

- Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring a fire alarm system for compensation.

The provisions of s. 489.518, F.S., include the requirements for alarm system agents, who may not be employed unless the person is at least 18 years of age, provides proof of alarm system training, has not been convicted of a crime within the last 3 years (related to the business of alarms), has a background check, and has not been convicted of a crime for controlled substances within the last 3 years.

Persons who perform only monitoring are not required to complete the training required for burglar alarm system agents, and persons who perform only monitoring at an out-of-state location are not required to comply with background check requirements.[14]

Persons who perform proprietary burglar alarm system agent duties for only a single employer, and who do not offer alarm system contracting services to the public, are not required to comply with background check requirements.[15]

A certified electrical contractor, a certified alarm system contractor, a registered alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, is not required to complete the training required for burglar alarm system agents, and a registered electrical contractor is not required to complete that training, provided he or she is only doing electrical work up to the alarm panel.[16]

Section 489.518(2)(d), F.S., provides that a nonsupervising employee working as a helper or apprentice under the direct, onsite, continuous supervision of a certified or registered electrical contractor, a certified or registered alarm system contractor, a journeyman electrician licensed by any local jurisdiction, an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, or a qualified alarm system agent, is not required to complete the board training and is not required to be 18 years of age or older.

Each agent must receive 6 hours of continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.[17] Failure to comply with any of the provisions of s. 489.518, F.S., is grounds for disciplinary action against the contractor as set forth in s. 489.533, F.S.[18]

The provisions of s. 489.5185, F.S., include the requirements for fire alarm system agents, who may not be employed unless the person is at least 18 years of age, provides proof of fire alarm system training, has not been convicted of a crime within the last 3 years (related to the business

[14] Section 489.518(2), F.S.
[15] *Id.*
[16] *Id.*
[17] *See* Section 489.518(5), F.S.
[18] *See* Section 489.518(6), F.S.

of fire alarms), has a background check, and has not been convicted of a crime for controlled substances within the last 3 years.

A certified electrical contractor, a certified fire alarm system contractor, a registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, is not required to complete the training required for fire alarm system agents, and a registered electrical contractor is not required to complete that training, provided he or she is only doing electrical work up to the alarm panel.[19]

Section 489.5185(2)(c), F.S., provides that a nonsupervising employee working as a helper or apprentice under the direct, onsite, continuous supervision of a certified or registered electrical contractor, a certified or registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, or a qualified fire alarm system agent, is not required to complete the board training and is not required to be 18 years of age or older. Persons who perform only monitoring[20] are not required to complete the training required for fire alarm system agents.

Each fire alarm system agent must receive 6 hours of continuing education on fire alarm system installation and repair and false alarm prevention every 2 years from a board-approved sponsor of training and through a board-approved training course.[21] Failure to comply with any of the provisions of s. 489.5185, F.S., is grounds for disciplinary action against the contractor as set forth in s. 489.533, F.S.[22]

Section 489.5315, F.S., provides that businesses that obtain an electrical or burglar alarm system license to work only on their own equipment, and that do not offer electrical or alarm contracting services to the public, are not electrical or burglar alarm system contracting businesses and do not have to obtain a business tax receipt in addition to any they are otherwise required to have.

Alarm system contractors may also hold certificates of competency from the Department of Business and Professional Regulation (department), which are geographically unlimited.[23] Holders of those certificates are certified alarm system contractors, and the scope of certification is limited to specific alarm circuits and equipment.[24] There is no mandatory licensure requirement created by the availability of certification.[25]

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[19] *See* Section 489.5185(2), F.S.
[20] *See supra* note 15.
[21] *See* Section 489.5185(5), F.S.
[22] *See* Section 489.5185(6), F.S.
[23] Sections 489.505(4) and 489.505(5), F.S.,
[24] Section 489.505(7), F.S., describes the limitations as those circuits originating in alarm control panels, equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks.
[25] *Id.*

Part II of ch. 553, F.S., constitutes the Florida Building Codes Act (act). The act provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code, consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements, for effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer.[26]

Pursuant to s. 553.88, F.S., the current edition of the following standards are in effect for the purpose of establishing minimum electrical and alarm standards in Florida:

- National Electrical Code, NFPA No. 70;
- Underwriters' Laboratories, Inc. (UL), Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps, UL 57 and UL 153;
- Underwriters' Laboratories, Inc., Standard for Electric Signs, UL 48;
- The provisions of the following which prescribe minimum electrical and alarm standards:
  - NFPA No. 56A, Inhalation Anesthetics;
  - NFPA No. 56B, Respiratory Therapy;
  - NFPA No. 56C, Laboratories in Health-related Institutions;
  - NFPA No. 56D, Hyperbaric Facilities;
  - NFPA No. 56F, Nonflammable Medical Gas Systems;
  - NFPA No. 72, National Fire Alarm Code;
  - NFPA No. 76A, Essential Electrical Systems for Health Care Facilities;
- The rules and regulations of the Department of Health, entitled "Nursing Homes and Related Facilities Licensure;
- The minimum standards for grounding of portable electric equipment, ch. 8C-27, F.A.C., as recommended by the Division of Workers' Compensation, Department of Financial Services.

Section 553.71(5), F.S., provides that a local enforcement agency[27] is an agency with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

There are several local governments that require permitting of burglar alarm systems. According to an Internet search, the following local governments were identified as requiring permits for burglar alarm systems: Palm Beach County, City of Largo, City of Plantation, Martin County, Leon County, City of St. Petersburg Alachua County, City of Gainesville, St. Lucie County, City of Cape Coral, City of Sarasota, City of Hollywood, City of Boynton Beach, City of North Miami Beach, City of Palm Bay, City of Miami, City of Miami Gardens, City of Boca Raton,

[26] *See* Section 553.72(1), F.S.

[27] Section 553.71(5), F.S., of the Florida Building Codes Act defines local enforcement agency as an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

City of Clearwater, and Lee County. These governments have passed false alarm ordinances and the permitting is designed to reduce the instance of false alarms.

Many of these local governments require a permit to be submitted to the local law enforcement agency. For example, the County of Palm Beach requires a permit to be submitted to the Palm Beach County Sheriff's Office with a $25 application fee. The permit must be renewed annually. Failure to submit an application for a permit results in a "no response" to the alarm system and a fine of $260.00 per "incident."[28] The purpose of these types of permits is to:

> In concert with the county sheriff's office commitment to problem solving policing, the purpose of this article is to prevent false alarm activations that require the sheriff's office to respond. Deputies responding to false alarms are more wisely utilized preventing crime and solving neighborhood crime problems. This article is a cooperative effort among the board of county commissioners, the Alarm Association of Florida and the county sheriff's office to prevent false alarm activations in the most effective manner.[29]

One industry company report on the length of time for permit processing and associated fees for a basic hardwire installation reflects that permits may be issued in as few as 1 or 2 days, or as many as 10 or 14 days, with permitting fees ranging from $25 to fees of several thousand dollars.[30]

A company operating under a certificate issued by the Florida Public Service Commission under ch. 364, F.S., is not subject to any local ordinance that requires a permit for work performed by its employees[31] related to low voltage electrical work, including related technical codes and regulations. The exemption does not apply to subcontractors, and applies only if the work is requested by the company's customer, is required to complete phone service, is incidental to the provision of telecommunication service, and is not the subject of a competitive bid.[32]

III. Effect of Proposed Changes:

The bill adds an exemption from regulation and licensing for sales of certain television, radio, communications, or telecommunications equipment by employees, contractors, subcontractors, or affiliates of telecommunications companies operating under a certificate issued by the Public Service Commission, by a cable services company operating under a state franchise issued by the Florida Department of State, or by companies under a local franchise or right-of-way agreement (certificate holders).

The bill provides that employees, contractors, subcontractors, or affiliates of certificate holders are not subject to any local ordinance or licensure for the performance of low-voltage electrical

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[28] *See* http://www.pbso.org/documents/Burglar_Alarm_Permit_Form.pdf (Last visited April 7, 2013) and Palm Beach County Ordinance 2008-038, codified at art. III, s. 16-51 et seq., code of Ordinances, Palm Beach County, available at http://library.municode.com/index.aspx?clientId=10323 (Last visited April 7, 2013).
[29] Section 16-52, Purpose, Code of Ordinances, Palm Beach County.
[30] E-mail from Jorge Chamizo, Floridian Partners, LLC to B. Imhof, Staff Director (Apr. 7, 2013) (on file with the Senate Committee on Regulated Industries).
[31] The definition of "employee" established in s. 489.501(1), F.S., applies to the exemption and does not include subcontractors.
[32] Section 489.503(14)(b), F.S.

work. It specifies that the bill does not relieve an alarm system contractor from other non-local licensure requirements.

The bill deletes the current exemption in s. 489.503(14)(b), F.S., granted to companies holding certificates issued by the Public Service Commission, to allow certain limited low voltage electrical work by employees of the certificate holder. The exemption specifically does not apply to subcontractors of the certificate holder.

The bill adds an exemption from regulation and licensing for employees and sales representatives of an alarm system contractor who do not work on end-user premises and are not granted access to passwords or codes to arm or disarm systems (disarming codes). The bill exempts employees and sales representatives who have access to disarming codes, but only if they work at out-of-state locations and have had a satisfactory background check from a state or federal agency.

The bill regulates labels and the method of their issuance and use. Labels may be purchased in bulk for unspecified current or future projects. The bill defines low-voltage alarm system project (project) as a project related to installation, maintenance, inspection, replacement, or service of an existing or new alarm system operating at low voltage as defined in the National Electrical Code Standard 70.[33] Labels are valid for one year from the date of purchase. Labels must be posted by a contractor in a conspicuous place on the premise of the project site before commencement of work on a project.

The bill provides that local enforcement agencies that charged more than $55 for permits before January 1, 2013 may continue to charge the same amount until January 1, 2015, but that local enforcement agencies that charged more than $175 before January 1, 2013 are limited to a maximum charge of $175 until January 1, 2015. Thereafter, the maximum charge to be imposed for permit labels by any local enforcement agency is $55.

The bill provides that a local enforcement agency may not request any information for issuance of labels for purchase by a contractor other than identification information and proof of registration or licensure as a contractor. The bill defines contractor as a person qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of ch. 489, F.S. (act). No reference is made to the categories of burglar alarm system agents or fire alarm system agents under the act.

The bill does not include a definition for local enforcement agency or a reference to the Florida Building Code definition.[34] The bill does not define basic permit.

The bill provides that a contractor is not required to notify the local enforcement agency before commencing work on a project, but must submit a document titled Uniform Notice of Installation of Alarm System (Uniform Notice) within 21 days after completing the project. The bill sets forth the contents and format of the Uniform Notice, which contains a certification of

[33] *See* Section 553.88, F.S., for the adoption of minimum electrical and alarm standards, including the current edition of the National Electrical Code, No. 70, established by the National Fire Protection Association.
[34] *See supra* note 27.

accuracy and requires signature by the owner, contractor or agent. The terms owner and agent are not defined in the bill. The bill requires that the contractor's identifying information, license number and the scope of work be stated in the Uniform Notice.

The Uniform Notice requires disclosure of the owner's name, address, phone number and email address.

The bill provides that failure to timely submit a Notice of Installation may subject a contractor to disciplinary action by a local enforcement agency, but the disciplinary action that may be imposed is not specified.

The bill provides that a local enforcement agency may inspect a project and that coordination of the inspection must be with the owner. The bill requires the contractor to take corrective action if a project fails an inspection, and that a new uniform basic permit label must be contest after each failed inspection until the project passes inspection.

The bill prohibits a municipality, county, district, or other entity of local government from adopting or maintaining an ordinance or rule regarding a low-voltage alarm project which is inconsistent with the provisions of the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill may subject the personal information required by the proposed Uniform Notice of Installation of Alarm System to disclosure under ch. 119, F.S., as public records.[35]

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[35] Section 119.011(12), F.S., defines public records as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any [state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government].

B. Private Sector Impact:

Contractors may benefit from the uniformity of the label format, cost and procedures set forth in the bill.

C. Government Sector Impact:

Revenues of local enforcement agencies may be impacted by the maximum cost of $55 per uniform basic permit label allowed to be charged after January 1, 2015. Local governments whose permit fees are greater than $175 will be required to reduce that fee to $175.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Local governmental entities must evaluate and amend existing ordinances and rules that regulate low-voltage alarm system projects to eliminate any inconsistency with the provisions of the bill. The requirement for the phone and email address of the owner or title holder may result in that information being public records pursuant to Florida law.[36]

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Criminal Justice on April 15, 2013:
The CS/CS eliminates the need for the Uniform Notice of Installation of Alarm System to include the name and address of the fee simple titleholder (if the titleholder is a different person than the owner) at a job location.

The CS/CS also clarifies that the exemption in the bill from certain local ordinances, regulations, and licensure requirements is limited in application and that the exemption does not effect the non-local licensure of alarm system contractors.

CS by Regulated Industries on April 9, 2013:
The committee substitute adds an exemption from regulation and licensing for the sale of certain equipment when those sales are by employees, contractors, subcontractors, or affiliates of telecommunications companies certified under ch. 364, F.S., companies with a state-issued franchise for the provision of cable or video services under ch. 610, F.S., or under a local franchise or right-of-way agreement (certificate holders), if the items transmit data as part of a television, radio, communications or telecommunications system.

[36] *Id.*

The committee substitute provides that employees, contractors, subcontractors or affiliates of certificate holders are not subject to any local ordinance or licensure for the performance of low-voltage electrical work. The committee substitute deletes an exemption previously granted to companies holding certificates issued by the Public Service Commission, which allowed certain limited low voltage electrical work by employees, but not to work by subcontractors.

The committee substitute adds an exemption from regulation and licensing for employees and sales representatives of an alarm system contractor who do not work on end-user premises and are not granted access to passwords or codes to arm or disarm systems (disarming codes). The bill exempts employees and sales representatives who have access to disarming codes, but only if they work at out-of-state locations and have had a satisfactory background check from a state or federal agency.

The committee substitute provides that local enforcement agencies that charged more than $55 for low-voltage alarm system permits before January 1, 2013 may continue to charge the same amount until January 1, 2015, but that local enforcement agencies that charged more than $175 before January 1, 2013 may only charge a maximum of $175 until January 1, 2015. Thereafter, the maximum charge that may be imposed for a low-voltage alarm system permit by any local enforcement agency is $55.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

673502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2013	.	
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	.	
	.	

The Committee on Criminal Justice (Bradley) recommended the following:

1 **Senate Amendment**
2
3 Delete line 75
4 and insert:
5 Electrical Code, current edition, or 47 C.F.R. part 68. The
6 scope of this exemption is limited to employees, contractors,
7 and subcontractors of companies that are certified under chapter
8 364 or chapter 610, including any affiliates of such companies,
9 or operating under a local franchise or right-of-way agreement.
10 This subsection does not relieve a person from licensure as an
11 alarm system contractor. ~~The~~

889286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2013	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Bradley) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 164 - 165.

By the Committee on Regulated Industries; and Senator Lee

580-04037-13 20131442c1

A bill to be entitled

An act relating to alarm systems; amending s. 489.503, F.S.; revising an exemption from licensure related to low-voltage electrical work performed by certain persons and entities; exempting from licensure certain employees and sales representatives of alarm system contractors; providing for construction; creating s. 553.793, F.S.; providing definitions; providing applicability; requiring a local enforcement agency to offer for sale uniform basic permit labels to contractors; specifying a maximum price and providing exceptions; prohibiting a local enforcement agency from applying a certain condition to the purchase of a label; providing that permits expire after a specific time period; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; requiring contractors to submit a Uniform Notice of a Low-Voltage Alarm System Project within a specified period; providing that failure to submit such notice may result in disciplinary action; prescribing a form for a Uniform Notice of a Low-Voltage Alarm System Project; authorizing a local enforcement agency to inspect; prohibiting municipalities, counties, districts, or other entities of local government from adopting or maintaining an ordinance or rule inconsistent with this section; providing that a label is not required for the subsequent maintenance, inspection, or service of a permitted alarm system;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

580-04037-13 20131442c1

providing an effective date.

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

Section 1. Subsection (14) of section 489.503, Florida Statutes, is amended, and subsection (23) is added to that section, to read:

489.503 Exemptions.—This part does not apply to:

(14)~~(a)~~ The sale of, installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, computers, customer premises equipment, customer premises wiring, and conduit, or any part thereof, by an employee, contractor, subcontractor, or affiliate of a company operating under a certificate issued under chapter 364 or chapter 610, or under a local franchise or right-of-way agreement, if ~~when~~ those items are for the purpose of transmitting data, voice, video, or other communications, or commands as part of a cable television, community antenna television, ~~or~~ radio distribution, communications, or telecommunications system. ~~The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, current edition, or 47 C.F.R. part 68.~~

~~(b) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of a system of~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~telecommunications, including computers, telephone customer premises equipment, or premises wiring. The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, current edition, or 47 C.F.R. part 68.~~ An employee, subcontractor, contractor, or affiliate of a company that operates under a certificate issued ~~certified~~ under chapter 364 or chapter 610, or under a local franchise or right-of-way agreement is not subject to any local ordinance that requires a permit for work ~~performed by its employees~~ related to low-voltage ~~low voltage~~ electrical work, including related technical codes, ~~and~~ regulations, and licensure. The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, current edition, or 47 C.F.R. part 68. ~~The exemption in this paragraph shall apply only if such work is requested by the company's customer, is required in order to complete phone service, is incidental to provision of telecommunication service as required by chapter 364, and is not the subject of a competitive bid. The definition of "employee" established in subsection (1) applies to this exemption and does not include subcontractors.~~

(23) An employee or sales representative of an alarm system contractor, if the employee or sales representative:

(a) Does not alter, install, maintain, move, or repair alarm systems on end-user premises; and

(b) Is not granted access to passwords or codes that can be

used to arm or disarm the system installed at specific end-user premises or, if working at an out-of-state location, the employee or sales representative with access to such passwords or codes has received a satisfactory fingerprint and background check from a state or federal agency.

This subsection may not be construed to limit the exemptions provided under subsection (6) or relieve a person of his or her obligation to comply with the applicable background check provisions of ss. 489.518 and 489.5185 for any onsite alarm sales.

Section 2. Section 553.793, Florida Statutes, is created to read:

553.793 Streamlined low-voltage alarm system installation permitting.—

(1) As used in this section, the term:

(a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489.

(b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.

(2) Notwithstanding any provision of law, this section

applies to low-voltage alarm system projects for which a permit is required by a local enforcement agency.

(3) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.

(4) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost of not more than $55 per label per project. A local enforcement agency that charges more than $55 for such permit before January 1, 2013, may continue to charge the same amount for a uniform basic permit label until January 1, 2015, if the fee does not exceed $175. A local enforcement agency charging more than $175 for such a permit before January 1, 2013, may charge a maximum of $175 for a uniform basic permit label until January 1, 2015.

(a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.

(b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.

(5) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.

(6) A contractor is not required to notify the local

enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project, as provided under subsection (7), to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.

(7) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project must contain the following information:

UNIFORM NOTICE OF A LOW-VOLTAGE ALARM SYSTEM PROJECT

Owner’s or Customer’s Name.....

Owner’s or Customer’s Address.....

Fee Simple Titleholder’s Name (If different from above).....

Fee Simple Titleholder’s Address (If different from above).....

City.....

State..... Zip.....

Phone Number.....

E-mail Address.....

Contractor’s Name.....

Contractor’s Address.....

City.....

State..... Zip.....

Phone Number.....

175 Contractor's License Number.....
176 Date Project Completed.....
177 Scope of Work.....
178
179 Notice is hereby given that a low-voltage alarm system project
180 has been completed at the address specified above. I certify
181 that all of the foregoing information is true and accurate.
182 ...(Signature of Owner, Tenant, Contractor, or Authorized
183 Representative)...
184 (8) A low-voltage alarm system project may be inspected by
185 the local enforcement agency to ensure compliance with
186 applicable codes and standards. If a low-voltage alarm system
187 project fails an inspection, the contractor must take corrective
188 action as necessary to pass inspection.
189 (9) A municipality, county, district, or other entity of
190 local government may not adopt or maintain in effect an
191 ordinance or rule regarding a low-voltage alarm system project
192 that is inconsistent with this section.
193 (10) A uniform basic permit label may not be required for
194 the subsequent maintenance, inspection, or service of an alarm
195 system that was permitted in accordance with this section.
196 (11) The provisions of this act are not intended to impose
197 new or additional licensure requirements on a person licensed in
198 accordance with the applicable provisions of Chapter 489.
199 Section 3. This act shall take effect October 1, 2013.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Judiciary, *Chair*
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Banking and Insurance
Ethics and Elections
Gaming
Rules
Transportation

SENATOR TOM LEE
Deputy Majority Leader
24th District

April 11, 2013

The Honorable Greg Evers
Senate Criminal Justice Committee, Chair
308 Senate Office Building
404 South Monroe St.
Tallahassee, Fl 32399

Dear Chair Evers,

I respectfully request that SB 1442 related to *Alarm System Contracting and Permitting*, be placed on the Senate Criminal Justice committee agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

Tom Lee
Senator, District 24

Cc: Amanda Cannon, Staff Director

REPLY TO:
☐ 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7081
☐ 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5024

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/2013
Meeting Date

Topic: Alarm Systems

Bill Number: 1442 (if applicable)

Name: Jorge Chamizo

Amendment Barcode: _____ (if applicable)

Job Title: Attorney

Address: 108 South Monroe
Street

Tallahassee, FL 32301
City State Zip

Phone: (850) 681-0024

E-mail: jorge@flapartners.com

Speaking: [x] For [ ] Against [ ] Information

Representing: ADT Alarm

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: ALARM SYSTEM CONTRACTING

Bill Number: 1442 (if applicable)

Name: JOFF SHARKEY

Amendment Barcode: 673502 (if applicable)

Job Title: PRES., CAPITOL ALLIANCE GROUP

Address: 104 E Colley Ave
Street

TLH, FL
City State Zip

Phone: 850 224 1660

E-mail:

Speaking: [x] For [ ] Against [ ] Information AMENDMENT 673502

Representing: NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/2013
Meeting Date

Topic _____

Bill Number 1442 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Alarm systems

Bill Number: 1442 *(if applicable)*

Name: Carolyn Johnson

Amendment Barcode: *(if applicable)*

Job Title: Policy Director

Address: 136 S Bronough St
Street

Tallahassee FL 32301
City *State* *Zip*

Phone:

E-mail: cjohnson@flchamber.com

Speaking: [X] For [ ] Against [ ] Information

Representing: FL Chamber of Commerce

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Alarm Permitting : Contracting

Bill Number: 1442 (if applicable)

Name: JC Flores

Amendment Barcode: (if applicable)

Job Title: Regional Director

Address: 150 W Flagler St.
Street

Miami
City State Zip

Phone: 305-347-5406

E-mail: JF323w@att.com

Speaking: [X] For [ ] Against [ ] Information

Representing: AT&T

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Alarm Systems

Bill Number: SB 1442 *(if applicable)*

Name: David Cruz

Amendment Barcode: _____ *(if applicable)*

Job Title: Legislative Advocate

Address: P.O. Box 1757
Street

Tallahassee, FL 32302
City, State, Zip

Phone: 701-3676

E-mail: _____

Speaking: [ ] For [X] Against [ ] Information

Representing: Florida League of Cities

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic: Alarm Contracting

Bill Number: 1442 *(if applicable)*

Name: Charles Dudley

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: 108 S. Monroe St.
Street

Tall. FL 32301
City *State* *Zip*

Phone: 681 0024

E-mail: cdudley@flapartners.com

Speaking: [✓] For [ ] Against [✓] Information

Representing: FL Cable Telecom. Assoc.

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/13
Meeting Date

Topic

Bill Number 1442 (if applicable)

Name Teye (pronounced "Tia") Reeves

Amendment Barcode (if applicable)

Job Title

Address 109 S Monroe St.
Street

Tallahassee FL 32301
City State Zip

Phone 8501081002 4

E-mail treeves@flapartners.com

Speaking: [X] For [ ] Against [ ] Information

Representing Assoc. Industries of FL

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Judiciary, *Chair*
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Banking and Insurance
Ethics and Elections
Gaming
Rules
Transportation

SENATOR TOM LEE
Deputy Majority Leader
24th District

April 15, 2013

Table

The Honorable Greg Evers
Senate Criminal Justice Committee, Chair
308 Senate Office Building
404 South Monroe St.
Tallahassee, Fl 32399

Dear Chair Evers,

I respectfully request that my Legislative Aide, Cori Cuttler, present SB 1442 related to *Alarm System Contracting and Permitting*, due to a scheduling conflict.

Thank you for your consideration.

Sincerely,

Tom Lee
Senator, District 24

Cc: Amanda Cannon, Staff Director

REPLY TO:
❒ 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7061
❒ 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5024

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1834

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Crossover Youth

DATE: April 9, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon		**cf SPB 7134 as introduced**
2.	Dugger	Cannon	CJ	**Favorable**
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1834 authorizes the Department of Children and Families (DCF or the department) and the Department of Juvenile Justice (DJJ) to collaborate on a pilot project to demonstrate a more effective service model for crossover youth, in one county, which is mutually agreed upon by DJJ and DCF. The term "crossover youth" is used to describe children, under the age of 18, who are under the care of both DCF and DJJ. The bill requires DCF to seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot with preference being given to providers in counties with a unified family court system. The bill requires the pilot project to include the following elements:

- Training provided by the DJJ to pilot home staff.
- Intervention services by the DJJ to post commitment youth residing in pilot homes.
- Enhanced security measures at pilot homes.
- Unified treatment plans for cross over youth served by multiple state and local agencies.
- Interventions to ensure that youth at low risk to reoffend are not negatively affected by high risk cross over youth.

The bill requires an interim report and a final report due on findings, including specific performance measures identified in the bill and recommendations from the pilot project.

The bill has a fiscal impact on state government and has an effective date of upon becoming law.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Background

It has been recognized for some time that children involved in the child welfare system are at risk of "crossing over" to the juvenile justice system and, inversely, that many juvenile justice involved youth later become involved in the child welfare system.[1] Though not fully understood, the relationship between child maltreatment and delinquency is well established. Recognition of this relationship, however, has not always resulted in implementation of coordinated practice across the child welfare and juvenile justice systems, leaving many youth to fall into the crack that separates the two systems. At least one obstacle to improving the care of crossover youth is the absence of a clear definition of who these youth are and how they can be identified.[2]

A number of terms are currently used to refer to children who are involved in both the child welfare and juvenile justice systems and as we learn more about youth who experience maltreatment and delinquency, the need for standard definitions becomes clear. A number of practitioners have offered three terms and corresponding definitions to help categorize youth who experience different levels of system involvement:

- **Crossover youth** is the term used to define any youth who has experienced maltreatment and who has also engaged in delinquency regardless of system involvement. Crossover youth, in other words, experience maltreatment and delinquency, but they may or may not enter the child welfare and/or juvenile justice systems.
- **Dually-involved youth** represent a subgroup of crossover youth who are concurrently known to both the child welfare and juvenile justice systems at some level. Their contact may be preventative (i.e., having a voluntary case in child welfare and/or receiving informal diversion in juvenile justice), formal (i.e., having substantiated allegations for abuse and/or neglect or being adjudicated delinquent in the delinquency court), or a combination of both.
- **Dually-adjudicated youth**, a subgroup of dually involved youth, includes youth who entered both systems, were formally processed by both systems, and are under the formal care and control of them.[3]

This is a youth population with many complex needs that require systems to work together in a different way if improved outcomes are to be realized. Challenges to this working relationship include:

- There is often a lack of structural relationships and understanding among the agencies that are involved with dually-involved youth;
- In some states, there is no mechanism for interaction between staff of the child welfare and juvenile justice systems, and in others, there is simply no acknowledgment that joint cases even exist;

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[1] Denise Herz, et al. *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice*. Center for Juvenile Justice Reform and Robert F. Kennedy Children's Action Corps (March 2012) a*vailable at* http://cjjr.georgetown.edu/pdfs/msy/AddressingtheNeedsofMultiSystemYouth.pdf (last visited March 20, 2013).
[2] *Id*.
[3] *Id*.

- There is commonly a lack of coordination among the various attorneys representing the youth and their parents and a lack of continuity among the judges who hear their cases;
- Outside of child welfare and juvenile justice, collaboration among the education, mental health, and substance abuse systems is also often quite tenuous for this population of youth;
- Information-sharing challenges are often encountered among these various agencies due to complex legal rules, different record-keeping procedures, the limits of current technology, and other factors that make it difficult for everyone involved in a particular child's case to be fully informed about the child's background and current situation;
- There are rarely any policy imperatives that require systems to work together, resulting in a lack of motivation to address the challenges faced; and
- There are often case management and fiscal inefficiencies that result in poor service delivery for the dually-involved youth population. Often, there is no coordinated response to the identification of these youth and to the assessment of their needs and risks.[4]

As a result, service delivery among systems can be duplicative or contradictory, and opportunities to prevent further involvement in the system can be lost. Moreover, when the systems fail to collaboratively engage families or to establish a joint permanency goal for a youth, the long-term outcomes for dually-involved youth suffer.[5]

Current Reform Initiatives

Understanding of the characteristics of crossover youth, the way in which they become known to systems, and common barriers to serving this population has led to the development of several multi-system reform efforts, particularly the Systems Integration Initiative[6] and the Crossover Youth Practice Model.[7]

Cross over Youth Practice Model

Casey Family Programs and the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute (CJJR) have partnered since 2007 to address the unique issues presented by children and youth who are known to both the child welfare and juvenile justice systems.[8]

Based on an increasing body of knowledge, CJJR has developed a practice model that describes the specific practices that need to be in place within a jurisdiction in order to reduce the number of youth who crossover between the child welfare and juvenile justice systems, the number of youth entering and reentering care, and the length of stay in out of home care. The Crossover Youth Practice Model (CYPM or Georgetown model) provides values and standards, evidence-

[4] *Id*.
[5] *Id*.
[6] The Systems Integration Initiative (SII) began at the Child Welfare League of America and is designed to help states improve the way dually-involved youth are served by focusing on the connections between the child welfare and juvenile justice systems and the development of a multisystem approach to policy and program development and service delivery. Central to the foundation of SII has been the presence of federal laws since 2002 and 2003 that specifically support—and in some instances require—collaboration between the child welfare and juvenile justice systems.
[7] Crossover Youth Practice Model. Center for Juvenile Justice Reform and Casey Family Program (2009) *available at* http://cjjr.georgetown.edu/pdfs/cypm/cypm.pdf (last visited March 20, 2013).
[8] *Id*.

based practices, policies and procedures, and quality assurance processes that will enable states to immediately impact how they serve crossover youth.[9]

In an effort to achieve the overall goals of the model, a set of interim outcome measures has been developed for use at each site where the model is currently being implemented:

- A reduction in the number of youth re-entering child welfare from juvenile justice placements;
- A reduction in the penetration of juvenile justice by foster youth;
- A reduction in the use of out-of-home placements;
- A reduction in the use of congregate care as a placement;
- A reduction in the use of pre-adjudication detention;
- A reduction in the rate of recidivism;
- An increase in the use of interagency information sharing;
- An increase in the inclusion of family voice in decision making;
- An increase in youth and parent satisfaction with the process; and
- An increase in the use of joint assessment.[10]

Implementation of the model would aim to ensure that practices are consistent for all youth within a system and resources are shared between the systems to maximize their impact. The model emphasizes the importance of developing cross systems data capacity and the need to use good data to make program and policy decisions. Within the model there is a specific focus on the reduction of youth placed in congregate care facilities, specifically group homes and shelter care, and the increased utilization of families and the community as partners in case planning, policy development, and the building of system capacity.[11]

Congregate Care

Group homes are utilized in a variety of social service settings including child welfare, mental health, and juvenile justice. Within child welfare, institutional care may be used as a large or small shelter care facility, as a place for children to go when family care is not immediately available, and as a place where children go who have not been able to be maintained in foster family care.[12] Group homes are smaller than other residential facilities, consisting of a medium size home capable of housing between six and nine adolescents in a community based setting. Within the social service continuum of care, group homes are less restrictive than in-patient psychiatric clinics and juvenile detention centers, but more restrictive than family foster care. Group homes are considered staff secured as opposed to a locked facility. In contrast with large residential care facilities, group homes generally do not provide academic instruction and the adolescents served within these programs largely attend local public schools.[13]

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[9] *Id*.
[10] *Id*.
[11] *Id*.
[12] Barth, R.P. (2002). *Institutions vs. Foster Homes: The Empirical Base for the Second Century of Debate. Chapel Hill, NC*: UNC, School of Social Work, Jordan Institute for Families http://www.crin.org/docs/Barth.pdf. (last visited March 20, 2013).
[13] Ryan, J. P., et al., Juvenile delinquency in child welfare: Investigating group home effects, *Children and Youth Services Review* (2008) *available at* http://www.cwla.org/programs/juvenilejustice/grouphomeeffects.pdf (last visited March 20, 2013).

The relatively low number of youth served within each group home and the staff required to manage each facility are some of the reasons that group homes are one of the most expensive placement options for children in the child welfare system. The costs of group home care far exceed those for foster care or treatment foster care. The difference in monthly cost can be 6 to 10 times as high as foster care and 2 to 3 times as high as treatment foster care. Since there is virtually no evidence that these additional expenditures result in better outcomes for children, there is no cost benefit justification for group care, when other placements are available.[14] Nonetheless, some state legislatures have encouraged the expanded use of group home care because of a belief that it better provides for the needs of children.[15]

There is also considerable evidence that victims of physical abuse and neglect are at an increased risk of juvenile delinquency. Within the child welfare literature there is evidence that the risk of delinquency is further increased by placement in substitute care. The findings from at least one study indicate that group home placements are associated with a significantly higher risk of delinquency as compared with foster home placements.[16] Moreover, despite that only 26 percent of adolescents ever experienced a group home placement, 40 percent of all arrests in the child welfare system are associated with a group home placement as opposed to arrests that occur on home visits or subsequent to reunification.[17] The same study clearly identifies group homes as a target for delinquency prevention efforts in the child welfare system.[18]

According to national Adoption and Foster Care Analysis and Reporting System (AFCARS) data, in 2011, nearly half (47 percent) of all children in care lived in the foster family homes of non-relatives. Just over one-quarter (27 percent) lived in family foster homes with relatives, often referred to as "kinship care." Six percent of foster children lived in group homes, nine percent lived in institutions, four percent lived in pre-adoptive families, and the rest lived in other types of facilities.[19] These are not substantially different from the proportions at the beginning of the decade, though there has been a slight decrease in the number of foster children in group homes and institutions, and a corresponding increase of those in home care.[20]

Unified Family Court

In Florida, the Supreme Court has recognized that a family should be able to have all of their disputes resolved in the most effective and efficient way possible and that Unified Family Court (UFC) is the best way to handle cases that involve children and families.[21] Since 1991, a series of

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[14] Barth, R.P. (2002) Institutions vs. Foster Homes: *The Empirical Base for the Second Century of Debate. Chapel Hill, NC*: UNC, School of Social Work, Jordan Institute for Families. *available at* http://www.crin.org/docs/Barth.pdf (last visited March 20, 2013).
[15] *See* s. 39.523, F.S.
[16] Ryan, J. P., et al., Juvenile delinquency in child welfare: *Investigating group home effects, Children and Youth Services Review* (2008) *available at* http://www.cwla.org/programs/juvenilejustice/grouphomeeffects.pdf (last visited March 20, 2013).
[17] *Id*.
[18] *Id*.
[19] U.S. Department of Health and Human Services *Administration for Children and Families, Children's Bureau. The AFCARS Report*. (2012) *available at* http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport19.pdf (last visited March 21, 2012).
[20] *Child Trends, Foster Care* (2012) *available at* www.childtrendsdatabank.org/?q=node/199 (last visited March 21, 2013).
[21] Office of Court Improvement, Florida State Courts, *available at*: http://www.flcourts.org/gen_public/family/familycourts.shtml (last visited March 21, 2013).

Florida Supreme Court opinions have been instrumental in establishing UFC throughout the state. UFCs can cover a variety of legal issues which affect a given family under one judge and in one court. These issues may include domestic relations, domestic violence, dependency, and delinquency.[22] UFCs must have court case management, coordination of multiple cases involving one family, collaboration between the judiciary, stakeholders, and the community to provide service for families, and a less adversarial approach, focusing on minimal harm to the child.[23]

Florida

In January 2013, there were 360 children in DCF out-of-home care being jointly served on DJJ community supervision. Of those, 216 were residing in a DCF licensed residential program. Caring for this unique population often requires more extensive services than are currently being provided in the typical group home setting. This population has a high rate of running away, higher rate of behavioral problems, higher arrest rate, and this jeopardizes the behavior and stability of the other children in the homes.[24]

According to data provided by DCF, Florida currently has 26 percent of all children in care in the child welfare system in group homes, compared to the national average of 6 percent. Of children in care between the ages of 13 and 17, 61 percent are in group homes.[25] The monthly room and board payment for a foster parent for a child 13 to 17 years of age is $515 ($6,180 annually). The department has reported that the average monthly group home care rate is $3,709 ($44,508),[26] with some community-based care lead agencies paying as high as $4,844 monthly ($58,126 annually), making the cost of group care in Florida 7-9.5 percent higher than a foster home.[27]

According to the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute, implementation of the Crossover Youth Practice Model is currently under way in the following jurisdictions:[28]

- Bartow (Highlands, Hardee, and Polk County)
- Broward County
- Duval County
- Miami-Dade County
- Volusia County

According to the Office of the State Courts Administrator (OSCA) there is no one circuit/county that has implemented all of the UFC elements outlined in the model guidance,[29] but they have

[22] *Id*.
[23] *Id*.
[24] Department of Children and Families, HB 7103 *Staff Analysis and Economic Impact* (March 12, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).
[25] Information provided by the Department of Children and Families (Dec. 21, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).
[26] *Id*.
[27] Information provided by ChildNet Broward (March 13, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).
[28] Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute, *available at* http://cjjr.georgetown.edu/pm/cypmparticipants.html (last visited March 22, 2013).

determined that the following circuits indicate that one judge handles dependency and delinquency crossover cases:[30]

- First Circuit
- Second Circuit: with the exception of Gadsden and Liberty Counties
- Third Circuit: with the exception of Columbia County
- Fourth Circuit: is working with Georgetown on implementing a crossover docket
- Fifth Circuit: with the exception of Hernando County
- Sixth Circuit: with the exception of East Pasco
- Seventh Circuit
- Eighth Circuit: with the exception of Gilchrist County
- Tenth Circuit: with the exception of Polk and Highlands Counties
- Eleventh Circuit: with some exceptions
- Twelfth Circuit
- Thirteenth Circuit
- Fourteenth Circuit
- Fifteenth Circuit
- Sixteenth Circuit: with the exception of Plantation
- Seventeenth Circuit
- Eighteenth Circuit
- Nineteenth Circuit: with the exception of St. Lucie and Okeechobee Counties

III. Effect of Proposed Changes:

Section 1 of the bill authorizes DJJ and DCF to collaborate on a pilot project to demonstrate a more effective service model for cross over youth, efficient coordination of services between agencies and the evidence of improved outcomes for youth residing in the pilot project facility.

The pilot project shall be limited to one county mutually agreed upon by DJJ and DCF with a high rate of cross over youth. DCF is required to seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot. Preference will be given to providers in counties who have a unified family court system.

The pilot project shall include but not be limited to the following elements:

- Training provided by the DJJ to pilot home staff.
- Intervention services by the DJJ to post commitment youth residing in pilot homes.
- Enhanced security measures at pilot homes.
- Unified treatment plans for cross over youth served by multiple state and local agencies.
- Interventions to ensure that youth at low risk to reoffend are not negatively affected by high risk cross over youth.

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[29] E-mail from Eric Maclure, Director, Community and Intergovernmental Relations, Office of the State Courts Administrator (March 22, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).
[30] E-mail from Eric Maclure, Director, Community and Intergovernmental Relations, Office of the State Courts Administrator (March 22, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

The pilot project may begin upon the bill becoming law and must end no later than June 30, 2014. DCF and DJJ shall jointly prepare an interim report due December 31, 2013 and a final report due August 31, 2014, on findings including specific performance measures identified in the bill and recommendations from the pilot project.

Section 2 of the bill provides an effective date of upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fiscal Impact	**Fiscal Year 2013-14**			
DCF	**FTE**	**GR**	**Trust**	**Total**
Contract review		$59,000	$0	$59,000
Consulting services		$126,000	$0	$126,000
Cost to participating CBC		$25,000	$0	$25,000
Operational efficiencies		$70,000	$0	$70,000
Total		$280,000	$0	$280,000

According to the DJJ, there will be no fiscal impact to the department to implement the provisions of the bill.[31]

[31] Email from Ana Sanchez, Legislative Director of the DJJ, dated April 10, 2013.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lines 30-31 of the bill state that the project will demonstrate a more effective service model for crossover youth and line 47 of the bill references "residential homes." Since evidence has shown that group homes are associated with a significantly higher risk of delinquency as compared with foster homes, a service model centered on increased interventions in group homes would not appear to be a preferred long-term method of enhancing outcomes for crossover youth.

Lines 40-41 of the bill provide a preference to counties having a unified family court when selecting a location for the pilot. Since there is no one circuit/county that has implemented all of the UFC elements outlined in the model guidance, a better choice might be to give preference to a circuit/county that currently has one judge that handles dependency and delinquency crossover cases.

Line 55 of the bill states that the pilot project must include enhanced security at the pilot homes which may negatively impact those children in the home who are not delinquent.

Since there are numerous counties in the state that have implemented the Crossover Youth Practice Model, the pilot should be designed to complement work that is already being done.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Children, Families, and Elder Affairs

586-03368-13 20131834__

A bill to be entitled

An act relating to crossover youth; creating a pilot project to serve youth in common to the Department of Children and Families and the Department of Juvenile Justice; providing for selection of a county for the project; requiring the Secretary of Children and Families to seek proposals from interested providers; specifying elements to be included in the project; requiring reports to the Governor and the Legislature; providing an effective date.

WHEREAS, hundreds of youth each month in this state are served in both the child welfare system and juvenile justice system, and

WHEREAS, a significant number of these children who reside in residential group homes have felony arrest records, and

WHEREAS, these youth tend to have a greater need for specialized services and can have a negative effect on other youth in the same group residential settings, and

WHEREAS, the state needs to assess the impact of these youth on the child welfare and juvenile justice systems and to develop better integrated systems of care and improved services to respond to the needs of these youth, NOW, THEREFORE,

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

Section 1. Crossover Youth pilot project.-The Crossover Youth pilot project is established as a collaborative initiative of the Department of Children and Families and the Department of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

586-03368-13 20131834__

Juvenile Justice. The project will demonstrate a more effective service model for crossover youth, efficient coordination of services between agencies, and the evidence of improved outcomes for youth residing in the pilot project facility. The term "crossover youth" means youth younger than 18 years of age who receive services from the Department of Children and Families and the Department of Juvenile Justice.

(1) The pilot project shall be in one county with a high rate of crossover youth which is mutually agreed upon by the Secretary of Children and Families and the Secretary of Juvenile Justice. Counties that have a unified family court shall be given preference.

(2) The Secretary of Children and Families shall seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot project. The Secretary of Children and Families, in consultation with the Secretary of Juvenile Justice, shall select one or more residential homes from the pilot county to participate in the project.

(3) The pilot project must include, but need not be limited to, the following:

(a) Training provided by the Department of Juvenile Justice to pilot home staff.

(b) Intervention services by the Department of Juvenile Justice to youth on probation who reside in pilot homes.

(c) Enhanced security measures at pilot homes.

(d) Unified treatment plans for crossover youth served by multiple state and local agencies.

(e) Interventions to ensure that youth at low risk of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 reoffending are not negatively affected by high-risk crossover
60 youth.
61 (4) The pilot project must begin no later than July 1,
62 2013, and must end June 30, 2014.
63 (5) The Department of Children and Families and the
64 Department of Juvenile Justice shall jointly prepare an interim
65 report and final report on findings and recommendations relating
66 to the pilot project. The reports must include performance
67 measure data, including, but not limited to:
68 (a) The number of youth served by the pilot project,
69 including demographic information, prior offense history, and
70 relative risk to reoffend at time of placement as determined by
71 the Department of Juvenile Justice.
72 (b) The number of youth who receive a charge for a new
73 violation of law while under supervision of the pilot project.
74 (c) The number of youth who receive a violation of
75 probation while under supervision of the pilot project.
76 (d) The reduction in risk factors.
77 (e) The increase in protective factors.
78 (f) The number of youth who transfer out of the pilot home
79 for behavioral reasons.
80 (g) The number of calls to law enforcement as a result of
81 incidents involving youth in the pilot home.
82 (h) The academic performance of youth in the pilot home.
83
84 The interim report is due December 31, 2013, and the final
85 report is due August 31, 2014. The Department of Children and
86 Families and the Department of Juvenile Justice shall submit the
87 reports to the Governor, the President of the Senate, and the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

88 Speaker of the House of Representatives.
89 Section 2. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/15/2013
Meeting Date

Topic _____

Bill Number 1834 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
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SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/15/13
Meeting Date

Topic: CROSS OVER YOUTH

Bill Number: SB 1834 *(if applicable)*

Name: ADRIANNA SEKULA

Amendment Barcode: _____ *(if applicable)*

Job Title: Associate Director of Government Affairs

Address: _____
Street

_____
City *State* *Zip*

Phone: 904.553.7850

E-mail: adrianna.sekula@pacecenter.org

Speaking: [x] For [ ] Against [ ] Information

Representing: PACE Center for Girls

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37 **Case:** **Type:**
Caption: Criminal Justice Committee **Judge:**

Started: 4/15/2013 3:33:39 PM
Ends: 4/15/2013 5:11:25 PM **Length: 01:37:47**

3:33:43 PM Meeting to Order
3:34:41 PM Roll Call
3:35:46 PM Tab 3 CS/SB 962 by Judiciary / Gardiner, Warrants presented by Gina Herron
3:36:54 PM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
3:39:41 PM Roll Call
3:40:17 PM Tab 4 SB 1368 by Health Policy / Ring, Clinical, Counseling, and Psychotherapy Services
3:44:02 PM Roll Call
3:44:57 PM Tab 1 CS/SB 808 by Health Policy / Margolis, Needle and Syringe Exchange Pilot Program presented by Jeff Branch
3:46:24 PM Paul Arons, Former Medical Director, Public Health, Tallahassee, FL
4:02:02 PM Roll Call
4:03:07 PM Tab 7 SB 1834 by Children, Families, and Elder Affairs, Crossover Youth presented by Rep. Harrell
4:11:04 PM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
4:12:52 PM Roll Call
4:13:35 PM Tab 5 CS/CS/SB 1410 by Community Affairs /Banking and Insurance / Simmons, Fire Safety and Prevention
4:14:58 PM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
4:17:40 PM Roll Call
4:18:35 PM Tab 6 CS/SB 1442 by Regulated Industries / Lee, Alarm Systems, presented by Cori Cuttler
4:22:45 PM David Cruz, Florida League of Cities, Tallahassee, FL
4:24:23 PM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
4:26:57 PM Roll Call
4:27:31 PM Tab 2 SB 882 by Gibson, Administering County and Municipal Delinquency Programs and Facilities
4:36:45 PM Roy Miller, President, The Children's Campaign
4:39:59 PM Dale R. Landry, Vice-President, Florida State Conference NAACP
4:43:51 PM Elijah Armstrong, President of Dream Defenders, FAMU
4:45:39 PM Earline S. Wilks, Consulting & Life Coaching, Child is incarcerated in county jail
4:48:18 PM David Utter, Policy Director, Southern Poverty Law Center
4:49:55 PM Nancy M. Noonan, Co-Chair Marion Juvenile Justice Project Team
4:53:17 PM Nanette Delange, Member Families of Youth Incarcerated, Jacksonville, FL
4:55:49 PM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
5:01:24 PM Roll Call
5:10:50 PM Meeting Adjourned