

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative Boyd offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (2) of section
8 112.011, Florida Statutes, is amended to read:

9 112.011 Disqualification from licensing and public
10 employment based on criminal conviction.—

11 (2)

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

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20 ~~restored.~~

21 Section 2. Paragraph (i) of subsection (2) of section
22 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
23 and (c) of subsection (2) are reenacted, to read:

24 112.191 Firefighters; death benefits.—

25 (2) (a) The sum of \$50,000, as adjusted pursuant to
26 paragraph (i), shall be paid as provided in this section when a
27 firefighter, while engaged in the performance of his or her
28 firefighter duties, is accidentally killed or receives
29 accidental bodily injury which subsequently results in the loss
30 of the firefighter's life, provided that such killing is not the
31 result of suicide and that such bodily injury is not
32 intentionally self-inflicted. Notwithstanding any other
33 provision of law, in no case shall the amount payable under this
34 subsection be less than the actual amount stated therein.

35 (b) The sum of \$50,000, as adjusted pursuant to paragraph
36 (i), shall be paid as provided in this section if a firefighter
37 is accidentally killed as specified in paragraph (a) and the
38 accidental death occurs as a result of the firefighter's
39 response to what is reasonably believed to be an emergency
40 involving the protection of life or property or the
41 firefighter's participation in a training exercise. This sum is
42 in addition to any sum provided in paragraph (a).
43 Notwithstanding any other provision of law, the amount payable
44 under this subsection may not be less than the actual amount
45 stated therein.

46 (c) If a firefighter, while engaged in the performance of
47 his or her firefighter duties, is unlawfully and intentionally

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48 killed, is injured by an unlawful and intentional act of another
49 person and dies as a result of such injury, dies as a result of
50 a fire which has been determined to have been caused by an act
51 of arson, or subsequently dies as a result of injuries sustained
52 therefrom, the sum of \$150,000, as adjusted pursuant to
53 paragraph (i), shall be paid as provided in this section.
54 Notwithstanding any other provision of law, the amount payable
55 under this subsection may not be less than the actual amount
56 stated therein.

57 (i) Any payments made pursuant to paragraph (a), paragraph
58 (b), or paragraph (c) shall consist of the statutory amount
59 adjusted to reflect price level changes in the Consumer Price
60 Index for all Urban Consumers published by the United States
61 Department of Labor since July 1, 2002 ~~the effective date of the~~
62 ~~act.~~ The Division of State Fire Marshal, using the most recent
63 month for which Consumer Price Index data is available, shall on
64 June 15 of each year calculate and publish on the division's
65 internet website the amount resulting from the adjustments to ~~by~~
66 ~~rule adjust the statutory amounts amount based on the Consumer~~
67 ~~Price Index for All Urban Consumers published by the United~~
68 ~~States Department of Labor.~~ The adjusted statutory amounts
69 Adjustment shall be effective on ~~made~~ July 1 of each year ~~using~~
70 ~~the most recent month for which data are available at the time~~
71 ~~of the adjustment.~~

72 Section 3. Part I of chapter 633, Florida Statutes,
73 consisting of sections 633.102, 633.104, 633.106, 633.108,
74 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,
75 633.128, 633.132, 633.134, 633.136, 633.138, and 633.142, is

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76 created and entitled "General Provisions."

77 Section 4. Section 633.021, Florida Statutes, is
78 transferred, renumbered as section 633.102, Florida Statutes,
79 and amended to read:

80 633.102 ~~633.021~~ Definitions.—As used in this chapter:

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

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

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

86 (2)~~(4)~~ "Contracting" means engaging in business as a
87 contractor.

88 (3)~~(5)~~(a) "Contractor I" means a contractor whose business
89 includes the execution of contracts requiring the ability to lay
90 out, fabricate, install, inspect, alter, repair, and service all
91 types of fire protection systems, excluding preengineered
92 systems. A Contractor I may also perform all of the duties
93 specified for a Contractor II, Contractor III, Contractor IV,
94 and Contractor V.

95 (b) "Contractor II" means a contractor whose business is
96 limited to the execution of contracts requiring the ability to
97 lay out, fabricate, install, inspect, alter, repair, and service
98 water sprinkler systems, water spray systems, foam-water
99 sprinkler systems, foam-water spray systems, standpipes,
100 combination standpipes and sprinkler risers, all piping that is
101 an integral part of the system beginning at the point of service
102 as defined in this section, sprinkler tank heaters, air lines,
103 thermal systems used in connection with sprinklers, and tanks

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104 and pumps connected thereto, excluding preengineered systems. A
105 Contractor II may also perform the duties specified for a
106 Contractor IV and Contractor V.

107 (c) "Contractor III" means a contractor whose business is
108 limited to the execution of contracts requiring the ability to
109 fabricate, install, inspect, alter, repair, and service carbon
110 dioxide ~~CO2~~ systems, foam extinguishing systems, dry chemical
111 systems, and Halon and other chemical systems, excluding
112 preengineered systems.

113 (d) "Contractor IV" means a contractor whose business is
114 limited to the execution of contracts requiring the ability to
115 lay out, fabricate, install, inspect, alter, repair, and service
116 automatic fire sprinkler systems for detached one-family
117 dwellings, detached two-family dwellings, and mobile homes,
118 excluding preengineered systems and excluding single-family
119 homes in cluster units, such as apartments, condominiums, and
120 assisted living facilities or any building that is connected to
121 other dwellings. A Contractor IV is limited to the scope of
122 practice specified in NFPA 13D.

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

130
131 The definitions in this subsection must not be construed to

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132 include ~~fire protection~~ engineers or architects and do not limit
133 or prohibit a licensed fire protection engineer or architect
134 with fire protection design experience from designing any type
135 of fire protection system. A distinction is made between system
136 design concepts prepared by the design professional and system
137 layout as defined in this section and typically prepared by the
138 contractor. However, persons certified as a Contractor I,
139 Contractor II, or Contractor IV under this chapter may design
140 fire protection systems of 49 or fewer sprinklers, and may
141 design the alteration of an existing fire sprinkler system if
142 the alteration consists of the relocation, addition, or deletion
143 of not more than 49 sprinklers, notwithstanding the size of the
144 existing fire sprinkler system. A Contractor I, Contractor II,
145 or Contractor IV may design a fire protection system the scope
146 of which complies with NFPA 13D, Standard for the Installation
147 of Sprinkler Systems in One- and Two-Family Dwellings and
148 Manufactured Homes, as adopted by the State Fire Marshal,
149 notwithstanding the number of fire sprinklers. Contractor-
150 developed plans may not be required by any local permitting
151 authority to be sealed by a registered professional engineer.

152 (4) "Department" means the Department of Financial
153 Services.

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

156 (6) "Explosives" means any chemical compound or mixture
157 that has the property of yielding readily to combustion or
158 oxidation upon the application of heat, flame, or shock and is
159 capable of producing an explosion and is commonly used for that

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160 purpose, including but not limited to dynamite, nitroglycerin,
161 trinitrotoluene, ammonium nitrate when combined with other
162 ingredients to form an explosive mixture, blasting caps, and
163 detonators; but the term does not include cartridges for
164 firearms or fireworks as defined in chapter 791.

165 (7) (a) "Fire equipment dealer Class A" means a licensed
166 fire equipment dealer whose business is limited to servicing,
167 recharging, repairing, installing, or inspecting all types of
168 fire extinguishers and conducting hydrostatic tests on all types
169 of fire extinguishers.

170 (b) "Fire equipment dealer Class B" means a licensed fire
171 equipment dealer whose business is limited to servicing,
172 recharging, repairing, installing, or inspecting all types of
173 fire extinguishers, including recharging carbon dioxide units
174 and conducting hydrostatic tests on all types of fire
175 extinguishers, except carbon dioxide units.

176 (c) "Fire equipment dealer Class C" means a licensed fire
177 equipment dealer whose business is limited to servicing,
178 recharging, repairing, installing, or inspecting all types of
179 fire extinguishers, except recharging carbon dioxide units, and
180 conducting hydrostatic tests on all types of fire extinguishers,
181 except carbon dioxide units.

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

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

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

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188 (b) Is manually operated.

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

191 (d) Is rechargeable or nonrechargeable.

192 (e) Is installed, serviced, repaired, recharged,
193 inspected, and hydrotested according to applicable procedures of
194 the manufacturer, standards of the National Fire Protection
195 Association, and the Code of Federal Regulations.

196 (f) Is listed by a nationally recognized testing
197 laboratory.

198 (9) "Firefighter" means an individual who holds a current
199 and valid Firefighter Certificate of Compliance or Special
200 Certificate of Compliance issued by the division under s.
201 633.408.

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

205 (11) ~~(9)~~ A "Fire hydrant" means ~~is~~ a connection to a water
206 main, elevated water tank, or other source of water for the
207 purpose of supplying water to a fire hose or other fire
208 protection apparatus for fire suppression operations. The term
209 does not include a fire protection system.

210 (12) ~~(10)~~ A "Fire protection system" means ~~is~~ a system
211 individually designed to protect the interior or exterior of a
212 specific building or buildings, structure, or other special
213 hazard from fire. Such systems include, but are not limited to,
214 water sprinkler systems, water spray systems, foam-water
215 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~

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216 systems, foam extinguishing systems, dry chemical systems, and
217 Halon and other chemical systems used for fire protection use.
218 Such systems also include any overhead and underground fire
219 mains, fire hydrants and hydrant mains, standpipes and hoses
220 connected to sprinkler systems, sprinkler tank heaters, air
221 lines, thermal systems used in connection with fire sprinkler
222 systems, and tanks and pumps connected to fire sprinkler
223 systems.

224 ~~(13)~~~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual
225 who holds a current and valid Fire Safety Inspector Certificate
226 of Compliance issued ~~certified~~ by the division ~~State Fire~~
227 ~~Marshal~~ under s. 633.216 ~~633.081~~ and who is officially assigned
228 the duties of conducting firesafety inspections of buildings and
229 facilities on a recurring or regular basis on behalf of the
230 state or any county, municipality, or special district with fire
231 safety responsibilities.

232 (14) "Fire service provider" means a municipality or
233 county, the state, or any political subdivision of the state,
234 including authorities and special districts, employing
235 firefighters or utilizing volunteer firefighters to provide fire
236 extinguishment or fire prevention services for the protection of
237 life and property. The term includes any organization under
238 contract or other agreement with such entity to provide such
239 services.

240 ~~(15)~~~~(12)~~ "Handling" means touching, holding, taking up,
241 moving, controlling, or otherwise affecting with the hand or by
242 any other agency.

243 ~~(13) (a) For the purposes of s. 633.085(1), the term "high-~~

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244 ~~hazard occupancy" means any building or structure:~~

245 ~~1. That contains combustible or explosive matter or~~
246 ~~flammable conditions dangerous to the safety of life or~~
247 ~~property.~~

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

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

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

251
252 ~~Such buildings or structures include, but are not limited to,~~
253 ~~all hospitals and residential health care facilities, nursing~~
254 ~~homes and other adult care facilities, correctional or detention~~
255 ~~facilities, public schools, public lodging establishments,~~
256 ~~migrant labor camps, residential child care facilities, and~~
257 ~~self-service gasoline stations.~~

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

263 ~~(16)-(14)~~ "Highway" means every way or place of whatever
264 nature within the state open to the use of the public, as a
265 matter of right, for purposes of vehicular traffic and includes
266 public streets, alleys, roadways, or driveways upon grounds of
267 colleges, universities, and institutions and other ways open to
268 travel by the public, notwithstanding that the same have been
269 temporarily closed for the purpose of construction,
270 reconstruction, maintenance, or repair. The term does not
271 include a roadway or driveway upon grounds owned by a private

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272 person.

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

276 ~~(18)-(15)~~ "Keeping" means possessing, holding, retaining,
277 maintaining, or having habitually in stock for sale.

278 ~~(19)-(16)~~ "Layout" as used in this chapter means the layout
279 of risers, cross mains, branch lines, sprinkler heads, sizing of
280 pipe, hanger locations, and hydraulic calculations in accordance
281 with the design concepts established through the provisions of
282 the Responsibility Rules adopted by the Board of Professional
283 Engineers.

284 ~~(20)-(17)~~ "Manufacture" means the compounding, combining,
285 producing, or making of anything or the working of anything by
286 hand, by machinery, or by any other agency into forms suitable
287 for use.

288 ~~(21)-(18)~~ A "Minimum firesafety standard" means ~~is~~ a
289 requirement or group of requirements adopted pursuant to s.
290 ~~633.208 633.025~~ by a county, municipality, or special district
291 with firesafety responsibilities, or by the State Fire Marshal
292 pursuant to s. 394.879, for the protection of life and property
293 from loss by fire which shall be met, as a minimum, by every
294 occupancy, facility, building, structure, premises, device, or
295 activity to which it applies.

296 (22) "Minimum Standards Course" means training of at least
297 360 hours as prescribed by rule adopted by the division, which
298 is required to obtain a Firefighter Certificate of Compliance
299 under s. 633.408.

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300 ~~(23)-(19)~~ "Motor vehicle" means any device propelled by
301 power other than muscular power in, upon, or by which any
302 individual person or property is or may be transported or drawn
303 upon a highway, except a device moved or used exclusively upon
304 stationary rails or tracks.

305 ~~(24)-(20)~~ "Point-of-service" means the point at which the
306 underground piping for a fire protection system as defined in
307 this section using water as the extinguishing agent becomes used
308 exclusively for the fire protection system.

309 ~~(25)-(21)~~(a) A "Preengineered system" means ~~is~~ a fire
310 suppression system which:

- 311 1. Uses any of a variety of extinguishing agents.
- 312 2. Is designed to protect specific hazards.
- 313 3. Must be installed according to pretested limitations
314 and configurations specified by the manufacturer and applicable
315 National Fire Protection Association (NFPA) standards. Only
316 those chapters within the National Fire Protection Association
317 standards that pertain to servicing, recharging, repairing,
318 installing, hydrotesting, or inspecting any type of
319 preengineered fire extinguishing system may be used.
- 320 4. Must be installed using components specified by the
321 manufacturer or components that are listed as equal parts by a
322 nationally recognized testing laboratory such as Underwriters
323 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
- 324 5. Must be listed by a nationally recognized testing
325 laboratory.

326 (b) Preengineered systems consist of and include all of
327 the components and parts providing fire suppression protection,

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328 but do not include the equipment being protected, and may
329 incorporate special nozzles, flow rates, methods of application,
330 pressurization levels, and quantities of agents designed by the
331 manufacturer for specific hazards.

332 ~~(26)-(22)~~ "Private carrier" means any motor vehicle,
333 aircraft, or vessel operating intrastate in which there is
334 identity of ownership between freight and carrier.

335 ~~(27)-(23)~~ "Sale" means the act of selling; the act whereby
336 the ownership of property is transferred from one person to
337 another for a sum of money or, loosely, for any consideration.
338 The term includes the delivery of merchandise with or without
339 consideration.

340 ~~(28)-(24)~~ "Special state firesafety inspector" means an
341 individual officially assigned to the duties of conducting
342 firesafety inspections required by law on behalf of or by an
343 agency of the state having authority for inspections other than
344 the division of State Fire Marshal.

345 ~~(29)-(25)~~ A "Sprinkler system" means ~~is~~ a type of fire
346 protection system, either manual or automatic, using water as an
347 extinguishing agent and installed in accordance with applicable
348 National Fire Protection Association standards.

349 ~~(30)-(26)~~ "Storing" means accumulating, laying away, or
350 depositing for preservation or as a reserve fund in a store,
351 warehouse, or other source from which supplies may be drawn or
352 within which they may be deposited. The term is limited in
353 meaning and application to storage having a direct relationship
354 to transportation.

355 (31) "Support services" means those activities that a fire

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356 service provider has trained an individual to perform safely
357 outside the hot zone of an emergency scene, including pulling
358 hoses, opening and closing fire hydrants, driving and operating
359 apparatus, carrying tools, carrying or moving equipment,
360 directing traffic, manning a resource pool, or similar
361 activities.

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

364 (33)-(27) "Transportation" means the conveying or carrying
365 of property from one place to another by motor vehicle (except a
366 motor vehicle subject to the provisions of s. 316.302),
367 aircraft, or vessel, subject to such limitations as are set
368 forth in s. 552.12, in which only the motor vehicles, aircraft,
369 or vessels of the Armed Forces and other federal agencies are
370 specifically exempted.

371 (34)-(28) A "Uniform firesafety standard" means is a
372 requirement or group of requirements for the protection of life
373 and property from loss by fire which shall be met by every
374 building and structure specified in s. 633.206 633.022(1), and
375 is neither weakened nor exceeded by law, rule, or ordinance of
376 any other state agency or political subdivision or county,
377 municipality, or special district with firesafety
378 responsibilities.

379 (35)-(29) "Use" means application, employment; that
380 enjoyment of property which consists of its employment,
381 occupation, exercise, or practice.

382 (36) "Volunteer firefighter" means an individual who holds
383 a current and valid Volunteer Firefighter Certificate of

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384 Completion issued by the division under s. 633.408.

385 Section 5. Section 633.01, Florida Statutes, is
386 transferred and renumbered as subsections (1) through (7) of
387 section 633.104, Florida Statutes, and subsections (1), (3),
388 (5), (6), and (7) of that section are amended, subsection (2) of
389 section 633.517, Florida Statutes, is transferred and renumbered
390 as subsection (8) of that section and amended, and a new
391 subsection (9) is added to that section, to read:

392 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~
393 ~~duties~~; rules.—

394 (1) The Chief Financial Officer is designated as "State
395 Fire Marshal." The State Fire Marshal has authority to adopt
396 rules pursuant to ss. 120.536(1) and 120.54 to implement the
397 provisions of this chapter ~~conferring powers or duties upon the~~
398 ~~department~~. Rules shall be in substantial conformity with
399 generally accepted standards of firesafety; shall take into
400 consideration the direct supervision of children in
401 nonresidential child care facilities; and shall balance and
402 temper the need of the State Fire Marshal to protect all
403 Floridians from fire hazards with the social and economic
404 inconveniences that may be caused or created by the rules. The
405 department shall adopt the Florida Fire Prevention Code ~~and the~~
406 ~~Life Safety Code~~.

407 (2) Subject to the limitations of subsection (1), it is
408 the intent of the Legislature that the State Fire Marshal shall
409 have the responsibility to minimize the loss of life and
410 property in this state due to fire. The State Fire Marshal shall
411 enforce all laws and provisions of this chapter, and any rules

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412 adopted pursuant thereto, relating to:

413 (a) The prevention of fire and explosion through the
414 regulation of conditions which could cause fire or explosion,
415 the spread of fire, and panic resulting therefrom;

416 (b) Installation and maintenance of fire alarm systems and
417 fire protection systems, including fire suppression systems,
418 fire-extinguishing equipment, and fire sprinkler systems;

419 (c)1. Servicing, repairing, recharging, testing, marking,
420 inspecting, installing, maintaining, and tagging of fire
421 extinguishers, preengineered systems, and individually designed
422 fire protection systems;

423 2. The training and licensing of persons engaged in the
424 business of servicing, repairing, recharging, testing, marking,
425 inspecting, installing, maintaining, and tagging fire
426 extinguishers, preengineered systems, and individually designed
427 fire protection systems;

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

429 (e) Suppression of arson and the investigation of the
430 cause, origin, and circumstances of fire.

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

434 (4) It is the intent of the Legislature that the rules
435 promulgated by the State Fire Marshal pursuant to this section
436 be enforced in such a manner as to prohibit the displacement of
437 currently placed mobile homes unless there is a threat of
438 imminent danger to the health, safety, or welfare of the general
439 public.

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440 (5) It is the intent of the Legislature that there are to
441 be no conflicting requirements between the Florida Fire
442 Prevention Code ~~and the Life Safety Code authorized by this~~
443 ~~chapter~~ and the provisions of the Florida Building Code or
444 conflicts in their enforcement and interpretation. Potential
445 conflicts shall be resolved through coordination and cooperation
446 of the State Fire Marshal and the Florida Building Commission as
447 provided by this chapter and part IV of chapter 553.

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

453 (7) The State Fire Marshal, in consultation with the
454 Department of Education, shall adopt and administer rules
455 prescribing standards for the safety and health of occupants of
456 educational and ancillary facilities pursuant to ss. 633.206
457 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any
458 county, municipality, or special district that does not employ
459 or appoint a firesafety inspector certified under s. 633.216
460 ~~633.081~~, the State Fire Marshal shall assume the duties of the
461 local county, municipality, or independent special fire control
462 district as defined in s. 191.003 with respect to firesafety
463 inspections of educational property required under s.
464 1013.12(3)(b), and the State Fire Marshal may take necessary
465 corrective action as authorized under s. 1013.12(7).

466 ~~633.517 Authority of State Fire Marshal to adopt rules,~~
467 ~~administer oaths, and take testimony.~~

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468 ~~(1) The State Fire Marshal is authorized, with the advice~~
469 ~~of the board, to adopt rules pursuant to ss. 120.536(1) and~~
470 ~~120.54 to implement the provisions of this act.~~

471 (8)(2) The State Fire Marshal or her or his duly appointed
472 hearing officer may administer oaths and take testimony about
473 all matters within the jurisdiction of this chapter act. Chapter
474 120 governs hearings conducted by or on behalf of the State Fire
475 Marshal.

476 (9) The State Fire Marshal may enter into a contract with
477 any qualified public entity or private company in accordance
478 with chapter 287 to provide examinations for any applicant for
479 any examination administered under the jurisdiction of the State
480 Fire Marshal. The State Fire Marshal may direct payments from
481 each applicant for each examination directly to such contracted
482 entity or company.

483 Section 6. Section 633.163, Florida Statutes, is
484 transferred, renumbered as subsections (1), (2), and (3) of
485 section 633.106, Florida Statutes, and amended, and section
486 633.167, Florida Statutes, is transferred, renumbered as
487 subsection (4) of that section, and amended, to read:

488 633.106 633.163 State Fire Marshal; disciplinary
489 authority; administrative fine and probation in lieu of
490 suspension, revocation, or refusal to issue a license, permit,
491 or certificate.-

492 (1) The State Fire Marshal is authorized to deny, suspend,
493 or revoke the license, certificate, or permit of any individual
494 who does not meet the qualifications established by, or who
495 violates any provision under, this chapter or any rule

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496 authorized by this chapter.

497 (2)(1) If the State Fire Marshal finds that one or more
498 grounds exist for the suspension, revocation, or refusal to
499 issue, renew, or continue any license, certificate, or permit
500 issued under this chapter, the State Fire Marshal may, in his or
501 her ~~its~~ discretion, in lieu of the suspension, revocation, or
502 refusal to issue, renew, or continue, and, except on a second
503 offense or when the suspension, revocation, or refusal to issue,
504 renew, or continue is mandatory, impose upon the licensee,
505 certificateholder, or permittee one or more of the following:

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

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

511 (3)(2) The State Fire Marshal may allow the licensee,
512 certificateholder, or permittee a reasonable period, not to
513 exceed 30 days, within which to pay to the State Fire Marshal
514 the amount of the fine. If the licensee, certificateholder, or
515 permittee fails to pay the administrative fine in its entirety
516 to the State Fire Marshal within such period, the license,
517 permit, or certificate shall stand suspended until payment of
518 the administrative fine.

519 ~~633.167 Probation.—~~

520 ~~(1) If the State Fire Marshal finds that one or more~~
521 ~~grounds exist for the suspension, revocation, or refusal to~~
522 ~~issue, renew, or continue any license, certification, or permit~~
523 ~~issued under this chapter, the State Fire Marshal may, in her or~~

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524 ~~his discretion, except when an administrative fine is not~~
525 ~~permissible under this chapter or when the suspension,~~
526 ~~revocation, or refusal is mandatory, in lieu of suspension,~~
527 ~~revocation, or refusal to issue, renew, or continue or, in~~
528 ~~connection with any administrative fine imposed, place the~~
529 ~~offending licensee, certificateholder, or permittee on probation~~
530 ~~for a period not to exceed 2 years, as specified by the State~~
531 ~~Fire Marshal in her or his order.~~

532 (4)~~(2)~~ As a condition to probation or in connection
533 therewith, the State Fire Marshal may specify in her or his
534 order reasonable terms and conditions to be fulfilled by the
535 probationer during the probation period. If during the probation
536 period the State Fire Marshal has good cause to believe that the
537 probationer has violated any of the terms and conditions, she or
538 he shall suspend, revoke, or refuse to issue, renew, or continue
539 the license, certificate, or permit of the probationer, as upon
540 the original ground or grounds referred to in subsection (2)~~(1)~~.

541 Section 7. Section 633.15, Florida Statutes, is
542 transferred and renumbered as section 633.108, Florida Statutes.

543 Section 8. Section 633.101, Florida Statutes, is
544 transferred and renumbered as subsections (1), (2), (3), and (4)
545 of section 633.112, Florida Statutes, and subsections (2), (3),
546 and (4) are amended, section 633.18, Florida Statutes, is
547 transferred and renumbered as subsection (5) of that section,
548 section 633.03, Florida Statutes, is transferred and renumbered
549 as subsection (6) of that section and amended, and section
550 633.111, Florida Statutes, is transferred and renumbered as
551 subsections (7) and (8) of that section and amended, to read:

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552 633.112 ~~633.101~~ State Fire Marshal; hearings;
553 investigations; recordkeeping ~~investigatory powers of State Fire~~
554 ~~Marshal; costs of service and witness fees.-~~

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

559 (2) If the State Fire Marshal shall be of the opinion that
560 there is sufficient evidence to charge any person with an
561 offense, he or she shall cause the arrest of such person and
562 shall furnish to the prosecuting officer of any court having
563 jurisdiction of said offense all information obtained by him or
564 her, including a copy of all pertinent and material testimony
565 taken, together with the names and addresses of all witnesses.
566 In the conduct of such investigations, the State Fire Marshal
567 ~~fire marshal~~ may request such assistance as may reasonably be
568 given by such prosecuting officers and other local officials.

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

576 (4) All persons so summoned and so testifying shall be
577 entitled to the same witness fees and mileage as provided for
578 witnesses testifying in the circuit courts of this state, and
579 officers serving subpoenas or orders of the State Fire Marshal

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580 ~~fire marshal~~ shall be paid in like manner for like services in
581 such courts, from the funds herein provided.

582 ~~633.18 State Fire Marshal; hearings and investigations;~~
583 ~~subpoena of witnesses; orders of circuit court.~~

584 (5) Any agent designated by the State Fire Marshal for
585 such purposes, may hold hearings, sign and issue subpoenas,
586 administer oaths, examine witnesses, receive evidence, and
587 require by subpoena the attendance and testimony of witnesses
588 and the production of such accounts, records, memoranda or other
589 evidence, as may be material for the determination of any
590 complaint or conducting any inquiry or investigation under this
591 law. In case of disobedience to a subpoena, the State Fire
592 Marshal or his or her agent may invoke the aid of any court of
593 competent jurisdiction in requiring the attendance and testimony
594 of witnesses and the production of accounts, records, memoranda
595 or other evidence and any such court may in case of contumacy or
596 refusal to obey a subpoena issued to any person, issue an order
597 requiring the person to appear before the State Fire Marshal's
598 agent or produce accounts, records, memoranda or other evidence,
599 as so ordered, or to give evidence touching any matter pertinent
600 to any complaint or the subject of any inquiry or investigation,
601 and any failure to obey such order of the court shall be
602 punished by the court as a contempt thereof.

603 ~~633.03 Investigation of fire; reports.~~

604 (6) The State Fire Marshal shall investigate the cause,
605 origin, and circumstances of every fire or explosion occurring
606 in this state wherein property has been damaged or destroyed
607 where there is probable cause to believe that the fire or

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608 explosion was the result of carelessness or design. Report of
609 all such investigations shall be made on approved forms to be
610 furnished by the State Fire Marshal ~~fire marshal~~.

611 ~~633.111 State Fire Marshal to keep records of fires;~~
612 ~~reports of agents.--~~

613 (7) The State Fire Marshal shall keep ~~in her or his office~~
614 a record of all fires and explosions occurring in this state
615 upon which she or he had caused an investigation to be made and
616 all facts concerning the same. These records, obtained or
617 prepared by the State Fire Marshal pursuant to her or his
618 investigation, include documents, papers, letters, maps,
619 diagrams, tapes, photographs, films, sound recordings, and
620 evidence. These records are confidential and exempt from the
621 provisions of s. 119.07(1) until the investigation is completed
622 or ceases to be active. For purposes of this section, an
623 investigation is considered "active" while such investigation is
624 being conducted by the department with a reasonable, good faith
625 belief that it may lead to the filing of administrative, civil,
626 or criminal proceedings. An investigation does not cease to be
627 active if the department is proceeding with reasonable dispatch,
628 and there is a good faith belief that action may be initiated by
629 the department or other administrative or law enforcement
630 agency. Further, these documents, papers, letters, maps,
631 diagrams, tapes, photographs, films, sound recordings, and
632 evidence relative to the subject of an investigation shall not
633 be subject to subpoena until the investigation is completed or
634 ceases to be active, unless the State Fire Marshal consents.
635 These records shall be made daily from the reports furnished the

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636 State Fire Marshal by her or his agents or others.

637 (8) Whenever the State Fire Marshal releases an
638 investigative report, any person requesting a copy of the report
639 shall pay in advance, and the State Fire Marshal shall collect
640 in advance, notwithstanding the provisions of s. 624.501(19) (a)
641 and (b), a fee of \$10 for the copy of the report, which fee
642 shall be deposited into the Insurance Regulatory Trust Fund. The
643 State Fire Marshal may release the report without charge to any
644 state attorney or to any law enforcement agency or fire
645 department assisting in the investigation.

646 Section 9. Section 633.02, Florida Statutes, is
647 transferred, renumbered as subsection (1) of section 633.114,
648 Florida Statutes, and amended, and section 633.13, Florida
649 Statutes, is transferred and renumbered as subsection (2) of
650 that section, to read:

651 633.114 ~~633.02~~ State Fire Marshal Agents; authority;
652 ~~powers and duties; compensation.-~~

653 (1) The State Fire Marshal shall appoint such agents as
654 may be necessary to carry out effectively the provisions of this
655 chapter, who shall be reimbursed for travel expenses as provided
656 in s. 112.061, in addition to their salary, when traveling or
657 making investigations in the performance of their duties. Such
658 agents shall be at all times under the direction and control of
659 the State Fire Marshal ~~fire marshal~~, who shall fix their
660 compensation, and all orders shall be issued in the State Fire
661 Marshal's ~~fire marshal's~~ name and by her or his authority.

662 ~~633.13 State Fire Marshal; authority of agents.-~~

663 (2) The authority given the State Fire Marshal under this

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664 law may be exercised by his or her agents, either individually
665 or in conjunction with any other state or local official charged
666 with similar responsibilities.

667 Section 10. Section 633.14, Florida Statutes, is
668 transferred and renumbered as section 633.116, Florida Statutes.

669 Section 11. Section 633.121, Florida Statutes, is
670 transferred, renumbered as section 633.118, Florida Statutes,
671 and amended to read:

672 633.118 ~~633.121~~ Persons authorized to enforce laws and
673 rules of State Fire Marshal.—The chiefs of county, municipal,
674 and special-district fire service providers ~~departments~~; other
675 fire service provider ~~department~~ personnel designated by their
676 respective chiefs; and personnel designated by local governments
677 having no organized fire service providers ~~departments~~ are
678 authorized to enforce this chapter law and all rules prescribed
679 by the State Fire Marshal within their respective jurisdictions.
680 Such personnel acting under the authority of this section shall
681 be deemed to be agents of their respective jurisdictions, not
682 agents of the State Fire Marshal.

683 Section 12. Section 633.151, Florida Statutes, is
684 transferred, renumbered as section 633.122, Florida Statutes,
685 and amended to read:

686 633.122 ~~633.151~~ Impersonating State Fire Marshal,
687 firefighter ~~firefighters~~, volunteer firefighter, or firesafety
688 inspector; criminal penalties.—A person who falsely assumes or
689 pretends to be the State Fire Marshal, an agent of the division
690 ~~of State Fire Marshal~~, a firefighter ~~as defined in s. 112.81~~, a
691 volunteer firefighter, or a firesafety inspector by identifying

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692 himself or herself as the State Fire Marshal, an agent of the
693 division, a firefighter, a volunteer firefighter, or a
694 firesafety inspector, by wearing a uniform or presenting or
695 displaying a badge as credentials that would cause a reasonable
696 person to believe that he or she is a State Fire Marshal, an
697 agent of the division, a firefighter, a volunteer firefighter,
698 or firesafety inspector commits and who acts as such to require
699 a person to aid or assist him or her in any matter relating to
700 the duties of the State Fire Marshal, an agent of the division,
701 a firefighter, or a firesafety inspector is guilty of a felony
702 of the third degree, punishable as provided in ss. 775.082 and
703 775.083 or, if the impersonation occurs during the commission of
704 a separate felony by that person, commits ~~is guilty of~~ a felony
705 of the first degree, punishable as provided in ss. 775.082 and
706 775.083.

707 Section 13. Section 633.171, Florida Statutes, is
708 transferred, renumbered as section 633.124, Florida Statutes,
709 and amended to read:

710 633.124 ~~633.171~~ Penalty for violation of law, rule, or
711 order to cease and desist or for failure to comply with
712 corrective order.—

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

718 (2) It is a misdemeanor of the first degree, punishable as
719 provided in s. 775.082 or s. 775.083, to intentionally or

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720 willfully:

721 (a) Render a fire protection system, fire extinguisher, or
722 preengineered system required by statute or by rule inoperative
723 except during such time as the fire protection system, fire
724 extinguisher, or preengineered system is being serviced,
725 hydrotested, tested, repaired, or recharged, except pursuant to
726 court order.

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

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

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

733 (e) Hold a license, certificate, or permit and allow
734 another person to use the license, certificate, or ~~said~~ permit
735 ~~number~~.

736 (f) Use, or allow ~~permit~~ the use of, any license,
737 certificate, or permit by any individual or organization other
738 than the one to whom the license, certificate, or permit is
739 issued.

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

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

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

745 3. "Pyrotechnic material" means a chemical mixture used to
746 produce visible or audible effects by combustion, deflagration,
747 or detonation when such chemical mixture consists predominantly

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748 of solids capable of producing a controlled, self-sustaining,
749 and self-contained exothermic chemical reaction that results in
750 heat, gas, sound, light, or a combination of such effects,
751 without requiring external oxygen.

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

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

757 2. The owner of the structure has authorized in writing
758 the pyrotechnic display.

759 3. If the local jurisdiction requires a permit for the use
760 of a pyrotechnic display in an occupied structure, such permit
761 has been obtained and all conditions of the permit complied with
762 or, if the local jurisdiction does not require a permit for the
763 use of a pyrotechnic display in an occupied structure, the
764 person initiating the display has complied with National Fire
765 Protection Association, Inc., Standard 1126, 2001 Edition,
766 Standard for the Use of Pyrotechnics before a Proximate
767 Audience.

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

774 Section 14. Section 633.175, Florida Statutes, is
775 transferred and renumbered as section 633.126, Florida Statutes,

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776 and subsections (1), (2), (3), (6), and (9) of that section are
777 amended, to read:

778 633.126 ~~633.175~~ Investigation of fraudulent insurance
779 claims and crimes; immunity of insurance companies supplying
780 information.-

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

785 (b) The State Fire Marshal or an agent appointed pursuant
786 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in
787 s. 111.065, any law enforcement officer of a federal agency, or
788 any fire service provider ~~department~~ official who is engaged in
789 the investigation of a fire or explosion loss may request any
790 insurance company or its agent, adjuster, employee, or attorney,
791 investigating a claim under an insurance policy or contract with
792 respect to a fire or explosion to release any information
793 whatsoever in the possession of the insurance company or its
794 agent, adjuster, employee, or attorney relative to a loss from
795 that fire or explosion. The insurance company shall release the
796 available information to and cooperate with any official
797 authorized to request such information pursuant to this section.
798 The information shall include, but shall not be limited to:

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

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

802 3.(c) The records, reports, and all material pertaining to
803 any previous claims made by the insured with the reporting

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804 company.

805 ~~4.(d)~~ Material relating to the investigation of the loss,
806 including statements of any person, proof of loss, and other
807 relevant evidence.

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

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

818 (3) In the absence of fraud, bad faith, or malice, no
819 representative of or consultant to an insurance company or of
820 the National Insurance Crime Bureau employed to adjust or
821 investigate losses caused by fire or explosion shall be liable
822 for damages in a civil action for furnishing information
823 concerning fires or explosion suspected to be other than
824 accidental to investigators employed by other insurance
825 companies or the National Insurance Crime Bureau.

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

831 (5) At such time as the release of the investigative

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832 records is required by law, the official or agency in possession
833 of such records shall provide written notice to the insurance
834 company providing the information and to all parties, at least
835 10 days prior to releasing such records. Official, departmental,
836 or agency personnel may discuss such matters with other
837 official, departmental, or agency personnel, and any insurance
838 company complying with this section, and may share such
839 information, if such discussion is necessary to enable the
840 orderly and efficient conduct of the investigation. These
841 discussions are confidential and exempt from the provisions of
842 s. 286.011.

843 (6) The actions of an insurance company or of its agents,
844 employees, adjusters, consultants, or attorneys, in complying
845 with the statutory obligation of this section shall in no way be
846 construed by a court as a waiver or abandonment of any privilege
847 or confidentiality of attorney work product, attorney-client
848 communication, or such other privilege or immunity as is
849 provided by law.

850 (7) Any official described in subsection (1) may be
851 required to testify as to any information in her or his
852 possession regarding an insurance loss in any civil action in
853 which any person seeks recovery under a policy against an
854 insurance company for an insurance loss, subject to the
855 provisions of subsection (6).

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

858 (9) Any person who willfully violates the provisions of
859 this section commits ~~is guilty of~~ a misdemeanor of the first

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860 degree, punishable as provided in s. 775.082 or s. 775.083.

861 Section 15. Section 633.45, Florida Statutes, is
862 transferred, renumbered as section 633.128, Florida Statutes,
863 and amended to read:

864 633.128 ~~633.45~~ Division of State Fire Marshal; powers,
865 duties.—

866 (1) The division shall:

867 (a) Establish, by rule, uniform minimum standards for the
868 ~~employment and training of firefighters and volunteer~~
869 firefighters.

870 (b) Establish, by rule, minimum curriculum requirements
871 and criteria used to approve education or training providers,
872 including for schools operated by or for any fire service
873 provider, employing agency for the specific purpose of training
874 individuals seeking to become a firefighter recruits or
875 volunteer firefighter firefighters.

876 (c) Specify, by rule, standards for the approval, denial
877 of approval, probation, suspension, and revocation of approval
878 of education or training providers and facilities for training
879 firefighters and volunteer firefighters. Approve institutions,
880 ~~instructors, and facilities for school operation by or for any~~
881 ~~employing agency for the specific purpose of training~~
882 ~~firefighters and firefighter recruits.~~

883 (d) Specify, by rule, standards for the certification,
884 denial of certification, probation, and revocation of
885 certification for instructors, approval, denial of approval,
886 ~~probation, and revocation of approval of institutions,~~
887 ~~instructors, and facilities for training firefighters and~~

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888 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~
889 instructor to ~~must~~ complete 40 hours of continuing education
890 every 4 ~~3~~ years in order to maintain his or her certification
891 ~~the approval of the department.~~

892 (e) Issue certificates of competency to persons who, by
893 reason of experience and completion of basic inservice training,
894 advanced education, or specialized training, are especially
895 qualified for particular aspects or classes of firefighting
896 ~~firefighter~~ duties.

897 (f) Establish, by rule, minimum training qualifications
898 for persons serving as firesafety coordinators for their
899 respective departments of state government and certify all
900 persons who satisfy such qualifications.

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

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

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

913 (j) Have full management, possession, and control of the
914 lands, buildings, structures, and property belonging to the
915 Florida State Fire College.

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

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

920 (m) Visit and inspect the Florida State Fire College ~~and~~
921 ~~every department thereof~~ and provide for the proper keeping of
922 accounts and records thereof.

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

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

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

933 (q) Care for and maintain the Florida State Fire College
934 and do and perform every other matter or thing requisite to the
935 proper management, maintenance, support, and control of said
936 institution, necessary or requisite to carry out fully the
937 purpose of this chapter act and for raising it to, and
938 maintaining it at, the proper efficiency and standard as
939 required in and by the provisions of part IV ss. 633.43-633.49.

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

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

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

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

949 (c) Sue and be sued.

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

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

955 (f) Make contracts and execute necessary or convenient
956 instruments.

957 (g) Undertake by contract or contracts, or by its own
958 agent and employees, and otherwise than by contract, any project
959 or projects, and operate and maintain such projects.

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

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

967 (3) The title to all property referred to in part IV ~~ss.~~
968 ~~633.43-633.49~~, however acquired, shall be vested in the
969 department and shall only be transferred and conveyed by it.

970 Section 16. Section 633.132, Florida Statutes, is created
971 to read:

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633.132 Fees.-

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

(a) Pursuant to part III of this chapter:

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

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

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

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

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

6. Fire equipment dealer license:

a. Class A: \$250.

b. Class B: \$150.

c. Class C: \$150.

d. Class D: \$200.

7. Fire equipment dealer or contractor application and renewal fee for an inactive license: \$75.

8. Fire equipment dealer license or permit exam or reexamination: \$50.

9. Reinspection fee for a dealer equipment inspection conducted by the State Fire Marshal under s. 633.304(1): \$50 for each reinspection.

10. Permit for a portable fire extinguisher installer/repairer/inspector: \$90.

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1000 11. Permit for a preengineered fire extinguishing system
1001 installer/repairer/inspector: \$120.

1002 12. Conversion of a fire equipment dealer's license to a
1003 different category: \$10 for each permit and license.

1004 (b) Pursuant to part IV of this chapter:

1005 1. Certificate of compliance: \$30.

1006 2. Certificate of competency: \$30.

1007 3. Renewal fee for a certificate of compliance,
1008 competency, or instruction: \$15.

1009 (c) Duplicate or change of address for any license,
1010 permit, or certificate: \$10.

1011 (2) All moneys collected by the State Fire Marshal
1012 pursuant to this chapter are hereby appropriated for the use of
1013 the State Fire Marshal in the administration of this chapter and
1014 shall be deposited in the Insurance Regulatory Trust Fund.

1015 Section 17. Section 633.39, Florida Statutes, is
1016 transferred and renumbered as section 633.134, Florida Statutes.

1017 Section 18. Section 633.115, Florida Statutes, is
1018 transferred, renumbered as section 633.136, Florida Statutes,
1019 and amended to read:

1020 633.136 ~~633.115~~ Fire and Emergency Incident Information
1021 Reporting Program; duties; fire reports.—

1022 (1) (a) The Fire and Emergency Incident Information
1023 Reporting Program is created within the division of ~~State Fire~~
1024 ~~Marshal~~. The program shall:

1025 1. Establish and maintain an electronic communication
1026 system capable of transmitting fire and emergency incident
1027 information to and between fire protection agencies.

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1028 2. Initiate a Fire and Emergency Incident Information
1029 Reporting System that shall be responsible for:

1030 a. Receiving fire and emergency incident information from
1031 fire protection agencies.

1032 b. Preparing and disseminating annual reports to the
1033 Governor, the President of the Senate, the Speaker of the House
1034 of Representatives, fire protection agencies, and, upon request,
1035 the public. Each report shall include, but not be limited to,
1036 the information listed in the National Fire Incident Reporting
1037 System.

1038 c. Upon request, providing other states and federal
1039 agencies with fire and emergency incident data of this state.

1040 3. Adopt rules to effectively and efficiently implement,
1041 administer, manage, maintain, and use the Fire and Emergency
1042 Incident Information Reporting Program. The rules shall be
1043 considered minimum requirements and shall not preclude a fire
1044 protection agency from implementing its own requirements which
1045 shall not conflict with the rules of the division ~~of State Fire~~
1046 ~~Marshal~~.

1047 4. By rule, establish procedures and a format for each
1048 fire protection agency to voluntarily monitor its records and
1049 submit reports to the program.

1050 5. Establish an electronic information database which is
1051 accessible and searchable by fire protection agencies.

1052 (b) The division ~~of State Fire Marshal~~ shall consult with
1053 the Florida Forest Service of the Department of Agriculture and
1054 Consumer Services and the State Surgeon General of the
1055 Department of Health to coordinate data, ensure accuracy of the

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1056 data, and limit duplication of efforts in data collection,
1057 analysis, and reporting.

1058 (2) The Fire and Emergency Incident Information System
1059 Technical Advisory Panel is created within the division ~~of State~~
1060 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
1061 the State Fire Marshal with respect to the requirements of this
1062 section. The membership of the panel shall consist of the
1063 following 15 members:

1064 (a) The current 13 members of the Firefighters Employment,
1065 Standards, and Training Council as established in s. 633.402
1066 ~~633.31~~.

1067 (b) One member from the Florida Forest Service of the
1068 Department of Agriculture and Consumer Services, appointed by
1069 the director of the Florida Forest Service.

1070 (c) One member from the Department of Health, appointed by
1071 the State Surgeon General.

1072 (3) For the purpose of this section, the term "fire
1073 protection agency" shall be defined by rule by the division ~~of~~
1074 ~~State Fire Marshal~~.

1075 Section 19. Section 633.138, Florida Statutes, is created
1076 to read:

1077 633.138 Notice of change of address of record; notice of
1078 felony actions.-

1079 (1) Any individual issued a license, permit, or
1080 certificate under this chapter shall notify the division in
1081 writing of any changes to his or her current mailing address, e-
1082 mail address, and place of practice as specified in rule adopted
1083 by the division.

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1084 (2) Notwithstanding any other provision of law, delivery
1085 by regular mail or e-mail to a licensee, permittee, or
1086 certificateholder, using the last known mailing address or e-
1087 mail address on record with the division, constitutes adequate
1088 and sufficient notice to the licensee, permittee, or
1089 certificateholder of any official communication by the division.

1090 (3) Any individual issued a license, permit, or
1091 certificate under this chapter shall notify the division in
1092 writing within 30 days after pleading guilty or nolo contendere
1093 to, or being convicted or found guilty of, any felony or a crime
1094 punishable by imprisonment of 1 year or more under the law of
1095 the United States or of any state thereof, or under the law of
1096 any other country, without regard to whether a judgment of
1097 conviction has been entered by the court having jurisdiction of
1098 the case.

1099 Section 20. Section 633.042, Florida Statutes, is
1100 transferred and renumbered as subsections (1) through (11) of
1101 section 633.142, Florida Statutes, and amended, and section
1102 633.0421, Florida Statutes, is transferred and renumbered as
1103 paragraph (b) of subsection (11) of that section and amended, to
1104 read:

1105 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity
1106 Standard and Firefighter Protection Act; preemption.-

1107 (1) SHORT TITLE.—This section may be cited as the "Reduced
1108 Cigarette Ignition Propensity Standard and Firefighter
1109 Protection Act."

1110 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
1111 and declares that:

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1112 (a) Cigarettes are the leading cause of fire deaths in
1113 this state and in the nation.

1114 (b) Each year in the United States, between 700 and 900
1115 persons are killed and around 3,000 persons are injured in fires
1116 ignited by cigarettes, while in this state 153 residential fires
1117 and 5 fatalities were attributable to fires caused by cigarettes
1118 in 2006.

1119 (c) A high percentage of the victims of cigarette fires
1120 are nonsmokers, including senior citizens and young children.

1121 (d) Fires caused by cigarettes result in billions of
1122 dollars in property losses and damages in the United States and
1123 millions of dollars in property losses and damages in this
1124 state.

1125 (e) Cigarette fires unnecessarily jeopardize the safety of
1126 firefighters and result in avoidable emergency response costs
1127 for municipalities.

1128 (f) In 2004, the State of New York implemented a cigarette
1129 firesafety regulation requiring cigarettes sold in that state to
1130 meet a firesafety performance standard; in 2005, Vermont and
1131 California enacted cigarette firesafety laws directly
1132 incorporating New York's regulation into statute; and in 2006,
1133 Illinois, New Hampshire, and Massachusetts joined these states
1134 in enacting similar laws.

1135 (g) In 2005, Canada implemented the New York State
1136 firesafety standard, becoming the first country to have a
1137 nationwide cigarette firesafety standard.

1138 (h) New York State's cigarette firesafety standard is
1139 based upon decades of research by the National Institute of

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1140 Standards and Technology, Congressional research groups, and
1141 private industry. This cigarette firesafety standard minimizes
1142 costs to the state; minimally burdens cigarette manufacturers,
1143 distributors, and retail sellers; and, therefore, should become
1144 law in this state.

1145 (i) It is therefore fitting and proper for this state to
1146 adopt the cigarette firesafety standard that is in effect in the
1147 State of New York to reduce the likelihood that cigarettes will
1148 cause fires and result in deaths, injuries, and property
1149 damages.

1150 (3) DEFINITIONS.—For the purposes of this section:

1151 (a) "Agent" means any person authorized by the Division of
1152 Alcoholic Beverages and Tobacco of the Department of Business
1153 and Professional Regulation to purchase and affix stamps on
1154 packages of cigarettes.

1155 (b) "Cigarette" means:

1156 1. Any roll for smoking, whether made wholly or in part of
1157 tobacco or any other substance, irrespective of size or shape,
1158 and whether such tobacco or substance is flavored, adulterated,
1159 or mixed with any other ingredient, the wrapper or cover of
1160 which is made of paper or any other substance or material other
1161 than tobacco; or

1162 2. Any roll for smoking that is wrapped in any substance
1163 containing tobacco and that, because of the type of tobacco used
1164 in the filler or its packaging and labeling, is likely to be
1165 offered to, or purchased by, consumers as a cigarette as
1166 described in subparagraph 1.

1167 (c) "Division" means the Division of Alcoholic Beverages

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1168 and Tobacco of the Department of Business and Professional
1169 Regulation.

1170 (d) "Manufacturer" means:

1171 1. Any entity that manufactures or produces, or causes to
1172 be manufactured or produced, regardless of location, cigarettes
1173 that such manufacturer intends to be sold in this state,
1174 including cigarettes intended to be sold in the United States
1175 through an importer;

1176 2. Any entity, regardless of location, that first
1177 purchases cigarettes manufactured anywhere and not intended by
1178 the original manufacturer or maker to be sold in the United
1179 States and that intends to resell such cigarettes in the United
1180 States; or

1181 3. Any entity that becomes a successor of an entity
1182 described in subparagraph 1. or subparagraph 2.

1183 (e) "Quality control and quality assurance program" means
1184 laboratory procedures implemented to ensure that operator bias,
1185 systematic and nonsystematic methodological errors, and
1186 equipment-related problems do not affect the results of
1187 laboratory testing. Such a program shall ensure that the testing
1188 repeatability remains within the required repeatability values
1189 stated in subparagraph (4) (a) 6. for all test trials used to
1190 certify cigarettes in accordance with this section.

1191 (f) "Repeatability" means the range of values within which
1192 the results of repeated cigarette test trials from a single
1193 laboratory will fall 95 percent of the time.

1194 (g) "Retail dealer" means:

1195 1. Any person, other than a manufacturer or wholesale

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1196 dealer, engaged in selling cigarettes; or

1197 2. Any person who owns, operates, or maintains one or more
1198 cigarette or tobacco-product vending machines in, at, or upon
1199 premises owned or occupied by any other person.

1200 (h) "Sale" means any transfer of title or possession or
1201 both, exchange or barter, conditional or otherwise, in any
1202 manner or by any means whatever or any agreement therefor. In
1203 addition to cash and credit sales, the giving of cigarettes as
1204 samples, prizes, or gifts and the exchanging of cigarettes for
1205 any consideration other than money are considered sales.

1206 (i) "Sell" means to execute a sale or to offer or agree to
1207 execute a sale.

1208 (j) "Wholesale dealer" means any person, other than a
1209 manufacturer, who sells cigarettes to retail dealers or other
1210 persons for purposes of resale.

1211 (4) TEST METHOD AND PERFORMANCE STANDARD.—

1212 (a) Except as provided in paragraph (f), no cigarettes may
1213 be sold or offered for sale in this state, or sold or offered
1214 for sale to persons located in this state, unless the cigarettes
1215 have been tested in accordance with the test method and meet the
1216 performance standard specified in this subsection, a written
1217 certification has been filed by the manufacturer with the
1218 division in accordance with subsection (5), and the cigarettes
1219 have been marked in accordance with subsection (6).

1220 1. Testing of cigarettes shall be conducted in accordance
1221 with the American Society for Testing and Materials standard
1222 E2187-04, "Standard Test Method for Measuring the Ignition
1223 Strength of Cigarettes."

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1224 2. Testing shall be conducted on 10 layers of filter
1225 paper.

1226 3. No more than 25 percent of the cigarettes tested in a
1227 test trial in accordance with this subsection shall exhibit
1228 full-length burns. Forty replicate tests shall comprise a
1229 complete test trial for each cigarette tested.

1230 4. The performance standard required by this subsection
1231 shall only be applied to a complete test trial.

1232 5. Written certifications shall be based upon testing
1233 conducted by a laboratory that has been accredited pursuant to
1234 standard ISO/IEC 17025 of the International Organization for
1235 Standardization or another comparable accreditation standard
1236 required by the State Fire Marshal.

1237 6. Laboratories conducting testing in accordance with this
1238 subsection shall implement a quality control and quality
1239 assurance program that includes a procedure that will determine
1240 the repeatability of the testing results. The repeatability
1241 value shall be no greater than 0.19.

1242 7. This subsection does not require additional testing if
1243 cigarettes are tested consistently with this section for any
1244 other purpose.

1245 8. The State Fire Marshal may, in his or her discretion or
1246 upon the request of the division, perform or sponsor testing to
1247 determine a cigarette's compliance with the required performance
1248 standard. Any such discretionary compliance testing by the State
1249 Fire Marshal shall be conducted in accordance with this
1250 subsection.

1251 (b) Each cigarette listed in a certification submitted

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1252 pursuant to subsection (5) that uses lowered permeability bands
1253 in the cigarette paper to achieve compliance with the
1254 performance standard set forth in this subsection shall have at
1255 least two nominally identical bands on the paper surrounding the
1256 tobacco column. At least one complete band shall be located at
1257 least 15 millimeters from the lighting end of the cigarette. For
1258 cigarettes on which the bands are positioned by design, there
1259 shall be at least two bands fully located at least 15
1260 millimeters from the lighting end and 10 millimeters from the
1261 filter end of the tobacco column, or 10 millimeters from the
1262 labeled end of the tobacco column for nonfiltered cigarettes.

1263 (c) A manufacturer of a cigarette that the State Fire
1264 Marshal determines cannot be tested in accordance with the test
1265 method prescribed in subparagraph (a)1. shall propose a test
1266 method and performance standard for the cigarette to the State
1267 Fire Marshal. Upon approval of the proposed test method and a
1268 determination by the State Fire Marshal that the performance
1269 standard proposed by the manufacturer is equivalent to the
1270 performance standard prescribed in subparagraph (a)3., the
1271 manufacturer may employ such test method and performance
1272 standard to certify such cigarette pursuant to subsection (5).
1273 If the State Fire Marshal determines that another state has
1274 enacted reduced cigarette ignition propensity standards that
1275 include a test method and performance standard that are the same
1276 as those contained in this section, and if the State Fire
1277 Marshal finds that the officials responsible for implementing
1278 those requirements have approved the proposed alternative test
1279 method and performance standard for a particular cigarette

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1280 proposed by a manufacturer as meeting the firesafety standards
1281 of that state's law or regulation under a legal provision
1282 comparable to this subsection, the State Fire Marshal shall
1283 authorize that manufacturer to employ the alternative test
1284 method and performance standard to certify that cigarette for
1285 sale in this state unless the State Fire Marshal demonstrates a
1286 reasonable basis why the alternative test should not be accepted
1287 under this section. All other applicable requirements of this
1288 subsection shall apply to the manufacturer.

1289 (d) Each manufacturer shall maintain copies of the reports
1290 of all tests conducted on all cigarettes offered for sale for a
1291 period of 3 years and shall make copies of the reports available
1292 to the division, the State Fire Marshal, and the Attorney
1293 General upon written request. Any manufacturer who fails to make
1294 copies of the reports available within 60 days after receiving a
1295 written request shall be subject to a civil penalty not to
1296 exceed \$10,000 for each day after the 60th day that the
1297 manufacturer does not make such copies available.

1298 (e) The State Fire Marshal may adopt a subsequent American
1299 Society for Testing and Materials Standard Test Method for
1300 Measuring the Ignition Strength of Cigarettes upon a finding
1301 that such subsequent method does not result in a change in the
1302 percentage of full-length burns exhibited by any tested
1303 cigarette when compared to the percentage of full-length burns
1304 the same cigarette would exhibit when tested in accordance with
1305 American Society for Testing and Materials Standard E2187-04 and
1306 the performance standard in subparagraph (a)3.

1307 (f) The requirements of paragraph (a) shall not prohibit:

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1308 1. Wholesale or retail dealers from selling their existing
1309 inventory of cigarettes on or after the effective date of this
1310 section if the wholesale or retail dealer can establish that
1311 state tax stamps were affixed to the cigarettes prior to the
1312 effective date and the wholesale or retail dealer can establish
1313 that the inventory was purchased prior to the effective date in
1314 comparable quantity to the inventory purchased during the same
1315 period of the prior year; or

1316 2. The sale of cigarettes solely for the purpose of
1317 consumer testing. For purposes of this subparagraph, the term
1318 "consumer testing" means an assessment of cigarettes that is
1319 conducted by or is under the control and direction of a
1320 manufacturer for the purpose of evaluating consumer acceptance
1321 of such cigarettes and that uses only the quantity of cigarettes
1322 that is reasonably necessary for such assessment.

1323 (g) It is the intent of the Legislature by this section to
1324 promote uniformity among the states in the regulation of reduced
1325 cigarette ignition propensity. As a result, the resolution of
1326 issues regarding the interpretation and implementation of this
1327 section should be made in a manner consistent with the New York
1328 Fire Safety Standards for Cigarettes, New York Executive Law,
1329 Section 156-C, as amended, and Part 429 of Title 19 New York
1330 Codes, Rules, and Regulations, as amended, and the
1331 interpretation and implementation thereof, as they exist on
1332 March 1, 2008.

1333 (5) CERTIFICATION AND PRODUCT CHANGE.—

1334 (a) Each manufacturer shall submit to the division a
1335 written certification attesting that:

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1336 1. Each cigarette listed in the certification has been
1337 tested in accordance with subsection (4).

1338 2. Each cigarette listed in the certification meets the
1339 performance standard set forth in subsection (4).

1340 (b) Each cigarette listed in the certification shall be
1341 described with the following information:

1342 1. Brand, or trade name, on the package.

1343 2. Style, such as light or ultra light.

1344 3. Length in millimeters.

1345 4. Circumference in millimeters.

1346 5. Flavor, such as menthol or chocolate, if applicable.

1347 6. Filter or nonfilter.

1348 7. Package description, such as soft pack or box.

1349 8. Marking pursuant to subsection (6).

1350 9. The name, address, and telephone number of the testing
1351 laboratory, if different from the name, address, and telephone
1352 number of the manufacturer that conducted the test.

1353 10. The date the testing occurred.

1354 (c) Each certification shall be made available to the
1355 Attorney General for purposes consistent with this section and
1356 to the State Fire Marshal for the purposes of ensuring
1357 compliance with this subsection.

1358 (d) Each cigarette certified under this subsection shall
1359 be recertified every 3 years.

1360 (e) If a manufacturer has certified a cigarette pursuant
1361 to this subsection and thereafter makes any change to such
1362 cigarette that is likely to alter its compliance with the
1363 reduced cigarette ignition propensity standards required by this

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1364 section, that cigarette shall not be sold or offered for sale in
1365 this state until the manufacturer retests the cigarette in
1366 accordance with the testing standards set forth in subsection
1367 (4) and maintains records of that retesting as required by
1368 subsection (4). Any altered cigarette that does not meet the
1369 performance standard set forth in subsection (4) may not be sold
1370 in this state.

1371 (6) MARKING OF CIGARETTE PACKAGING.—

1372 (a) Cigarettes that are certified by a manufacturer in
1373 accordance with subsection (5) shall be marked to indicate
1374 compliance with the requirements of subsection (4). The marking
1375 shall be in 8-point type or larger and consist of:

1376 1. Modification of the universal product code to include a
1377 visible mark printed at or around the area of the universal
1378 product code. The mark may consist of alphanumeric or symbolic
1379 characters permanently stamped, engraved, embossed, or printed
1380 in conjunction with the universal product code;

1381 2. Any visible combination of alphanumeric or symbolic
1382 characters permanently stamped, engraved, or embossed upon the
1383 cigarette package or cellophane wrap; or

1384 3. Printed, stamped, engraved, or embossed text that
1385 indicates that the cigarettes meet the standards of this
1386 section.

1387 (b) A manufacturer shall use only one marking and shall
1388 apply this marking uniformly for all brands and all packages,
1389 including, but not limited to, packs, cartons, and cases,
1390 marketed by that manufacturer.

1391 (c) The division shall be notified as to the marking that

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1392 is selected.

1393 (d) Prior to the certification of any cigarette, a
1394 manufacturer shall present its proposed marking to the division
1395 for approval. Upon receipt of the request, the division shall
1396 approve or disapprove the marking offered, except that the
1397 division shall approve:

1398 1. Any marking in use and approved for sale in the State
1399 of New York pursuant to the New York Fire Safety Standards for
1400 Cigarettes; or

1401 2. The letters "FSC," which signify "Fire Standards
1402 Compliant," appearing in 8-point type or larger and permanently
1403 printed, stamped, engraved, or embossed on the package at or
1404 near the universal product code.

1405
1406 Proposed markings shall be deemed approved if the division fails
1407 to act within 10 business days after receiving a request for
1408 approval.

1409 (e) No manufacturer shall modify its approved marking
1410 unless the modification has been approved by the division in
1411 accordance with this subsection.

1412 (f) Manufacturers certifying cigarettes in accordance with
1413 subsection (5) shall provide a copy of the certifications to all
1414 wholesale dealers and agents to which they sell cigarettes and
1415 shall also provide sufficient copies of an illustration of the
1416 package marking used by the manufacturer pursuant to this
1417 subsection for each retail dealer to which the wholesale dealers
1418 or agents sell cigarettes. Wholesale dealers and agents shall
1419 provide a copy of these package markings received from

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1420 manufacturers to all retail dealers to which they sell
1421 cigarettes. Wholesale dealers, agents, and retail dealers shall
1422 permit the division, the State Fire Marshal, the Attorney
1423 General, and their employees to inspect markings of cigarette
1424 packaging marked in accordance with this subsection.

1425 (7) PENALTIES.—

1426 (a) A manufacturer, wholesale dealer, agent, or any other
1427 person or entity that knowingly sells or offers to sell
1428 cigarettes, other than through retail sale, in violation of
1429 subsection (4) shall be subject to a civil penalty not to exceed
1430 \$100 for each pack of such cigarettes sold or offered for sale.
1431 In no case shall the penalty against any such person or entity
1432 exceed \$100,000 during any 30-day period.

1433 (b) A retail dealer who knowingly sells or offers to sell
1434 cigarettes in violation of subsection (4) shall be subject to a
1435 civil penalty not to exceed \$100 for each pack of such
1436 cigarettes sold or offered for sale. In no case shall the
1437 penalty against any retail dealer exceed \$25,000 during any 30-
1438 day period.

1439 (c) In addition to any penalty prescribed by law, any
1440 corporation, partnership, sole proprietor, limited partnership,
1441 or association engaged in the manufacture of cigarettes that
1442 knowingly makes a false certification pursuant to subsection (5)
1443 shall be subject to a civil penalty of at least \$75,000 and not
1444 to exceed \$250,000 for each such false certification.

1445 (d) Any person violating any other provision of this
1446 section shall be subject to a civil penalty not to exceed \$1,000
1447 for a first offense and not to exceed \$5,000 for each subsequent

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1448 offense.

1449 (e) Any penalties collected under this subsection shall be
1450 deposited into the Insurance Regulatory Trust Fund of the
1451 Department of Financial Services to support costs associated
1452 with the responsibilities of the State Fire Marshal under this
1453 section.

1454 (f) In addition to any other remedy provided by law, the
1455 division, the State Fire Marshal, or the Attorney General may
1456 file an action in circuit court for a violation of this section,
1457 including petitioning for injunctive relief or to recover any
1458 costs or damages suffered by the state because of a violation of
1459 this section, including enforcement costs relating to the
1460 specific violation and attorney's fees. Each violation of this
1461 section or of rules adopted under this section constitutes a
1462 separate civil violation for which the division, the State Fire
1463 Marshal, or the Attorney General may obtain relief.

1464 (g) Whenever any law enforcement personnel or duly
1465 authorized representative of the division discovers any
1466 cigarettes that have not been marked in the manner required by
1467 subsection (6), such personnel or representative is authorized
1468 and empowered to seize and take possession of such cigarettes.
1469 Such cigarettes shall be turned over to the division and shall
1470 be forfeited to the state. Cigarettes seized pursuant to this
1471 paragraph shall be destroyed; however, prior to the destruction
1472 of any such cigarette, the true holder of the trademark rights
1473 in the cigarette brand shall be permitted to inspect the
1474 cigarette.

1475 (8) IMPLEMENTATION.—

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1476 (a) The division and the State Fire Marshal may adopt
1477 rules to implement the provisions of this section.

1478 (b) The division, in the regular course of conducting
1479 inspections of wholesale dealers, agents, and retail dealers as
1480 authorized pursuant to chapter 210, may inspect such cigarettes
1481 to determine if the cigarettes are marked as required by
1482 subsection (6).

1483 (9) INSPECTION.—To enforce the provisions of this section,
1484 the Attorney General, the State Fire Marshal, the division, and
1485 their duly authorized representatives and other law enforcement
1486 personnel are authorized to examine the books, papers, invoices,
1487 and other records of any person in possession, control, or
1488 occupancy of any premises where cigarettes are placed, stored,
1489 sold, or offered for sale, as well as the stock of cigarettes on
1490 the premises. Every person in the possession, control, or
1491 occupancy of any premises where cigarettes are placed, sold, or
1492 offered for sale is directed and required to give the Attorney
1493 General, the State Fire Marshal, the division, and their duly
1494 authorized representatives and other law enforcement personnel
1495 the means, facilities, and opportunity for the examinations
1496 authorized by this subsection.

1497 (10) SALE OUTSIDE OF FLORIDA.—Nothing in this section
1498 shall be construed to prohibit any person or entity from
1499 manufacturing or selling cigarettes that do not meet the
1500 requirements of subsection (4) if the cigarettes are or will be
1501 stamped for sale in another state or are packaged for sale
1502 outside the United States and that person or entity has taken
1503 reasonable steps to ensure that such cigarettes will not be sold

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1504 or offered for sale to persons located in this state.

1505 (11) PREEMPTION.—

1506 (a) This section shall be repealed if a federal reduced
1507 cigarette ignition propensity standard that preempts this
1508 section is adopted and becomes effective.

1509 ~~633.0421 Preemption of reduced cigarette ignition~~
1510 ~~propensity standard by state.—~~

1511 (b) ~~Effective upon this act becoming a law, and~~
1512 Notwithstanding any other provision of law, local government
1513 units of this state may neither enact nor enforce any ordinance
1514 or other local law or regulation conflicting with, or preempted
1515 by, any provision of this act or any policy of this state
1516 expressed by this act, whether that policy be expressed by
1517 inclusion of a provision in this act or by exclusion of that
1518 subject from this act.

1519 Section 21. Part II of chapter 633, consisting of sections
1520 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216,
1521 633.218, 633.222, 633.224, 633.226, and 633.228, Florida
1522 Statutes, is created and entitled "Fire Safety and Prevention."

1523 Section 22. Section 633.0215, Florida Statutes, is
1524 transferred and renumbered as section 633.202, Florida Statutes,
1525 and subsections (2), (4), (7), (9), (10), (12), (13), (14), and
1526 (15) of that section are amended, to read:

1527 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

1528 (1) The State Fire Marshal shall adopt, by rule pursuant
1529 to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code
1530 which shall contain or incorporate by reference all firesafety
1531 laws and rules that pertain to and govern the design,

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1532 construction, erection, alteration, modification, repair, and
1533 demolition of public and private buildings, structures, and
1534 facilities and the enforcement of such firesafety laws and
1535 rules. The State Fire Marshal shall adopt a new edition of the
1536 Florida Fire Prevention Code every third year.

1537 (2) The State Fire Marshal shall adopt the current edition
1538 of National Fire Protection Association's Standard 1, Fire
1539 Prevention Code but shall not adopt a building, mechanical, or
1540 plumbing code. The State Fire Marshal shall adopt the current
1541 edition of Life Safety Code, NFPA Pamphlet 101, current
1542 editions, by reference. The State Fire Marshal may modify the
1543 selected codes and standards as needed to accommodate the
1544 specific needs of the state. Standards or criteria in the
1545 selected codes shall be similarly incorporated by reference. The
1546 State Fire Marshal shall incorporate within sections of the
1547 Florida Fire Prevention Code provisions that address uniform
1548 firesafety standards as established in s. 633.206 ~~633.022~~. The
1549 State Fire Marshal shall incorporate within sections of the
1550 Florida Fire Prevention Code provisions addressing regional and
1551 local concerns and variations.

1552 (3) No later than 180 days before the triennial adoption
1553 of the Florida Fire Prevention Code, the State Fire Marshal
1554 shall notify each municipal, county, and special district fire
1555 department of the triennial code adoption and steps necessary
1556 for local amendments to be included within the code. No later
1557 than 120 days before the triennial adoption of the Florida Fire
1558 Prevention Code, each local jurisdiction shall provide the State
1559 Fire Marshal with copies of its local fire code amendments. The

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1560 State Fire Marshal has the option to process local fire code
1561 amendments that are received less than 120 days before the
1562 adoption date of the Florida Fire Prevention Code.

1563 (a) The State Fire Marshal shall review or cause the
1564 review of local amendments to determine:

1565 1. If the local amendment should be adopted as a statewide
1566 provision;

1567 2. That the local amendment does not provide a lesser
1568 degree of lifesafety than the code otherwise provides; and

1569 3. That the local amendment does not reference a different
1570 edition of the national fire codes or other national standard
1571 than the edition provided or referenced in the uniform or
1572 minimum firesafety codes adopted by the State Fire Marshal or
1573 prescribed by statute.

1574 (b) Any local amendment to the Florida Fire Prevention
1575 Code adopted by a local government shall be effective only until
1576 the adoption of the new edition of the Florida Fire Prevention
1577 Code, which shall be every third year. At such time, the State
1578 Fire Marshal shall adopt such amendment as part of the Florida
1579 Fire Prevention Code or rescind the amendment. The State Fire
1580 Marshal shall immediately notify the respective local government
1581 of the rescission of the amendment and the reason for the
1582 rescission. After receiving such notice, the respective local
1583 government may readopt the rescinded amendment. Incorporation of
1584 local amendments as regional and local concerns and variations
1585 shall be considered as adoption of an amendment pursuant to this
1586 section.

1587 (4) The State Fire Marshal shall update, by rule adopted

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1588 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
1589 Prevention Code every 3 years. Once initially adopted and
1590 subsequently updated, the Florida Fire Prevention Code ~~and the~~
1591 ~~Life Safety Code~~ shall be adopted for use statewide without
1592 adoptions by local governments. When updating the Florida Fire
1593 Prevention Code ~~and the most recent edition of the Life Safety~~
1594 ~~Code~~, the State Fire Marshal shall consider changes made by the
1595 national model fire codes incorporated into the Florida Fire
1596 Prevention Code, the State Fire Marshal's own interpretations,
1597 declaratory statements, appellate decisions, and approved
1598 statewide and local technical amendments.

1599 (5) Upon the conclusion of a triennial update to the
1600 Florida Fire Prevention Code and notwithstanding any other
1601 provisions of law, the State Fire Marshal may address the issues
1602 identified in this subsection by amending the Florida Fire
1603 Prevention Code, subject only to the rule adoption procedures of
1604 chapter 120. Following the approval of any amendments to the
1605 Florida Fire Prevention Code by the State Fire Marshal and
1606 publication on the State Fire Marshal's website, authorities
1607 having jurisdiction to enforce the Florida Fire Prevention Code
1608 may enforce the amendments to the code. The State Fire Marshal
1609 may approve only amendments that are needed to address:

1610 (a) Conflicts within the updated Florida Fire Prevention
1611 Code;

1612 (b) Conflicts between the updated Florida Fire Prevention
1613 Code and the Florida Building Code adopted pursuant to chapter
1614 553;

1615 (c) The omission of Florida-specific amendments that were

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1616 previously adopted in the Florida Fire Prevention Code; or

1617 (d) Unintended results from the integration of Florida-
1618 specific amendments that were previously adopted with the model
1619 code.

1620 (6) The Florida Fire Prevention Code does not apply to,
1621 and no code enforcement action shall be brought with respect to,
1622 zoning requirements or land use requirements. Additionally, a
1623 local code enforcement agency may not administer or enforce the
1624 Florida Fire Prevention Code to prevent the siting of any
1625 publicly owned facility, including, but not limited to,
1626 correctional facilities, juvenile justice facilities, or state
1627 universities, community colleges, or public education
1628 facilities. This section shall not be construed to prohibit
1629 local government from imposing built-in fire protection systems
1630 or fire-related infrastructure requirements needed to properly
1631 protect the intended facility.

1632 (7) Any local amendment adopted by a local government must
1633 strengthen the Fire Prevention Code requirements of the minimum
1634 firesafety code.

1635 (8) Within 30 days after a local government adopts a local
1636 amendment, the local government must transmit the amendment to
1637 the Florida Building Commission and the State Fire Marshal.

1638 (9) The State Fire Marshal is authorized to adopt ~~shall~~
1639 ~~make rules to that~~ implement this section and ~~ss. 633.01 and~~
1640 ~~633.025 for the purpose of accomplishing the objectives set~~
1641 ~~forth in those sections.~~

1642 (10) Notwithstanding other provisions of this chapter, if
1643 a county or a municipality within that county adopts an

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1644 ordinance providing for a local amendment to the Florida Fire
1645 Prevention Code and that amendment provides a higher level of
1646 protection to the public than the level specified in the Florida
1647 Fire Prevention Code, the local amendment becomes effective
1648 without approval of the State Fire Marshal and is not rescinded
1649 pursuant to the provisions of this section, provided that the
1650 ordinance meets one or more of the following criteria:

1651 (a) The local authority has adopted, by ordinance, a fire
1652 service facilities and operation plan that outlines goals and
1653 objectives for related equipment, personnel, and capital
1654 improvement needs of the local authority related to the specific
1655 amendment for the next 5 years;

1656 (b) The local authority has adopted, by ordinance, a
1657 provision requiring proportionate reduction in, or rebate or
1658 waivers of, impact or other fees or assessments levied on
1659 buildings that are built or modified in compliance with the more
1660 stringent firesafety standards required by the local amendment;
1661 or

1662 (c) The local authority has adopted, by ordinance, a
1663 growth management plan that requires buildings and structures to
1664 be equipped with more stringent firesafety requirements required
1665 by the local amendment when these firesafety requirements are
1666 used as the basis for planning infrastructure development, uses,
1667 or housing densities.

1668
1669 Except as provided in s. 633.206 ~~633.022~~, the local appeals
1670 process shall be the venue if there is a dispute between parties
1671 affected by the provisions of the more stringent local

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1672 firesafety amendment adopted as part of the Florida Fire
1673 Prevention Code pursuant to the authority in this subsection.
1674 Local amendments adopted pursuant to this subsection shall be
1675 deemed local or regional variations and published as such in the
1676 Florida Fire Prevention Code. The act of publishing locally
1677 adopted firesafety amendments to the Florida Fire Prevention
1678 Code shall not be construed to mean that the State Fire Marshal
1679 approves or denies the authenticity or appropriateness of the
1680 locally adopted firesafety provision, and the burden of
1681 protecting the local firesafety amendment remains solely with
1682 the adopting local governmental authority.

1683 (11) The design of interior stairways within dwelling
1684 units, including stair tread width and riser height, landings,
1685 handrails, and guards, must be consistent with chapter 10 of the
1686 Florida Building Code.

1687 ~~(12) Notwithstanding other provisions of this section, the~~
1688 ~~State Fire Marshal shall study the use of managed, facilities-~~
1689 ~~based, voice-over-Internet-protocol telephone service for~~
1690 ~~monitoring fire alarm signals. If the study determines that~~
1691 ~~voice-over-Internet-protocol telephone service technology~~
1692 ~~provides a level of protection equivalent to that required by~~
1693 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
1694 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
1695 ~~December 1, 2008, to allow the use of this technology as an~~
1696 ~~additional method of monitoring fire alarm systems.~~

1697 (12)~~(13)~~(a) The State Fire Marshal shall issue an
1698 expedited declaratory statement relating to interpretations of
1699 provisions of the Florida Fire Prevention Code according to the

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following guidelines:

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

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

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

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

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

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

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

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

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1728 and has an exterior corridor providing a means of egress is
1729 exempt from installing a manual fire alarm system as required in
1730 s. 9.6 of the most recent edition of the Life Safety Code
1731 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
1732 ~~clarify existing law.~~

1733 ~~(14)~~~~(15)~~ The Legislature finds that the electronic filing
1734 of construction plans will increase governmental efficiency,
1735 reduce costs, and increase timeliness of processing permits. If
1736 the fire code administrator or fire official provides for
1737 electronic filing, any construction plans, drawings,
1738 specifications, reports, final documents, or documents prepared
1739 or issued by a licensee may be dated and electronically signed
1740 and sealed by the licensee in accordance with part I of chapter
1741 668, and may be transmitted electronically to the fire code
1742 administrator or fire official for approval.

1743 Section 23. Section 633.72, Florida Statutes, is
1744 transferred, renumbered as section 633.204, Florida Statutes,
1745 and amended to read:

1746 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1747 (1) There is created within the department the Florida
1748 Fire Code Advisory Council with 11 members appointed by the
1749 State Fire Marshal. The council shall advise and recommend to
1750 the State Fire Marshal changes to and interpretation of the
1751 uniform firesafety standards adopted under s. 633.206 ~~633.022~~,
1752 the Florida Fire Prevention Code, and those portions of the
1753 Florida Fire Prevention Code that have the effect of conflicting
1754 with building construction standards that are adopted pursuant
1755 to ss. 633.202 and 633.206 ~~633.0215 and 633.022~~. The members of

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1756 the council shall represent the following groups and
1757 professions:

1758 (a) One member shall be the State Fire Marshal, or his or
1759 her designated appointee who shall be an administrative employee
1760 of the marshal;

1761 (b) One member shall be an administrative officer from a
1762 fire department representing a municipality, ~~or~~ a county, or a
1763 special district selected from a list of persons submitted by
1764 the Florida Fire Chiefs Association;

1765 (c) One member shall be an architect licensed in the state
1766 selected from a list of persons submitted by the Florida
1767 Association/American Institute of Architects;

1768 (d) One member shall be an engineer with fire protection
1769 design experience registered to practice in the state selected
1770 from a list of persons submitted by the Florida Engineering
1771 Society;

1772 (e) One member shall be an administrative officer from a
1773 building department of a county or municipality selected from a
1774 list of persons submitted by the Building Officials Association
1775 of Florida;

1776 (f) One member shall be a contractor licensed in the state
1777 selected from a list submitted by the Florida Home Builders
1778 Association;

1779 (g) One member shall be a Florida ~~certified~~ firefighter
1780 selected from a list submitted by the Florida Professional
1781 Firefighters' Association;

1782 (h) One member shall be a Florida certified firesafety
1783 ~~municipal fire~~ inspector selected from a list submitted by the

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1784 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association;

1785 (i) One member shall be selected from a list submitted by
1786 the Department of Education;

1787 (j) One member shall be selected from a list submitted by
1788 the Chancellor of the State University System; and

1789 (k) One member shall be representative of the general
1790 public.

1791 (2) The State Fire Marshal and the Florida Building
1792 Commission shall coordinate efforts to provide consistency
1793 between the Florida Building Code and the Florida Fire
1794 Prevention Code ~~and the Life Safety Code.~~

1795 (3) The council shall meet at least semiannually if
1796 necessary to advise the State Fire Marshal's Office on matters
1797 subject to the provisions of this section.

1798 (4) The council may review proposed changes to the Florida
1799 Fire Prevention Code and the uniform fire safety standards
1800 pursuant to s. 633.202(4).

1801 (5)~~(3)~~ The council and Florida Building Commission shall
1802 cooperate through joint representation and coordination of codes
1803 and standards to resolve conflicts in their development,
1804 updating, and interpretation.

1805 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member
1806 shall serve more than two consecutive terms. No member of the
1807 council shall be paid a salary as such member, but each shall
1808 receive travel and expense reimbursement as provided in s.
1809 112.061.

1810 Section 24. Section 633.022, Florida Statutes, is
1811 transferred and renumbered as section 633.206, Florida Statutes,

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1812 and paragraph (a) of subsection (1) and subsection (4) of that
1813 section are amended, to read:

1814 633.206 ~~633.022~~ Uniform firesafety standards.—The
1815 Legislature hereby determines that to protect the public health,
1816 safety, and welfare it is necessary to provide for firesafety
1817 standards governing the construction and utilization of certain
1818 buildings and structures. The Legislature further determines
1819 that certain buildings or structures, due to their specialized
1820 use or to the special characteristics of the person utilizing or
1821 occupying these buildings or structures, should be subject to
1822 firesafety standards reflecting these special needs as may be
1823 appropriate.

1824 (1) The department shall establish uniform firesafety
1825 standards that apply to:

1826 (a) All new, existing, and proposed state-owned and state-
1827 leased buildings, including state universities as defined under
1828 s. 1000.21(6).

1829 (b) All new, existing, and proposed hospitals, nursing
1830 homes, assisted living facilities, adult family-care homes,
1831 correctional facilities, public schools, transient public
1832 lodging establishments, public food service establishments,
1833 elevators, migrant labor camps, mobile home parks, lodging
1834 parks, recreational vehicle parks, recreational camps,
1835 residential and nonresidential child care facilities, facilities
1836 for the developmentally disabled, motion picture and television
1837 special effects productions, tunnels, and self-service gasoline
1838 stations, of which standards the State Fire Marshal is the final
1839 administrative interpreting authority.

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1840

1841 In the event there is a dispute between the owners of the
1842 buildings specified in paragraph (b) and a local authority
1843 requiring a more stringent uniform firesafety standard for
1844 sprinkler systems, the State Fire Marshal shall be the final
1845 administrative interpreting authority and the State Fire
1846 Marshal's interpretation regarding the uniform firesafety
1847 standards shall be considered final agency action.

1848 (2) (a) With respect to the uniform firesafety standards,
1849 the department shall develop uniform statewide standards which
1850 are reasonably prudent with respect to protecting life, safety,
1851 and property and which take into consideration the
1852 characteristics of the people utilizing the subject buildings
1853 and structures and other hazards associated with the subject
1854 buildings and structures throughout the state.

1855 (b) A local authority may not require more stringent
1856 uniform firesafety standards with respect to buildings or
1857 structures subject to such standards except as provided in
1858 paragraph (c). A local authority may, on a case-by-case basis,
1859 in order to meet special situations arising from historic,
1860 geographic, or unusual conditions, with respect to a building or
1861 structure which is subject to the uniform firesafety standards,
1862 authorize equivalent alternative standards for such building or
1863 structure; however, the alternative requirements shall not
1864 result in a level of protection to life, safety, or property
1865 less stringent than the applicable uniform firesafety standards.
1866 All such local authorities shall enforce, within their
1867 firesafety jurisdiction, the uniform firesafety standards for

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1868 those buildings specified in paragraph (1)(b) and the minimum
1869 firesafety standards adopted pursuant to s. 394.879.

1870 (c) A local authority may require more stringent uniform
1871 firesafety standards for sprinkler systems in buildings
1872 specified in paragraph (b), for which the construction contract
1873 is let after January 1, 1994, if the following conditions are
1874 met:

1875 1. The local authority has adopted, by ordinance, a fire
1876 service facilities and operation plan that outlines goals and
1877 objectives for related equipment, personnel, and capital
1878 improvement needs of the local authority for the next 5 years.

1879 2. The local authority has adopted, by ordinance, a
1880 provision requiring proportionate reductions in, or rebate or
1881 waivers of, impact or other fees or assessments levied on
1882 buildings that are built or modified in compliance with the more
1883 stringent sprinkler standards.

1884 3. The local authority has adopted, by ordinance, a plan
1885 that requires buildings specified in paragraph (b) to be
1886 equipped with an automatic sprinkler system installed in
1887 compliance with the provisions prescribed in standards as
1888 established by the National Fire Protection Association and
1889 adopted by the State Fire Marshal.

1890

1891 In the event there is a dispute between the owners of the
1892 buildings specified in paragraph (b) and a local authority
1893 requiring a more stringent uniform firesafety standard for
1894 sprinkler systems, the State Fire Marshal shall be the final
1895 administrative interpreting authority and the State Fire

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1896 Marshal's interpretation regarding the uniform firesafety
1897 standards shall be considered final agency action.

1898 (3) In establishing the uniform firesafety standards and
1899 the minimum firesafety standards, as required by s. 394.879, the
1900 department shall consider types of construction materials and
1901 their flame spread and smoke characteristics, occupancy levels,
1902 means of egress, special hazard protection, smoke barriers,
1903 interior finish, and fire protection systems or equipment and
1904 occupancy features necessary to minimize danger to life from
1905 fire, smoke, fumes, or panic. In considering these factors, the
1906 department shall develop minimum standards which are reasonably
1907 prudent with respect to protecting life, safety, and property.

1908 (4) (a) Notwithstanding any provision of law to the
1909 contrary, each nursing home licensed under part II of chapter
1910 400 shall be protected throughout by an approved, supervised
1911 automatic sprinkler system in accordance with s. 9 of National
1912 Fire Protection Association, Inc., Life Safety Code, no later
1913 than December 31, 2010. ~~A nursing home licensee shall submit~~
1914 ~~complete sprinkler construction documents to the Agency for~~
1915 ~~Health Care Administration for review by December 31, 2008, and~~
1916 ~~the licensee must gain final approval to start construction from~~
1917 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~
1918 ~~extension to a nursing home licensee if the completion and~~
1919 ~~submission of the sprinkler construction documents are~~
1920 ~~contingent upon the approval of the application for the loan~~
1921 ~~guarantee program authorized under s. 633.0245. In such case,~~
1922 ~~the agency may extend the deadline for final approval to begin~~
1923 ~~construction beyond June 30, 2009, but the deadline may not be~~

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1924 ~~extended beyond December 31, 2009.~~

1925 ~~(b) The division may grant up to two 1-year extensions of~~
1926 ~~the time limits for compliance in subparagraph (a)2. if the~~
1927 ~~division determines that the nursing home has been prevented~~
1928 ~~from complying for reasons beyond its control.~~

1929 ~~(b)(e)~~ The division is authorized to adopt any rule
1930 necessary for the implementation and enforcement of this
1931 subsection. The division shall enforce this subsection in
1932 accordance with the provisions of this chapter, and any nursing
1933 home licensed under part II of chapter 400 that is in violation
1934 of this subsection may be subject to administrative sanctions by
1935 the division pursuant to this chapter.

1936 ~~(c)(d)~~ Adjustments shall be made to the provider Medicaid
1937 rate to allow reimbursement over a 5-year period for Medicaid's
1938 portion of the costs incurred to meet the requirements of this
1939 subsection. Funding for this adjustment shall come from existing
1940 nursing home appropriations.

1941 Section 25. Section 633.025, Florida Statutes, is
1942 transferred and renumbered as section 633.208, Florida Statutes,
1943 and amended, to read:

1944 633.208 ~~633.025~~ Minimum firesafety standards.—

1945 (1) The Florida Fire Prevention Code ~~and the Life Safety~~
1946 ~~Code~~ adopted by the State Fire Marshal, which shall operate in
1947 conjunction with the Florida Building Code, shall be deemed
1948 adopted by each municipality, county, and special district with
1949 firesafety responsibilities. The minimum firesafety codes shall
1950 not apply to buildings and structures subject to the uniform
1951 firesafety standards under s. 633.206 ~~633.022~~ and buildings and

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1952 structures subject to the minimum firesafety standards adopted
1953 pursuant to s. 394.879.

1954 (2) Pursuant to subsection (1), each municipality, county,
1955 and special district with firesafety responsibilities shall
1956 enforce the Florida Fire Prevention Code ~~and the Life Safety~~
1957 ~~Code~~ as the minimum firesafety code required by this section.

1958 ~~(3) The most current edition of the National Fire~~
1959 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~
1960 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
1961 ~~municipality, county, and special district with firesafety~~
1962 ~~responsibilities as part of the minimum firesafety code.~~

1963 ~~(3)(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
1964 municipality, county, or special district with firesafety
1965 responsibilities may adopt more stringent firesafety standards,
1966 subject to the requirements of this subsection. Such county,
1967 municipality, or special district may establish alternative
1968 requirements to those requirements which are required under the
1969 minimum firesafety standards on a case-by-case basis, in order
1970 to meet special situations arising from historic, geographic, or
1971 unusual conditions, if the alternative requirements result in a
1972 level of protection to life, safety, or property equal to or
1973 greater than the applicable minimum firesafety standards. For
1974 the purpose of this subsection, the term "historic" means that
1975 the building or structure is listed on the National Register of
1976 Historic Places of the United States Department of the Interior.

1977 (a) The local governing body shall determine, following a
1978 public hearing which has been advertised in a newspaper of
1979 general circulation at least 10 days before the hearing, if

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1980 there is a need to strengthen the requirements of the minimum
1981 firesafety code adopted by such governing body. The
1982 determination must be based upon a review of local conditions by
1983 the local governing body, which review demonstrates that local
1984 conditions justify more stringent requirements than those
1985 specified in the minimum firesafety code for the protection of
1986 life and property or justify requirements that meet special
1987 situations arising from historic, geographic, or unusual
1988 conditions.

1989 (b) Such additional requirements shall not be
1990 discriminatory as to materials, products, or construction
1991 techniques of demonstrated capabilities.

1992 (c) Paragraphs (a) and (b) apply solely to the local
1993 enforcing agency's adoption of requirements more stringent than
1994 those specified in the Florida Fire Prevention Code and the Life
1995 Safety Code that have the effect of amending building
1996 construction standards. Upon request, the enforcing agency shall
1997 provide a person making application for a building permit, or
1998 any state agency or board with construction-related regulation
1999 responsibilities, a listing of all such requirements and codes.

2000 (d) A local government which adopts amendments to the
2001 minimum firesafety code must provide a procedure by which the
2002 validity of such amendments may be challenged by any
2003 substantially affected party to test the amendment's compliance
2004 with the provisions of this section.

2005 1. Unless the local government agrees to stay enforcement
2006 of the amendment, or other good cause is shown, the challenging
2007 party shall be entitled to a hearing on the challenge within 45

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2008 days.

2009 2. For purposes of such challenge, the burden of proof
2010 shall be on the challenging party, but the amendment shall not
2011 be presumed to be valid or invalid.

2012
2013 This subsection gives local government the authority to
2014 establish firesafety codes that exceed the Florida Fire
2015 Prevention Code ~~minimum firesafety codes and standards~~ adopted
2016 by the State Fire Marshal. The Legislature intends that local
2017 government give proper public notice and hold public hearings
2018 before adopting more stringent firesafety codes ~~and standards~~. A
2019 substantially affected person may appeal, to the department, the
2020 local government's resolution of the challenge, and the
2021 department shall determine if the amendment complies with this
2022 section. Actions of the department are subject to judicial
2023 review pursuant to s. 120.68. The department shall consider
2024 reports of the Florida Building Commission, pursuant to part IV
2025 of chapter 553, when evaluating building code enforcement.

2026 ~~(4)-(5)~~ The new building or structure provisions enumerated
2027 within the Florida Fire Prevention Code ~~firesafety code~~ adopted
2028 pursuant to this section shall apply only to buildings or
2029 structures for which the building permit is issued on or after
2030 the effective date of the current edition of the Florida Fire
2031 Prevention Code ~~this act~~. Subject to the provisions of
2032 subsection (6), the existing building or structure provisions
2033 enumerated within the firesafety code adopted pursuant to this
2034 section shall apply to buildings or structures for which the
2035 building permit was issued or the building or structure was

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2036 constructed prior to the effective date of this act.

2037 ~~(5)(6)~~ With regard to existing buildings, the Legislature
2038 recognizes that it is not always practical to apply any or all
2039 of the provisions of the Florida Fire Prevention Code ~~minimum~~
2040 ~~firesafety code~~ and that physical limitations may require
2041 disproportionate effort or expense with little increase in fire
2042 or life safety. ~~Prior to applying the minimum firesafety code to~~
2043 ~~an existing building, the local fire official shall determine~~
2044 ~~that a threat to lifesafety or property exists.~~ If a threat to
2045 lifesafety or property exists, the firesafety inspector ~~fire~~
2046 ~~official~~ shall apply the applicable firesafety code for existing
2047 buildings to the extent practical to assure a reasonable degree
2048 of lifesafety and safety of property or the firesafety inspector
2049 ~~fire official~~ shall fashion a reasonable alternative which
2050 affords an equivalent degree of lifesafety and safety of
2051 property. The decision of the local firesafety inspector ~~fire~~
2052 ~~official~~ may be appealed to the local administrative board
2053 described in s. 553.73.

2054 ~~(6)(7)~~ Nothing herein shall preclude a municipality,
2055 county, or special district from requiring a structure to be
2056 maintained in accordance with the Florida Fire Prevention Code
2057 ~~applicable firesafety code~~.

2058 ~~(7)(8)~~ Electrically operated single station smoke
2059 detectors required for residential buildings are not required to
2060 be interconnected within individual living units in all
2061 buildings having direct access to the outside from each living
2062 unit and having three stories or less. This subsection does not
2063 apply to any residential building required to have a manual or

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2064 an automatic fire alarm system.

2065 ~~(8)(9)~~ The provisions of the Life Safety Code, as
2066 contained in the Florida Fire Prevention Code, shall not apply
2067 to newly constructed one-family and two-family dwellings.
2068 However, fire sprinkler protection may be permitted by local
2069 government in lieu of other fire protection-related development
2070 requirements for such structures. While local governments may
2071 adopt fire sprinkler requirements for one- and two-family
2072 dwellings under this subsection, it is the intent of the
2073 Legislature that the economic consequences of the fire sprinkler
2074 mandate on home owners be studied before the enactment of such a
2075 requirement. After the effective date of this act, any local
2076 government that desires to adopt a fire sprinkler requirement on
2077 one- or two-family dwellings must prepare an economic cost and
2078 benefit report that analyzes the application of fire sprinklers
2079 to one- or two-family dwellings or any proposed residential
2080 subdivision. The report must consider the tradeoffs and specific
2081 cost savings and benefits of fire sprinklers for future owners
2082 of property. The report must include an assessment of the cost
2083 savings from any reduced or eliminated impact fees if
2084 applicable, the reduction in special fire district tax,
2085 insurance fees, and other taxes or fees imposed, and the waiver
2086 of certain infrastructure requirements including the reduction
2087 of roadway widths, the reduction of water line sizes, increased
2088 fire hydrant spacing, increased dead-end roadway length and a
2089 reduction in cul-de-sac sizes relative to the costs from fire
2090 sprinkling. A failure to prepare an economic report shall result
2091 in the invalidation of the fire sprinkler requirement to any

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2092 one- or two-family dwelling or any proposed subdivision. In
2093 addition, a local jurisdiction or utility may not charge any
2094 additional fee, above what is charged to a non-fire sprinklered
2095 dwelling, on the basis that a one- or two-family dwelling unit
2096 is protected by a fire sprinkler system.

2097 ~~(9)-(10)~~ Before imposing a fire sprinkler requirement on
2098 any one- or two-family dwelling, a local government must provide
2099 the owner of any one- or two-family dwelling a letter
2100 documenting specific infrastructure or other tax or fee
2101 allowances and waivers that are listed in but not limited to
2102 those described in subsection ~~(8)-(9)~~ for the dwelling. The
2103 documentation must show that the cost savings reasonably
2104 approximate the cost of the purchase and installation of a fire
2105 protection system.

2106 ~~(10)-(11)~~ Notwithstanding the provisions of subsection
2107 ~~(8)-(9)~~, a property owner shall not be required to install fire
2108 sprinklers in any residential property based upon the use of
2109 such property as a rental property or any change in or
2110 reclassification of the property's primary use to a rental
2111 property.

2112 Section 26. Section 633.026, Florida Statutes, is
2113 transferred, renumbered as section 633.212, Florida Statutes,
2114 and amended to read:

2115 633.212 ~~633.026~~ Legislative intent; informal
2116 interpretations of the Florida Fire Prevention Code.—It is the
2117 intent of the Legislature that the Florida Fire Prevention Code
2118 be interpreted by fire officials and local enforcement agencies
2119 in a manner that reasonably and cost-effectively protects the

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2120 public safety, health, and welfare; ensures uniform
2121 interpretations throughout this state; and provides just and
2122 expeditious processes for resolving disputes regarding such
2123 interpretations. It is the further intent of the Legislature
2124 that such processes provide for the expeditious resolution of
2125 the issues presented and that the resulting interpretation of
2126 such issues be published on the website of the division ~~of State~~
2127 ~~Fire Marshal~~.

2128 (1) The division ~~of State Fire Marshal~~ shall by rule
2129 establish an informal process of rendering nonbinding
2130 interpretations of the Florida Fire Prevention Code. The
2131 division ~~of State Fire Marshal~~ may contract with and refer
2132 interpretive issues to a third party, selected based upon cost
2133 effectiveness, quality of services to be performed, and other
2134 performance-based criteria, which has experience in interpreting
2135 and enforcing the Florida Fire Prevention Code. It is the intent
2136 of the Legislature that the division ~~of State Fire Marshal~~
2137 establish a Fire Code Interpretation Committee composed of seven
2138 persons and seven alternates, equally representing each area of
2139 the state, to which a party can pose questions regarding the
2140 interpretation of the Florida Fire Prevention Code provisions.

2141 (2) Each member and alternate member of the Fire Code
2142 Interpretation Committee must be certified as a firesafety
2143 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a
2144 minimum of 5 years of experience interpreting and enforcing the
2145 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each
2146 member and alternate member must be approved by the division ~~of~~
2147 ~~State Fire Marshal~~ and deemed by the division to have met these

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2148 requirements for at least 30 days before participating in a
2149 review of a nonbinding interpretation.

2150 (3) Each nonbinding interpretation of code provisions must
2151 be provided within 10 business days after receipt of a request
2152 for interpretation. The response period established in this
2153 subsection may be waived only with the written consent of the
2154 party requesting the nonbinding interpretation and the division
2155 ~~of State Fire Marshal~~. Nonbinding interpretations shall be
2156 advisory only and nonbinding on the parties or the State Fire
2157 Marshal.

2158 (4) In order to administer this section, the division ~~of~~
2159 ~~State Fire Marshal~~ shall charge a fee for nonbinding
2160 interpretations. The fee may not exceed \$150 for each request
2161 for a review or interpretation. The division may authorize
2162 payment of fees directly to the nonprofit organization under
2163 contract pursuant to subsection (1).

2164 (5) A party requesting a nonbinding interpretation who
2165 disagrees with the interpretation issued under this section may
2166 apply for a declaratory statement ~~formal interpretation~~ from the
2167 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2168 (6) The division ~~of State Fire Marshal~~ shall issue or
2169 cause to be issued a nonbinding interpretation of the Florida
2170 Fire Prevention Code pursuant to this section when requested to
2171 do so upon submission of a petition by a fire official or by the
2172 owner or owner's representative or the contractor or
2173 contractor's representative of a project in dispute. The
2174 division shall adopt a petition form by rule, and the petition
2175 form must be published on the State Fire Marshal's website. The

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2176 form shall, at a minimum, require:

2177 (a) The name and address of the local fire official,
2178 including the address of the county, municipality, or special
2179 district.

2180 (b) The name and address of the owner or owner's
2181 representative or the contractor or contractor's representative.

2182 (c) A statement of the specific sections of the Florida
2183 Fire Prevention Code being interpreted by the local fire
2184 official.

2185 (d) An explanation of how the petitioner's substantial
2186 interests are being affected by the local interpretation of the
2187 Florida Fire Prevention Code.

2188 (e) A statement of the interpretation of the specific
2189 sections of the Florida Fire Prevention Code by the local fire
2190 official.

2191 (f) A statement of the interpretation that the petitioner
2192 contends should be given to the specific sections of the Florida
2193 Fire Prevention Code and a statement supporting the petitioner's
2194 interpretation.

2195 (7) Upon receipt of a petition that meets the requirements
2196 of subsection (6), the division ~~of State Fire Marshal~~ shall
2197 immediately provide copies of the petition to the Fire Code
2198 Interpretation Committee, and shall publish the petition and any
2199 response submitted by the local fire official on the State Fire
2200 Marshal's website.

2201 (8) The committee shall conduct proceedings as necessary
2202 to resolve the issues and give due regard to the petition, the
2203 facts of the matter at issue, specific code sections cited, and

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2204 any statutory implications affecting the Florida Fire Prevention
2205 Code. The committee shall issue an interpretation regarding the
2206 provisions of the Florida Fire Prevention Code within 10 days
2207 after the filing of a petition. The committee shall issue an
2208 interpretation based upon the Florida Fire Prevention Code or,
2209 if the code is ambiguous, the intent of the code. The
2210 committee's interpretation shall be provided to the petitioner
2211 and shall include a notice that if the petitioner disagrees with
2212 the interpretation, the petitioner may file a request for a
2213 declaratory statement ~~formal interpretation~~ by the State Fire
2214 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's
2215 interpretation shall be provided to the State Fire Marshal, and
2216 the division shall publish the declaratory statement
2217 ~~interpretation~~ on the State Fire Marshal's website and in the
2218 Florida Administrative Weekly.

2219 Section 27. Section 633.052, Florida Statutes, is
2220 transferred and renumbered as section 633.214, Florida Statutes,
2221 and paragraph (a) and (b) of subsection (1), paragraph (d) of
2222 subsection (2), and subsections (3) and (4) of that section are
2223 amended, to read:

2224 633.214 ~~633.052~~ Ordinances relating to firesafety;
2225 definitions; penalties.-

2226 (1) As used in this section:

2227 (a) A "firesafety inspector" is an individual certified by
2228 the division ~~of State Fire Marshal~~, officially assigned the
2229 duties of conducting firesafety inspections of buildings and
2230 facilities on a recurring or regular basis, investigating civil
2231 infractions relating to firesafety, and issuing citations

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2232 pursuant to this section on behalf of the state or any county,
2233 municipality, or special district with firesafety
2234 responsibilities.

2235 (b) "Citation" means a written notice, issued only after a
2236 written warning has been previously issued and a minimum time
2237 period of 45 days, except for major structural changes, which
2238 may be corrected within an extended adequate period of time,
2239 from the date of the issuance of the warning whereby the party
2240 warned may correct the alleged violation, issued to a person by
2241 a firesafety inspector, that the firesafety inspector has
2242 probable cause to believe that the person has committed a civil
2243 infraction in violation of a duly enacted ordinance and that the
2244 county court will hear the charge. The citation shall contain:

- 2245 1. The date and time of issuance.
- 2246 2. The name and address of the person.
- 2247 3. The date and time the civil infraction was committed.
- 2248 4. The facts constituting probable cause.
- 2249 5. The Florida Fire Prevention Code ordinance violated.
- 2250 6. The name and authority of the firesafety inspector
2251 ~~officer~~.
- 2252 7. The procedure for the person to follow in order to pay
2253 the civil penalty or to contest the citation.
- 2254 8. The applicable civil penalty if the person elects to
2255 contest the citation.
- 2256 9. The applicable civil penalty if the person elects not
2257 to contest the citation.
- 2258 10. A conspicuous statement that if the person fails to
2259 pay the civil penalty within the time allowed or fails to appear

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2260 in court to contest the citation, then she or he shall be deemed
2261 to have waived her or his right to contest the citation and
2262 that, in such case, judgment may be entered against the person
2263 for an amount up to the maximum civil penalty.

2264 (c) "Ordinance" means any ordinance enacted by the
2265 governing body of a county or municipality that is a civil
2266 infraction relating to firesafety codes.

2267 (2) A county or municipality that has created a code
2268 enforcement board or special magistrate system pursuant to
2269 chapter 162 may enforce firesafety code violations as provided
2270 in chapter 162. The governing body of a county or municipality
2271 which has not created a code enforcement board or special
2272 magistrate system for firesafety under chapter 162 is authorized
2273 to enact ordinances relating to firesafety codes, which
2274 ordinances shall provide:

2275 (a) That a violation of such an ordinance is a civil
2276 infraction.

2277 (b) A maximum civil penalty not to exceed \$500.

2278 (c) A civil penalty of less than the maximum civil penalty
2279 if the person who has committed the civil infraction does not
2280 contest the citation.

2281 (d) For the issuance of a citation by an officer who has
2282 probable cause to believe that a person has committed a
2283 violation of an ordinance relating to firesafety or the Florida
2284 Fire Prevention Code.

2285 (e) For the contesting of a citation in the county court.

2286 (f) Such procedures and provisions necessary to implement
2287 any ordinances enacted under the authority of this section.

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2288 (3) Any person who willfully refuses to sign and accept a
2289 citation issued by a firesafety inspector commits ~~shall be~~
2290 ~~guilty of~~ a misdemeanor of the second degree, punishable as
2291 provided in s. 775.082 or s. 775.083.

2292 (4) Nothing contained in this section shall prevent any
2293 county, ~~or~~ municipality, or special district from enacting any
2294 ordinance relating to firesafety codes which is identical to the
2295 provisions of this chapter or any state law, except as to
2296 penalty; however, no county or municipal ordinance relating to
2297 firesafety codes shall conflict with the provisions of this
2298 chapter or any other state law.

2299 Section 28. Section 633.081, Florida Statutes, is
2300 transferred, renumbered as section 633.216, Florida Statutes,
2301 and amended to read:

2302 633.216 ~~633.081~~ Inspection of buildings and equipment;
2303 orders; firesafety inspection training requirements;
2304 certification; disciplinary action.—The State Fire Marshal and
2305 her or his agents or persons authorized to enforce laws and
2306 rules of the State Fire Marshal shall, at any reasonable hour,
2307 when the State Fire Marshal has reasonable cause to believe that
2308 a violation of this chapter or s. 509.215, or a rule promulgated
2309 thereunder, or a minimum firesafety code adopted by the State
2310 Fire Marshal or a local authority, may exist, inspect any and
2311 all buildings and structures which are subject to the
2312 requirements of this chapter or s. 509.215 and rules promulgated
2313 thereunder. The authority to inspect shall extend to all
2314 equipment, vehicles, and chemicals which are located on or
2315 within the premises of any such building or structure.

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2316 (1) Each county, municipality, and special district that
2317 has firesafety enforcement responsibilities shall employ or
2318 contract with a firesafety inspector. Except as provided in s.
2319 633.312(2) ~~633.082(2)~~ and subsection (3), the firesafety
2320 inspector must conduct all firesafety inspections that are
2321 required by law. The governing body of a county, municipality,
2322 or special district that has firesafety enforcement
2323 responsibilities may provide a schedule of fees to pay only the
2324 costs of inspections conducted pursuant to this subsection and
2325 related administrative expenses. Two or more counties,
2326 municipalities, or special districts that have firesafety
2327 enforcement responsibilities may jointly employ or contract with
2328 a firesafety inspector.

2329 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
2330 firesafety inspection conducted pursuant to state or local
2331 firesafety requirements shall be by a person certified as having
2332 met the inspection training requirements set by the State Fire
2333 Marshal. Such person shall meet the requirements of s.
2334 633.412(1)(a)-(d), and:

2335 (a) ~~Be a high school graduate or the equivalent as~~
2336 ~~determined by the department;~~

2337 (b) ~~Not have been found guilty of, or having pleaded~~
2338 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
2339 ~~imprisonment of 1 year or more under the law of the United~~
2340 ~~States, or of any state thereof, which involves moral turpitude,~~
2341 ~~without regard to whether a judgment of conviction has been~~
2342 ~~entered by the court having jurisdiction of such cases;~~

2343 (c) ~~Have her or his fingerprints on file with the~~

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2344 ~~department or with an agency designated by the department;~~

2345 ~~(d) Have good moral character as determined by the~~
2346 ~~department;~~

2347 ~~(e) Be at least 18 years of age;~~

2348 ~~(f) Have satisfactorily completed the firesafety inspector~~
2349 ~~certification examination as prescribed by division rule the~~
2350 ~~department; and~~

2351 (b) ~~(g)~~1. Have satisfactorily completed, as determined by
2352 division rule ~~the department~~, a firesafety inspector training
2353 program of not less than 200 hours established by the department
2354 and administered by education or training providers ~~agencies and~~
2355 ~~institutions~~ approved by the department for the purpose of
2356 providing basic certification training for firesafety
2357 inspectors; or

2358 2. Have received in another state training which is
2359 determined by the division ~~department~~ to be at least equivalent
2360 to that required by the department for approved firesafety
2361 inspector education and training programs in this state.

2362 (3) (a) 1. Effective July 1, 2013, the classification of
2363 special state firesafety inspector is abolished, and all special
2364 state firesafety inspector certifications shall expire at
2365 midnight June 30, 2013.

2366 2. Any person who is a special state firesafety inspector
2367 on June 30, 2013, and who has failed to comply with paragraph
2368 (b) or paragraph (c) may not perform any firesafety inspection
2369 required by law.

2370 3. A special state firesafety inspector certificate may
2371 not be issued after June 30, 2011.

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2372 (b)1. Any person who is a special state firesafety
2373 inspector on July 1, 2011, and who has at least 5 years of
2374 experience as a special state firesafety inspector as of July 1,
2375 2011, may take the firesafety inspection examination as provided
2376 in paragraph (2) (a) ~~(f)~~ for firesafety inspectors before July 1,
2377 2013, to be certified as a firesafety inspector under this
2378 section.

2379 2. Upon passing the examination, the person shall be
2380 certified as a firesafety inspector as provided in this section.

2381 3. A person who fails to become certified must comply with
2382 paragraph (c) to be certified as a firesafety inspector under
2383 this section.

2384 (c)1. To be certified as a firesafety inspector under this
2385 section, any person who:

2386 a. Is a special state firesafety inspector on July 1,
2387 2011, and who does not have 5 years of experience as a special
2388 state firesafety inspector as of July 1, 2011; or

2389 b. Has 5 years of experience as a special state firesafety
2390 inspector but has failed the examination taken as provided in
2391 paragraph (2) (a) ~~(f)~~,

2392
2393 must take an additional 80 hours of the courses described in
2394 paragraph (2) (b) ~~(g)~~.

2395 2. After successfully completing the courses described in
2396 this paragraph, such person may take the firesafety inspection
2397 examination as provided in paragraph (2) (a) ~~(f)~~, if such
2398 examination is taken before July 1, 2013.

2399 3. Upon passing the examination, the person shall be

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2400 certified as a firesafety inspector as provided in this section.

2401 4. A person who fails the course of study or the
2402 examination described in this paragraph may not perform any
2403 firesafety inspection required by law on or after July 1, 2013.

2404 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
2405 may conduct firesafety inspections, under the supervision of a
2406 certified firesafety inspector, while on duty as a member of a
2407 fire department company conducting inservice firesafety
2408 inspections without being certified as a firesafety inspector,
2409 if such firefighter has satisfactorily completed an inservice
2410 fire department company inspector training program of at least
2411 24 hours' duration as provided by rule of the department.

2412 (5) Every firesafety inspector certificate is valid for a
2413 period of 4 ~~3~~ years from the date of issuance. Renewal of
2414 certification is subject to the affected person's completing
2415 proper application for renewal and meeting all of the
2416 requirements for renewal as established under this chapter or by
2417 rule adopted under this chapter, which shall include completion
2418 of at least 54 ~~40~~ hours during the preceding 4-year ~~3-year~~
2419 period of continuing education as required by the rule of the
2420 department or, in lieu thereof, successful passage of an
2421 examination as established by the department.

2422 (6) A previously certified fire safety inspector whose
2423 certification has lapsed for 8 years or more must repeat the
2424 fire safety inspector training as specified by the division.

2425 (7) ~~(6)~~ The State Fire Marshal may deny, refuse to renew,
2426 suspend, or revoke the certificate of a firesafety inspector if
2427 the State Fire Marshal finds that any of the following grounds

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2428 exist:

2429 (a) Any cause for which issuance of a certificate could
2430 have been refused had it then existed and been known to the
2431 division ~~State Fire Marshal~~.

2432 (b) Violation of this chapter or any rule or order of the
2433 State Fire Marshal.

2434 (c) Falsification of records relating to the certificate.

2435 ~~(d) Having been found guilty of or having pleaded guilty~~
2436 ~~or nolo contendere to a felony, whether or not a judgment of~~
2437 ~~conviction has been entered.~~

2438 (d) ~~(e)~~ Failure to meet any of the renewal requirements.

2439 ~~(f) Having been convicted of a crime in any jurisdiction~~
2440 ~~which directly relates to the practice of fire code inspection,~~
2441 ~~plan review, or administration.~~

2442 (e) ~~(g)~~ Making or filing a report or record that the
2443 certificateholder knows to be false, or knowingly inducing
2444 another to file a false report or record, or knowingly failing
2445 to file a report or record required by state or local law, or
2446 knowingly impeding or obstructing such filing, or knowingly
2447 inducing another person to impede or obstruct such filing.

2448 (f) ~~(h)~~ Failing to properly enforce applicable fire codes
2449 or permit requirements within this state which the
2450 certificateholder knows are applicable by committing willful
2451 misconduct, gross negligence, gross misconduct, repeated
2452 negligence, or negligence resulting in a significant danger to
2453 life or property.

2454 (g) ~~(i)~~ Accepting labor, services, or materials at no
2455 charge or at a noncompetitive rate from any person who performs

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2456 work that is under the enforcement authority of the
2457 certificateholder and who is not an immediate family member of
2458 the certificateholder. For the purpose of this paragraph, the
2459 term "immediate family member" means a spouse, child, parent,
2460 sibling, grandparent, aunt, uncle, or first cousin of the person
2461 or the person's spouse or any person who resides in the primary
2462 residence of the certificateholder.

2463 ~~(8)-(7)~~ The division ~~of State Fire Marshal~~ and the Florida
2464 Building Code Administrators and Inspectors Board, established
2465 pursuant to s. 468.605, shall enter into a reciprocity agreement
2466 to facilitate joint recognition of continuing education
2467 recertification hours for certificateholders licensed under s.
2468 468.609 and firesafety inspectors certified under subsection
2469 (2).

2470 ~~(9)-(8)~~ The State Fire Marshal shall develop by rule an
2471 advanced training and certification program for firesafety
2472 inspectors having fire code management responsibilities. The
2473 program must be consistent with the appropriate provisions of
2474 NFPA 1037, or similar standards adopted by the division, and
2475 establish minimum training, education, and experience levels for
2476 firesafety inspectors having fire code management
2477 responsibilities.

2478 ~~(10)-(9)~~ The department shall provide by rule for the
2479 certification of firesafety inspectors and Fire Code
2480 Administrators.

2481 Section 29. Section 633.085, Florida Statutes, is
2482 transferred, renumbered as section 633.218, Florida Statutes,
2483 and amended to read:

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2484 633.218 ~~633.085~~ Inspections of state buildings and
2485 premises; tests of firesafety equipment; building plans to be
2486 approved.—

2487 (1) (a) It is the duty of the State Fire Marshal and her or
2488 his agents to inspect, or cause to be inspected, each state-
2489 owned building on a recurring basis established by rule, and to
2490 ensure that high-hazard occupancies are inspected at least
2491 annually, for the purpose of ascertaining and causing to be
2492 corrected any conditions liable to cause fire or endanger life
2493 from fire and any violation of the firesafety standards for
2494 state-owned buildings, the provisions of this chapter, or the
2495 rules or regulations adopted and promulgated pursuant hereto.
2496 The State Fire Marshal shall, within 7 days following an
2497 inspection, submit a report of such inspection to the head of
2498 the ~~department of state~~ agency ~~government~~ responsible for the
2499 building.

2500 (b) Except as provided in s. 255.45, the department head
2501 is responsible for ensuring that deficiencies noted in the
2502 inspection are corrected as soon as practicable.

2503 (c) Each department shall, in its annual budget proposal,
2504 include requests for sufficient funds to correct any firesafety
2505 deficiencies noted by the State Fire Marshal.

2506 (d) Each department shall, in its annual budget proposal
2507 and for all proposals for new construction or renovations to
2508 existing structures, include requests for sufficient funds to
2509 pay for any charges or fees imposed by the State Fire Marshal
2510 for review of plans, renovations, occupancy, or inspections,
2511 whether recurring or high hazard.

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2512 (e) For purposes of this section:

2513 1.a. The term "high-hazard occupancy" means any building
2514 or structure:

2515 (I) That contains combustible or explosive matter or
2516 flammable conditions dangerous to the safety of life or
2517 property;

2518 (II) At which persons receive educational instruction;

2519 (III) At which persons reside, excluding private
2520 dwellings; or

2521 (IV) Containing three or more floor levels.

2522 b. As used in this subparagraph, the phrase "building or
2523 structure":

2524 (I) Includes, but is not limited to, all hospitals and
2525 residential health care facilities, nursing homes and other
2526 adult care facilities, correctional or detention facilities,
2527 public schools, public lodging establishments, migrant labor
2528 camps, residential child care facilities, and self-service
2529 gasoline stations.

2530 (II) Does not include any residential condominium where
2531 the declaration of condominium or the bylaws provide that the
2532 rental of units shall not be permitted for less than 90 days.

2533 2. The term "state-owned building," includes private
2534 correctional facilities as defined under s. 944.710(3) and state
2535 universities as defined under s. 1000.21(6).

2536 (f) State-owned building or state-leased building or space
2537 shall be identified through use of the United States National
2538 Grid Coordinate System.

2539 (2) The State Fire Marshal and her or his agents may ~~shall~~

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2540 conduct performance tests on any electronic fire warning and
2541 smoke detection system, and any pressurized air-handling unit,
2542 in any state-owned building or state-leased building or space on
2543 a recurring basis as provided in subsection (1). The State Fire
2544 Marshal and her or his agents shall also ensure that fire drills
2545 are conducted in all high-hazard state-owned buildings or high-
2546 hazard state-leased ~~high-hazard~~ occupancies at least annually.

2547 (3) All construction of any new state-owned building or
2548 state-leased building or space, or any renovation, alteration,
2549 or change of occupancy of any existing, state-owned building or
2550 state-leased building or space shall comply with the uniform
2551 firesafety standards of the State Fire Marshal.

2552 (a) For all new construction or renovation, alteration, or
2553 change of occupancy of state-leased space, compliance with the
2554 uniform firesafety standards shall be determined by reviewing
2555 the plans for the proposed construction or occupancy submitted
2556 by the lessor to the division ~~of State Fire Marshal~~ for review
2557 and approval prior to commencement of construction or occupancy,
2558 which review shall be completed within 10 working days after
2559 receipt of the plans by the division ~~of State Fire Marshal~~.

2560 (b) The plans for all construction of any new, or
2561 renovation or alteration of any existing, state-owned building
2562 are subject to the review and approval of the division ~~of State~~
2563 ~~Fire Marshal~~ for compliance with the uniform firesafety
2564 standards prior to commencement of construction or change of
2565 occupancy, which review shall be completed within 30 calendar
2566 days of receipt of the plans by the division ~~of State Fire~~
2567 ~~Marshal~~.

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2568 (4) The division ~~of State Fire Marshal~~ may inspect state-
2569 owned buildings and space and state-leased buildings and space
2570 as necessary prior to occupancy or during construction,
2571 renovation, or alteration to ascertain compliance with the
2572 uniform firesafety standards. Whenever the division ~~of State~~
2573 ~~Fire Marshal~~ determines by virtue of such inspection or by
2574 review of plans that construction, renovation, or alteration of
2575 state-owned buildings and state-leased buildings or space is not
2576 in compliance with the uniform firesafety standards, the
2577 division ~~of State Fire Marshal~~ shall issue an order to cease
2578 construction, renovation, or alteration, or to preclude
2579 occupancy, of a building until compliance is obtained, except
2580 for those activities required to achieve such compliance.

2581 (5) The division ~~of State Fire Marshal~~ shall by rule
2582 provide a schedule of fees to pay for the costs of the
2583 inspections, whether recurring or high hazard, any firesafety
2584 review or plans for proposed construction, renovations, or
2585 occupancy, and related administrative expenses.

2586 Section 30. Section 633.027, Florida Statutes, is
2587 transferred and renumbered as section 633.222, Florida Statutes,
2588 and subsection (3) of that section is amended, to read:

2589 633.222 ~~633.027~~ Buildings with light-frame truss-type
2590 construction; notice requirements; enforcement.-

2591 (1) The owner of any commercial or industrial structure,
2592 or any multiunit residential structure of three units or more,
2593 that uses light-frame truss-type construction shall mark the
2594 structure with a sign or symbol approved by the State Fire
2595 Marshal in a manner sufficient to warn persons conducting fire

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2596 control and other emergency operations of the existence of
2597 light-frame truss-type construction in the structure.

2598 (2) The State Fire Marshal shall adopt rules necessary to
2599 implement the provisions of this section, including, but not
2600 limited to:

2601 (a) The dimensions and color of such sign or symbol.

2602 (b) The time within which commercial, industrial, and
2603 multiunit residential structures that use light-frame truss-type
2604 construction shall be marked as required by this section.

2605 (c) The location on each commercial, industrial, and
2606 multiunit residential structure that uses light-frame truss-type
2607 construction where such sign or symbol must be posted.

2608 (3) The State Fire Marshal, and local fire officials in
2609 accordance with s. 633.118 ~~633.121~~, shall enforce the provisions
2610 of this section. Any owner who fails to comply with the
2611 requirements of this section is subject to penalties as provided
2612 in s. 633.228 ~~633.161~~.

2613 Section 31. Section 633.60, Florida Statutes, is
2614 renumbered as section 633.224, Florida Statutes, and subsection
2615 (1) of that section is amended, to read:

2616 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-
2617 family dwellings, two-family dwellings, and mobile homes.-

2618 (1) It is unlawful for any person to engage in the
2619 business or act in the capacity of a contractor of automatic
2620 fire sprinkler systems for one-family dwellings, two-family
2621 dwellings, and mobile homes without having been duly certified
2622 and holding a current certificate as a Contractor I, Contractor
2623 II, or Contractor IV as defined in s. 633.102(3) ~~633.021~~.

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2624 (2) A person who violates any provision of this section
2625 commits a misdemeanor of the second degree, punishable as
2626 provided in s. 775.082 or s. 775.083.

2627 Section 32. Section 633.557, Florida Statutes, is
2628 transferred and renumbered as section 633.226, Florida Statutes.

2629 Section 33. Section 633.161, Florida Statutes, is
2630 transferred, renumbered as section 633.228, Florida Statutes,
2631 and amended to read:

2632 633.228 ~~633.161~~ Violations; orders to cease and desist,
2633 correct hazardous conditions, preclude occupancy, or vacate;
2634 enforcement; penalties.—

2635 (1) If it is determined by the department that a violation
2636 specified in this subsection exists, the State Fire Marshal or
2637 her or his deputy may issue and deliver to the person committing
2638 the violation an order to cease and desist from such violation,
2639 to correct any hazardous condition, to preclude occupancy of the
2640 affected building or structure, or to vacate the premises of the
2641 affected building or structure. Such violations are:

2642 (a) Except as set forth in paragraph (b), a violation of
2643 any provision of this chapter, of any rule adopted pursuant
2644 thereto, of any applicable uniform firesafety standard adopted
2645 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed
2646 by any alternative requirements adopted on a local level, or of
2647 any minimum firesafety standard adopted pursuant to s. 394.879.

2648 (b) A substantial violation of an applicable minimum
2649 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which
2650 is not reasonably addressed by any alternative requirement
2651 imposed at the local level, or an unreasonable interpretation of

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2652 an applicable minimum firesafety standard, and which violation
2653 or interpretation clearly constitutes a danger to lifesafety.

2654 (c) A building or structure which is in a dilapidated
2655 condition and as a result thereof creates a danger to life,
2656 safety, or property.

2657 (d) A building or structure which contains explosive
2658 matter or flammable liquids or gases constituting a danger to
2659 life, safety, or property.

2660 (2)(a) If, during the conduct of a firesafety inspection
2661 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is
2662 determined that a violation described in this section exists
2663 which poses an immediate danger to the public health, safety, or
2664 welfare, the State Fire Marshal may issue an order to vacate the
2665 building in question, which order shall be immediately effective
2666 and shall be an immediate final order under s. 120.569(2)(n).
2667 With respect to a facility under the jurisdiction of a district
2668 school board or community college board of trustees, the order
2669 to vacate shall be issued jointly by the district superintendent
2670 or college president and the State Fire Marshal.

2671 (b) The State Fire Marshal may seek an injunction in the
2672 circuit court of the county in which the building is located to
2673 enforce an order issued pursuant to this subsection.

2674 (3) Any person who violates or fails to comply with any
2675 order under subsection (1) or subsection (2) commits ~~is guilty~~
2676 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

2677 Section 34. Part III of chapter 633, Florida Statutes,
2678 consisting of sections 633.302, 633.304, 633.306, 633.308,
2679 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,

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2680 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
2681 633.346, 633.348, and 633.3482, is created and entitled "Fire
2682 Protection and Suppression."

2683 Section 35. Section 633.511, Florida Statutes, is
2684 transferred and renumbered as subsections (1), (2), and (3) of
2685 section 633.302, Florida Statutes, and amended, and section
2686 633.514, Florida Statutes, is transferred and renumbered as
2687 subsections (4) and (5) of that section, to read:

2688 633.302 ~~633.511~~ Florida Fire Safety Board; membership;
2689 duties; meetings.—

2690 (1) The Florida Fire Safety Board is created consisting of
2691 seven members who are citizens and residents of this state. One
2692 shall be the State Fire Marshal, or her or his designee
2693 ~~designated appointee~~ who shall be an administrative employee of
2694 the marshal; one shall be an administrative officer from a
2695 building department representing an incorporated municipality or
2696 a county; one shall be an administrative officer from a fire
2697 department representing an incorporated municipality or a
2698 county; two shall be contractors licensed pursuant to s. 633.318
2699 ~~633.521~~; and two shall be persons who hold valid licenses under
2700 s. 633.304 ~~633.061~~.

2701 (2) (a) To be eligible for appointment, each contractor
2702 shall personally hold a current certificate of competency and a
2703 current license issued by the division ~~State Fire Marshal~~,
2704 together with an unexpired occupational license to operate as a
2705 contractor issued by an incorporated municipality or a county;
2706 be actively engaged in such business and have been so engaged
2707 for a period of not less than 5 consecutive years before the

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2708 date of her or his appointment; and be a citizen and resident of
2709 the state.

2710 (b) To be eligible for appointment, each fire equipment
2711 dealer shall personally hold a current Class A, B, or C and
2712 Class D fire equipment dealer license issued by the division
2713 ~~State Fire Marshal~~, together with an unexpired occupational
2714 license to operate as a fire equipment dealer issued by an
2715 incorporated municipality or a county; shall be actively engaged
2716 in such business and have been so engaged for a period of not
2717 less than 5 consecutive years before the date of appointment;
2718 and shall be a citizen and resident of this state.

2719 (3) The State Fire Marshal's term on the board, or that of
2720 her or his designee ~~designated administrative employee~~, shall
2721 coincide with the State Fire Marshal's term of office. Of the
2722 other six members of the board, one member shall be appointed
2723 for a term of 1 year, one member for a term of 2 years, two
2724 members for terms of 3 years, and two members for terms of 4
2725 years. All terms expire on June 30 of the last year of the term.
2726 ~~When Effective July 1, 1997,~~ as the term of a ~~each~~ member
2727 expires, the State Fire Marshal shall appoint a member to fill
2728 the vacancy for a term of 4 years. The State Fire Marshal may
2729 remove any appointed member for cause. A vacancy in the
2730 membership of the board for any cause shall be filled by
2731 appointment by the State Fire Marshal for the balance of the
2732 unexpired term.

2733 ~~633.514 Board duties; meetings; officers; quorum;~~
2734 ~~compensation; seal.~~

2735 (4) ~~(1)~~ The board shall act in an advisory capacity to the

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2736 State Fire Marshal and shall meet regularly as the need presents
2737 itself. The board shall have the authority to review complaints
2738 and disputed administrative action and make recommendations for
2739 disciplinary action to the division at the request of the
2740 licenseholder, permitholder, or certificateholder. The board
2741 will serve in an advisory capacity to the division regarding
2742 rules, codes, standards, interpretations, and training. As soon
2743 as practicable after the effective date of this act, the board
2744 shall meet to elect officers from its membership, whose terms
2745 shall expire on June 30 and annually thereafter. A majority of
2746 the board shall constitute a quorum. No member of the advisory
2747 board shall be paid a salary as such member, but each shall
2748 receive necessary expenses while attending advisory board
2749 meetings and reimbursement, including travel in performance of
2750 his or her duties, as provided in s. 112.061.

2751 ~~(5)-(2)~~ The board shall adopt a seal for its use containing
2752 the words "Florida Fire Safety Board."

2753 Section 36. Section 633.061, Florida Statutes, is
2754 renumbered as section 633.304, Florida Statutes, and subsections
2755 (1), (2), (3), (4), and (9) of that section are amended, to
2756 read:

2757 633.304 ~~633.061~~ Fire suppression equipment; license to
2758 install or maintain.—

2759 (1) It is unlawful for any organization or individual to
2760 engage in the business of servicing, repairing, recharging,
2761 testing, marking, inspecting, installing, or hydrotesting any
2762 fire extinguisher or preengineered system in this state except
2763 in conformity with the provisions of this chapter. Each

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2764 organization or individual that engages in such activity must
 2765 possess a valid and subsisting license issued by the division
 2766 ~~State Fire Marshal~~. All fire extinguishers and preengineered
 2767 systems required by statute or by rule must be serviced by an
 2768 organization or individual licensed under the provisions of this
 2769 chapter. A licensee who receives appropriate training shall not
 2770 be prohibited by a manufacturer from servicing any particular
 2771 brand of fire extinguisher or preengineered system. The licensee
 2772 is legally qualified to act for the business organization in all
 2773 matters connected with its business, and the licensee must
 2774 supervise all activities undertaken by such business
 2775 organization. Each licensee shall maintain a specific business
 2776 location. A further requirement, in the case of multiple
 2777 locations where such servicing or recharging is taking place, is
 2778 that each licensee who maintains more than one place of business
 2779 where actual work is carried on must possess an additional
 2780 license, as set forth in this section, for each location, except
 2781 that a licensed individual may not qualify for more than five
 2782 locations. A licensee is limited to a specific type of work
 2783 performed depending upon the class of license held. Licenses ~~and~~
 2784 ~~license fees~~ are required for the following:

2785 (a) Class A:\$250

2786 To service, recharge, repair, install, or inspect all types of
 2787 fire extinguishers and to conduct hydrostatic tests on all types
 2788 of fire extinguishers.

2789 (b) Class B:\$150

2790 To service, recharge, repair, install, or inspect all types of
 2791 fire extinguishers, including recharging carbon dioxide units

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2792 and conducting hydrostatic tests on all types of fire
 2793 extinguishers, except carbon dioxide units.

2794 (c) Class C:\$150

2795 To service, recharge, repair, install, or inspect all types of
 2796 fire extinguishers, except recharging carbon dioxide units, and
 2797 to conduct hydrostatic tests on all types of fire extinguishers,
 2798 except carbon dioxide units.

2799 (d) Class D:\$200

2800 To service, repair, recharge, hydrotest, install, or inspect all
 2801 types of preengineered fire extinguishing systems.

2802 ~~(e) Licenses issued as duplicates or to reflect a change~~
 2803 ~~of address.....\$10~~

2804
 2805 Any fire equipment dealer licensed pursuant to this subsection
 2806 who does not want to engage in the business of servicing,
 2807 inspecting, recharging, repairing, hydrotesting, or installing
 2808 halon equipment must file an affidavit on a form provided by the
 2809 division so stating. Licenses will be issued by the division to
 2810 reflect the work authorized thereunder. It is unlawful,
 2811 unlicensed activity for any person or firm to falsely hold
 2812 himself or herself or a business organization out to perform any
 2813 service, inspection, recharge, repair, hydrotest, or
 2814 installation except as specifically described in the license.

2815 Any fire equipment dealer licensed pursuant to this subsection
 2816 who wishes to withdraw a previously filed halon equipment
 2817 exemption affidavit and engage in the business of servicing,
 2818 inspecting, recharging, repairing, hydrotesting, or installing
 2819 halon equipment must submit a written statement requesting the

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2820 withdrawal to the division. The dealer must also submit to an
2821 inspection by the State Fire Marshal or his or her designee in
2822 order to determine that the dealer possesses the equipment
2823 required to service, inspect, recharge, repair, hydrotest, or
2824 install halon equipment.

2825 (2) A person who holds a valid fire equipment dealer
2826 license may maintain such license in an inactive status during
2827 which time he or she may not engage in any work under the
2828 definition of the license held. An inactive status license shall
2829 be void after 4 ~~2~~ years or at the time that the license is
2830 renewed, whichever comes first. ~~The biennial renewal fee for an~~
2831 ~~inactive status license shall be \$75.~~ An inactive status license
2832 may not be reactivated unless the continuing education
2833 requirements of this chapter have been fulfilled.

2834 (3) Each individual actually performing the work of
2835 servicing, recharging, repairing, hydrotesting, installing,
2836 testing, or inspecting fire extinguishers or preengineered
2837 systems must possess a valid and subsisting permit issued by the
2838 division ~~State Fire Marshal~~. Permittees are limited as to
2839 specific type of work performed to allow work no more extensive
2840 than the class of license held by the licensee under whom the
2841 permittee is working. Permits will be issued by the division ~~and~~
2842 ~~the fees required are~~ as follows:

2843 (a) Portable permit.\$90

2844 "Portable permittee" means a person who is limited to performing
2845 work no more extensive than the employing licensee in the
2846 servicing, recharging, repairing, installing, or inspecting all
2847 types of portable fire extinguishers.

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2848 (b) Preengineered permit.-----\$120

2849 "Preengineered permittee" means a person who is limited to the
2850 servicing, recharging, repairing, installing, or inspecting of
2851 all types of preengineered fire extinguishing systems.

2852 ~~(c) Permits issued as duplicates or to reflect a change of~~
2853 ~~address.....\$10~~

2854
2855 Any fire equipment permittee licensed pursuant to this
2856 subsection who does not want to engage in servicing, inspecting,
2857 recharging, repairing, hydrotesting, or installing halon
2858 equipment must file an affidavit on a form provided by the
2859 division so stating. Permits will be issued by the division to
2860 reflect the work authorized thereunder. It is unlawful,
2861 unlicensed activity for any person or firm to falsely hold
2862 himself or herself out to perform any service, inspection,
2863 recharge, repair, hydrotest, or installation except as
2864 specifically described in the permit.

2865 (4) (a) Such licenses and permits shall be issued by the
2866 division ~~State Fire Marshal~~ for 2 years beginning January 1,
2867 2000, and each 2-year period thereafter and expiring December 31
2868 of the second year. All licenses or permits issued will expire
2869 on December 31 of each odd-numbered year. The failure to renew a
2870 license or permit by December 31 of the second year will cause
2871 the license or permit to become inoperative. The holder of an
2872 inoperative license or permit shall not engage in any activities
2873 for which a license or permit is required by this section. A
2874 license or permit which is inoperative because of the failure to
2875 renew it shall be restored upon payment of the applicable fee

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2876 plus a penalty equal to the applicable fee, if the application
2877 for renewal is filed no later than the following March 31. If
2878 the application for restoration is not made before the March
2879 31st deadline, the fee for restoration shall be equal to the
2880 original application fee and the penalty provided for herein,
2881 and, in addition, the State Fire Marshal shall require
2882 reexamination of the applicant. The fee for a license or permit
2883 issued for 1 year or less shall be prorated at 50 percent of the
2884 applicable fee for a biennial license or permit.

2885 (b) After initial licensure, each licensee or permittee
2886 must successfully complete a course or courses of continuing
2887 education for fire equipment technicians of at least 16 hours. A
2888 license or permit may not be renewed unless the licensee or
2889 permittee produces documentation of the completion of at least
2890 16 hours of continuing education for fire equipment technicians
2891 during the biennial licensure period. A person who is both a
2892 licensee and a permittee shall be required to complete 16 hours
2893 of continuing education during each renewal period. Each
2894 licensee shall ensure that all permittees in his or her
2895 employment meet their continuing education requirements. The
2896 State Fire Marshal shall adopt rules describing the continuing
2897 education requirements and shall have the authority upon
2898 reasonable belief, to audit a fire equipment dealer to determine
2899 compliance with continuing education requirements.

2900 (c) ~~(b)~~ The forms of such licenses and permits and
2901 applications therefor shall be prescribed by the State Fire
2902 Marshal; in addition to such other information and data as that
2903 officer determines is appropriate and required for such forms,

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2904 there shall be included in such forms the following matters.

2905 Each such application shall be in such form as to provide that
2906 the data and other information set forth therein shall be sworn
2907 to by the applicant or, if a corporation, by an officer thereof.
2908 An application for a permit shall include the name of the
2909 licensee employing such permittee, and the permit issued in
2910 pursuance of such application shall also set forth the name of
2911 such licensee. A permit is valid solely for use by the holder
2912 thereof in his or her employment by the licensee named in the
2913 permit.

2914 (d)~~(e)~~ A license of any class shall not be issued or
2915 renewed by the division ~~State Fire Marshal~~ and a license of any
2916 class shall not remain operative unless:

2917 1. The applicant has submitted to the State Fire Marshal
2918 evidence of registration as a Florida corporation or evidence of
2919 compliance with s. 865.09.

2920 2. The State Fire Marshal or his or her designee has by
2921 inspection determined that the applicant possesses the equipment
2922 required for the class of license sought. The State Fire Marshal
2923 shall give an applicant a reasonable opportunity to correct any
2924 deficiencies discovered by inspection. To obtain such
2925 inspection, an applicant with facilities located outside this
2926 state must:

2927 a. Provide a notarized statement from a professional
2928 engineer licensed by the applicant's state of domicile
2929 certifying that the applicant possesses the equipment required
2930 for the class of license sought and that all such equipment is
2931 operable; or

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2932 b. Allow the State Fire Marshal or his or her designee to
2933 inspect the facility. All costs associated with the State Fire
2934 Marshal's inspection shall be paid by the applicant. The State
2935 Fire Marshal, in accordance with s. 120.54, is authorized to
2936 adopt rules to establish standards for the calculation and
2937 establishment of the amount of costs associated with any
2938 inspection conducted by the State Fire Marshal under this
2939 section. Such rules shall include procedures for invoicing and
2940 receiving funds in advance of the inspection. A fee of \$50,
2941 payable to the State Fire Marshal, shall be required for any
2942 subsequent reinspection.

2943 3. The applicant has submitted to the State Fire Marshal
2944 proof of insurance providing coverage for comprehensive general
2945 liability for bodily injury and property damage, products
2946 liability, completed operations, and contractual liability. The
2947 State Fire Marshal shall adopt rules providing for the amounts
2948 of such coverage, but such amounts shall not be less than
2949 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2950 licenses, and \$100,000 for Class C licenses; and the total
2951 coverage for any class of license held in conjunction with a
2952 Class D license shall not be less than \$300,000. The State Fire
2953 Marshal may, at any time after the issuance of a license or its
2954 renewal, require upon demand, and in no event more than 30 days
2955 after notice of such demand, the licensee to provide proof of
2956 insurance, on a form provided by the State Fire Marshal,
2957 containing confirmation of insurance coverage as required by
2958 this chapter. Failure, for any length of time, to provide proof
2959 of insurance coverage as required shall result in the immediate

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2960 suspension of the license until proof of proper insurance is
2961 provided to the State Fire Marshal. An insurer which provides
2962 such coverage shall notify the State Fire Marshal of any change
2963 in coverage or of any termination, cancellation, or nonrenewal
2964 of any coverage.

2965 4. The applicant applies to the State Fire Marshal,
2966 provides proof of experience, and successfully completes a
2967 prescribed training course offered by the State Fire College or
2968 an equivalent course approved by the State Fire Marshal. This
2969 subparagraph does not apply to any holder of or applicant for a
2970 permit under paragraph (g)~~(f)~~ or to a business organization or a
2971 governmental entity seeking initial licensure or renewal of an
2972 existing license solely for the purpose of inspecting,
2973 servicing, repairing, marking, recharging, and maintaining fire
2974 extinguishers used and located on the premises of and owned by
2975 such organization or entity.

2976 5. The applicant has a current retestor identification
2977 number that is appropriate for the license for which the
2978 applicant is applying and that is listed with the United States
2979 Department of Transportation.

2980 6. The applicant has passed, with a grade of at least 70
2981 percent, a written examination testing his or her knowledge of
2982 the rules and statutes regulating the activities authorized by
2983 the license and demonstrating his or her knowledge and ability
2984 to perform those tasks in a competent, lawful, and safe manner.
2985 Such examination shall be developed and administered by the
2986 State Fire Marshal, or his or her designee in accordance with
2987 policies and procedures of the State Fire Marshal. An applicant

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2988 shall pay a nonrefundable examination fee of \$50 for each
2989 examination or reexamination scheduled. No reexamination shall
2990 be scheduled sooner than 30 days after any administration of an
2991 examination to an applicant. No applicant shall be permitted to
2992 take an examination for any level of license more than a total
2993 of four times during 1 year, regardless of the number of
2994 applications submitted. As a prerequisite to licensure of the
2995 applicant, he or she:

2996 a. Must be at least 18 years of age.

2997 b. Must have 4 years of proven experience as a fire
2998 equipment permittee at a level equal to or greater than the
2999 level of license applied for or have a combination of education
3000 and experience determined to be equivalent thereto by the State
3001 Fire Marshal. Having held a permit at the appropriate level for
3002 the required period constitutes the required experience.

3003 c. Must not have been convicted of a felony or a crime
3004 punishable by imprisonment of 1 year or more under the law of
3005 the United States or of any state thereof or under the law of
3006 any other country, or pled nolo contendere to, any felony.

3007 "Convicted" means a finding of guilt or the acceptance of a plea
3008 of guilty or nolo contendere in any federal or state court or a
3009 court in any other country, without regard to whether a judgment
3010 of conviction has been entered by the court having jurisdiction
3011 of the case. If an applicant has been convicted of any such
3012 felony, the applicant shall be excluded from licensure for a
3013 period of 4 years after expiration of sentence or final release
3014 by the Parole Commission unless the applicant, before the
3015 expiration of the 4-year period, has received a full pardon or

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3016 has had his or her civil rights restored ~~must comply with s.~~
3017 ~~112.011(1)(b).~~

3018

3019 This subparagraph does not apply to any holder of or applicant
3020 for a permit under paragraph (g)~~(f)~~ or to a business
3021 organization or a governmental entity seeking initial licensure
3022 or renewal of an existing license solely for the purpose of
3023 inspecting, servicing, repairing, marking, recharging,
3024 hydrotesting, and maintaining fire extinguishers used and
3025 located on the premises of and owned by such organization or
3026 entity.

3027 ~~(d) An applicant who fails the examination may take it~~
3028 ~~three more times during the 1-year period after he or she~~
3029 ~~originally filed an application for the examination. If the~~
3030 ~~applicant fails the examination within 1 year after the~~
3031 ~~application date and seeks to retake the examination, he or she~~
3032 ~~must file a new application, pay the application and examination~~
3033 ~~fees, and successfully complete a prescribed training course~~
3034 ~~approved by the State Fire College or an equivalent course~~
3035 ~~approved by the State Fire Marshal. An applicant may not submit~~
3036 ~~a new application within 6 months after the date of his or her~~
3037 ~~last reexamination.~~

3038 (e) A fire equipment dealer licensed under this section
3039 may apply to convert ~~upgrade~~ the license currently held to a
3040 higher licensing category, if the licensed dealer:

3041 1. Submits an application for the license on a form in
3042 conformance with paragraph (c)~~(b)~~. The application must be
3043 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~

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3044 for the type of license requested.

3045 2. Provides evidence of 2 years' experience as a licensed
3046 dealer and meets such relevant educational requirements as are
3047 established by rule by the State Fire Marshal for purposes of
3048 upgrading a license.

3049 3. Meets the requirements of paragraph (d)~~(e)~~.

3050 (f) A fire equipment dealer licensed under this section
3051 may apply to convert the license currently held to a lower
3052 licensing category, if the license dealer:

3053 1. Submits an application for the license on a form in
3054 conformance with paragraph (c). The application must be
3055 accompanied by a fee as prescribed in s. 633.132 for the type of
3056 license requested.

3057 2. Submits proof of insurance providing coverage meeting
3058 the requirements prescribed in subparagraph (d)3.

3059 3. Submits to an inspection of the facility to ensure all
3060 equipment associated with the higher class of license has been
3061 removed and submits the required reinspection fee.

3062 (g) No permit of any class shall be issued or renewed to a
3063 person by the division ~~State Fire Marshal~~, and no permit of any
3064 class shall remain operative, unless the person has:

3065 1. Submitted a nonrefundable examination fee in the amount
3066 of \$50;

3067 2. Successfully completed a training course offered by the
3068 State Fire College or an equivalent course approved by the State
3069 Fire Marshal; and

3070 3. Passed, with a grade of at least 70 percent, a written
3071 examination testing his or her knowledge of the rules and

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3072 statutes regulating the activities authorized by the permit and
3073 demonstrating his or her knowledge and ability to perform those
3074 tasks in a competent, lawful, and safe manner. Such examination
3075 shall be developed and administered by the State Fire Marshal in
3076 accordance with the policies and procedures of the State Fire
3077 Marshal. An examination fee shall be paid for each examination
3078 scheduled. No reexamination shall be scheduled sooner than 30
3079 days after any administration of an examination to an applicant.
3080 No applicant shall be permitted to take an examination for any
3081 level of permit more than four times during 1 year, regardless
3082 of the number of applications submitted. As a prerequisite to
3083 taking the permit examination, the applicant must be at least 16
3084 years of age.

3085 (h) ~~(g)~~ An applicant for a license or permit under this
3086 section who fails the examination may take it three more times
3087 during the 1-year period after he or she originally filed an
3088 application for the examination. If the applicant fails the
3089 examination within 1 year after the application date and he or
3090 she seeks to retake the examination, he or she must file a new
3091 application, pay the application and examination fees, and
3092 successfully complete a prescribed training course offered by
3093 the State Fire College or an equivalent course approved by the
3094 State Fire Marshal. The applicant may not submit a new
3095 application within 6 months after the date of his or her fourth
3096 ~~last~~ reexamination. An applicant who passes the examination but
3097 does not meet the remaining qualifications prescribed by law and
3098 rule within 1 year after the application date must file a new
3099 application, pay the application and examination fee,

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3100 successfully complete a prescribed training course approved by
3101 the State Fire College or an equivalent course approved by the
3102 State Fire Marshal, and pass the written examination.

3103 (5) (a) No one that is being trained shall perform work
3104 requiring a permit unless an individual possessing a valid and
3105 current fire equipment permit for the type of work performed is
3106 physically present. The trainee must:

3107 1. Be 18 years of age.

3108 2. Possess on his or her person at all times a valid
3109 Florida driver's license or a valid state identification card,
3110 issued by the Department of Highway Safety and Motor Vehicles. A
3111 trainee must produce identification to the State Fire Marshal or
3112 his or her designated representative upon demand.

3113 (b) No more than two trainees shall be under the
3114 supervision of a single trainer, who shall be directly
3115 responsible for all work performed by any trainee while under
3116 his or her supervision. No trainee shall perform any work not
3117 within the scope of the license or permit held by the fire
3118 equipment dealer or permittee directly supervising his or her
3119 work.

3120 (6) The State Fire Marshal shall adopt rules providing for
3121 the approval of the time, place, and curriculum of each training
3122 course required by this section.

3123 (7) Every permittee must have a valid and subsisting
3124 permit upon his or her person at all times while engaging in the
3125 servicing, recharging, repairing, testing, inspecting, or
3126 installing of fire extinguishers and preengineered systems, and
3127 every licensee or permittee must be able to produce such license

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3128 or permit upon demand. In addition, every permittee shall at all
3129 times carry an identification card containing his or her
3130 photograph and other identifying information as prescribed by
3131 the State Fire Marshal or the State Fire Marshal's designee,
3132 which shall be produced on demand. The State Fire Marshal shall
3133 supply this card at a fee which shall be related to the cost of
3134 producing the card.

3135 (8) The fees collected for any such licenses and permits
3136 and the filing fees for license and permit examination are
3137 hereby appropriated for the use of the State Fire Marshal in the
3138 administration of this chapter and shall be deposited in the
3139 Insurance Regulatory Trust Fund.

3140 (9) The provisions of this section ~~chapter~~ do not apply to
3141 inspections by fire chiefs, fire inspectors, fire marshals, or
3142 insurance company inspectors.

3143 (10) All fire extinguishers and preengineered systems that
3144 are required by statute or by rule must be serviced, recharged,
3145 repaired, hydrotested, tested, inspected, and installed in
3146 compliance with this chapter and with the rules adopted by the
3147 State Fire Marshal. The State Fire Marshal may adopt by rule the
3148 standards of the National Fire Protection Association and of
3149 other reputable national organizations.

3150 (11) If the licensee leaves the business organization or
3151 dies, the business organization shall immediately notify the
3152 State Fire Marshal of the licensee's departure, shall return the
3153 license to the State Fire Marshal, and shall have a grace period
3154 of 60 days in which to license another person under the
3155 provisions of this chapter, failing which the business shall no

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3156 longer perform those activities for which a license under this
3157 section is required.

3158 Section 37. Section 633.065, Florida Statutes, is
3159 transferred and renumbered as section 633.306, Florida Statutes,
3160 and paragraph (a) of subsection (1) of that section is amended,
3161 to read:

3162 633.306 ~~633.065~~ Requirements for installation, inspection,
3163 and maintenance of fire suppression equipment.—

3164 (1) The requirements for installation of fire
3165 extinguishers and preengineered systems are as follows:

3166 (a) Fire equipment dealers shall be licensed under s.
3167 633.304 ~~633.061~~.

3168 (b) Equipment supplied shall be listed by a nationally
3169 recognized testing laboratory, such as Underwriters
3170 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
3171 Equipment supplied for new installations or alterations of
3172 existing systems must be currently listed as described in this
3173 section. The State Fire Marshal shall adopt by rule procedures
3174 for determining whether a laboratory is nationally recognized,
3175 taking into account the laboratory's facilities, procedures, use
3176 of nationally recognized standards, and any other criteria
3177 reasonably calculated to reach an informed determination.

3178 (c) Equipment shall be installed in accordance with the
3179 applicable standards of the National Fire Protection Association
3180 and the manufacturer's drawings and specifications.

3181 (d) Each piece of equipment supplied shall be guaranteed
3182 for a period of 1 year against defects in material or operation.

3183 (e) The fire equipment dealer shall furnish the consumer

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3184 with: the manufacturer's descriptive literature, including the
3185 specifications and maintenance requirements as approved by the
3186 nationally recognized testing laboratory; the operating
3187 instructions for all equipment installed; the mechanical
3188 drawings and specifications for proper installation and use of
3189 equipment; and a diagram of the final installation, if
3190 applicable.

3191 (2) Equipment shall be inspected, serviced, and maintained
3192 in accordance with the manufacturer's maintenance procedures and
3193 with the applicable National Fire Protection Association
3194 standards.

3195 Section 38. Section 633.071, Florida Statutes, is
3196 transferred and renumbered as section 633.308, Florida Statutes,
3197 and subsection (2) of that section is amended, to read:

3198 633.308 ~~633.071~~ Standard service tag required on all fire
3199 extinguishers and preengineered systems; serial number required
3200 on all portable fire extinguishers; standard inspection tags
3201 required on all fire protection systems.—

3202 (1) The State Fire Marshal shall adopt by rule
3203 specifications as to the size, shape, color, and information and
3204 data contained thereon of service tags to be attached to all
3205 fire extinguishers and preengineered systems required by statute
3206 or by rule, whether they be portable, stationary, or on wheels
3207 when they are placed in service, installed, serviced, repaired,
3208 tested, recharged, or inspected. Fire extinguishers may be
3209 tagged only after meeting all standards as set forth by this
3210 chapter, the standards of the National Fire Protection
3211 Association, and manufacturer's specifications. Preengineered

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3212 systems may be tagged only after a system has been inspected,
3213 serviced, installed, repaired, tested, recharged, and
3214 hydrotested in compliance with this chapter, the standards of
3215 the National Fire Protection Association, and the manufacturer's
3216 specifications, and after a report, as specified by rule, has
3217 been completed in detail, indicating any and all deficiencies or
3218 deviations from the manufacturer's specifications and the
3219 standards of the National Fire Protection Association. A copy of
3220 the inspection report shall be provided to the owner at the time
3221 of inspection, and, if a system is found to be in violation of
3222 this chapter, the manufacturer's specifications, or the
3223 standards of the National Fire Protection Association, a copy
3224 shall be forwarded to the state or local authority having
3225 jurisdiction within 30 days from the date of service. It shall
3226 be unlawful to place in service, service, test, repair, inspect,
3227 install, hydrotest, or recharge any fire extinguisher or
3228 preengineered system without attaching one of these tags
3229 completed in detail, including the actual month work was
3230 performed, or to use a tag not meeting the specifications set
3231 forth by the State Fire Marshal.

3232 (2) All portable fire extinguishers required by statute or
3233 by rule shall be listed by Underwriters Laboratories, Inc., or
3234 approved by Factory Mutual Laboratories, Inc., or listed by a
3235 nationally recognized testing laboratory in accordance with
3236 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and
3237 carry an Underwriters Laboratories, Inc., or manufacturer's
3238 serial number. These listings, approvals, and serial numbers may
3239 be stamped on the manufacturer's identification and instructions

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3240 plate or on a separate Underwriters Laboratories, Inc., or
3241 Factory Mutual Laboratories, Inc., plate soldered or attached to
3242 the extinguisher shell in some permanent manner.

3243 (3) The State Fire Marshal shall adopt by rule
3244 specifications as to the size, shape, color, information, and
3245 data contained thereon of inspection tags to be attached to all
3246 types of fire protection systems and information required on an
3247 inspection report of such an inspection.

3248 Section 39. Section 633.082, Florida Statutes, is
3249 transferred and renumbered as section 633.312, Florida Statutes,
3250 and subsections (2) and (3) of that section are amended, to
3251 read:

3252 633.312 ~~633.082~~ Inspection of fire control systems, fire
3253 hydrants, and fire protection systems.—

3254 (1) The State Fire Marshal shall have the right to inspect
3255 any fire control system during and after construction to
3256 determine that such system meets the standards set forth in the
3257 laws and rules of the state.

3258 (2) Fire hydrants and fire protection systems installed in
3259 public and private properties, except one-family or two-family
3260 dwellings, shall be inspected following procedures established
3261 in the nationally recognized inspection, testing, and
3262 maintenance standards publications NFPA-24 and NFPA-25 as set
3263 forth in the edition adopted by the State Fire Marshal.
3264 Quarterly, annual, 3-year, and 5-year inspections consistent
3265 with the contractual provisions with the owner shall be
3266 conducted by the certificateholder or permittees employed by the
3267 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

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3268 (a) Public fire hydrants owned by a governmental entity
3269 shall be inspected following procedures established in the
3270 inspection, testing, and maintenance standards adopted by the
3271 State Fire Marshal or equivalent standards such as those
3272 contained in the latest edition of the American Water Works
3273 Association's Manual M17, "Installation, Field Testing, and
3274 Maintenance of Fire Hydrants."

3275 (b) County, municipal, and special district utilities may
3276 perform fire hydrant inspections required by this section using
3277 designated employees. Such designated employees need not be
3278 certified under this chapter. However, counties, municipalities,
3279 or special districts that use designated employees are
3280 responsible for ensuring that the designated employees are
3281 qualified to perform such inspections.

3282 (3) The inspecting contractor shall provide to the
3283 building owner or hydrant owner and the local authority having
3284 jurisdiction a copy of the applicable inspection report
3285 established under this chapter. The maintenance of fire hydrant
3286 and fire protection systems as well as corrective actions on
3287 deficient systems is the responsibility of the owner of the
3288 system or hydrant. Equipment requiring periodic testing or
3289 operation to ensure its maintenance shall be tested or operated
3290 as specified in the Fire Prevention Code, Life Safety Code,
3291 National Fire Protection Association standards, or as directed
3292 by the appropriate authority ~~agency having jurisdiction~~,
3293 provided that such appropriate authority ~~agency~~ shall not
3294 require a sprinkler system not required by the Fire Prevention
3295 Code, Life Safety Code, or National Fire Protection Association

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3296 standards to be removed regardless of its condition. This
3297 section does not prohibit governmental entities from inspecting
3298 and enforcing firesafety codes.

3299 (4) At least once each year, each fire hydrant shall be
3300 opened fully and the water allowed to flow until all foreign
3301 materials have cleared the hydrant. The flow shall be maintained
3302 for not less than 1 minute.

3303 (5) If a fire hydrant is made nonfunctional by the closing
3304 of a water supply valve, the valve must immediately be tagged
3305 with a red tag that is boldly marked "nonfunctional" and the
3306 local fire authority notified that the hydrant is nonfunctional.

3307 Section 40. Section 633.083, Florida Statutes, is
3308 transferred and renumbered as section 633.314, Florida Statutes,
3309 and subsection (3) of that section is amended, to read:

3310 633.314 ~~633.083~~ Sale or use of certain types of fire
3311 extinguishers prohibited; penalty.-

3312 (1)(a) It is unlawful to have for use any of the following
3313 types of fire extinguishers:

- 3314 1. Carbon tetrachloride;
- 3315 2. Chlorobromomethane;
- 3316 3. Dibromodifluoromethane (commonly known as Halon 1202);
- 3317 4. Dichlorodifluoromethane;
- 3318 5. Azeotropic chloromethane;
- 3319 6. 1,2 dibromo-2-chloro-1, 1,2 trifluoroethane;
- 3320 7. 1,2 dibromo-2, 2-difluoroethane;
- 3321 8. Methyl bromide;
- 3322 9. Ethylene dibromide;
- 3323 10. Hydrogen bromide;

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- 3324 11. Methylene bromide;
3325 12. Bromodifluoromethane;
3326 13. Any other toxic or poisonous vaporizing liquid fire
3327 extinguishers using extinguishing agents determined by the State
3328 Fire Marshal to be unacceptably harmful; and
3329 14. Inverting water fire extinguishers.

3330 (b) It is unlawful to offer for sale, sell, or give in
3331 this state any of the types of fire extinguishers listed in
3332 paragraph (a).

3333 (2) It is unlawful for any person, directly or through an
3334 agent, to sell, offer for sale, or give in this state any make,
3335 type, or model of fire extinguisher, either new or used, unless
3336 such make, type, or model of extinguisher has first been tested
3337 and is currently approved or listed by Underwriters
3338 Laboratories, Inc., Factory Mutual Laboratories, Inc., or
3339 another testing laboratory recognized by the State Fire Marshal
3340 as nationally recognized in accordance with procedures adopted
3341 by rule, taking into account the laboratory's facilities,
3342 procedures, use of nationally recognized standards, and any
3343 other criteria reasonably calculated to reach an informed
3344 determination, and unless such extinguisher carries an
3345 Underwriters Laboratories, Inc., or manufacturer's serial
3346 number. Such serial number shall be permanently stamped on the
3347 manufacturer's identification and instruction plate.

3348 (3) A person who violates any of the provisions of this
3349 section commits ~~is guilty of~~ a misdemeanor of the second degree,
3350 punishable as provided in s. 775.082 or s. 775.083.

3351 Section 41. Section 633.162, Florida Statutes, is

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3352 transferred and renumbered as section 633.316, Florida Statutes,
3353 and subsection (1) and paragraph (e) of subsection (4) of that
3354 section are amended, to read:

3355 633.316 ~~633.162~~ Fire suppression system contractors;
3356 disciplinary action.—

3357 (1) The violation of any provision of this chapter or any
3358 rule adopted and promulgated pursuant hereto or the failure or
3359 refusal to comply with any notice or order to correct a
3360 violation or any cease and desist order by any person who
3361 possesses a license or permit issued pursuant to s. 633.304
3362 ~~633.061~~ is cause for denial, nonrenewal, revocation, or
3363 suspension of such license or permit by the State Fire Marshal
3364 after such officer has determined that the person is guilty of
3365 such violation. An order of suspension shall state the period of
3366 time of such suspension, which period may not be in excess of 2
3367 years from the date of such order. An order of revocation may be
3368 entered for a period not exceeding 5 years. Such orders shall
3369 effect suspension or revocation of all licenses or permits
3370 issued by the division to ~~then held by~~ the person, and during
3371 such period of time no license or permit shall be issued by the
3372 division to such person. During the suspension or revocation of
3373 any license or permit, the former licensee or permittee shall
3374 not engage in or attempt or profess to engage in any transaction
3375 or business for which a license or permit is required under this
3376 chapter or directly or indirectly own, control, or be employed
3377 in any manner by any firm, business, or corporation for which a
3378 license or permit under this chapter is required. If, during the
3379 period between the beginning of proceedings and the entry of an

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3380 order of suspension or revocation by the State Fire Marshal, a
3381 new license or permit has been issued by the division to the
3382 person so charged, the order of suspension or revocation shall
3383 operate to suspend or revoke such new license or permit held by
3384 such person.

3385 (2) The department shall not, so long as the revocation or
3386 suspension remains in effect, grant any new license or permit
3387 for the establishment of any new firm, business, or corporation
3388 of any person or qualifier that has or will have the same or
3389 similar management, ownership, control, employees, permittees,
3390 or licensees, or will use a same or similar name as a previously
3391 revoked or suspended firm, business, corporation, person, or
3392 qualifier.

3393 (3) The State Fire Marshal may deny, nonrenew, suspend, or
3394 revoke the license or permit of:

3395 (a) Any person, firm, or corporation the license of which
3396 under this chapter has been suspended or revoked;

3397 (b) Any firm or corporation if an officer, qualifier,
3398 director, stockholder, owner, or person interested directly or
3399 indirectly in the firm or corporation has had his or her license
3400 or permit under this chapter suspended or revoked; or

3401 (c) Any person who is or has been an officer, qualifier,
3402 director, stockholder, or owner of a firm or corporation, or who
3403 was interested directly or indirectly in a firm or corporation,
3404 the license or permit of which has been suspended or revoked
3405 under this chapter.

3406 (4) In addition to the grounds set forth in subsection
3407 (1), it is cause for denial, nonrenewal, revocation, or

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3408 suspension of a license or permit by the State Fire Marshal if
3409 she or he determines that the licensee or permittee has:

3410 (a) Rendered inoperative a fire extinguisher or
3411 preengineered system required by statute or by rule, except
3412 during such time as the extinguisher or preengineered system is
3413 being inspected, serviced, repaired, hydrotested, or recharged,
3414 or except pursuant to court order.

3415 (b) Falsified any record required to be maintained by this
3416 chapter or rules adopted pursuant hereto.

3417 (c) Improperly serviced, recharged, repaired, hydrotested,
3418 tested, or inspected a fire extinguisher or preengineered
3419 system.

3420 (d) While holding a permit or license, allowed another
3421 person to use the permit number or license number, or used a
3422 license number or permit number other than her or his valid
3423 license number or permit number.

3424 (e) Failed to provide proof of insurance to the State Fire
3425 Marshal or failed to maintain in force the insurance coverage
3426 required by s. 633.304 ~~633.061~~.

3427 (f) Failed to obtain, retain, or maintain one or more of
3428 the qualifications for a license or permit as specified in this
3429 chapter.

3430 (g) Made a material misstatement or ~~misrepresentation~~ or
3431 committed a fraud in obtaining or attempting to obtain a license
3432 or permit.

3433 (h) Failed to notify the State Fire Marshal, in writing,
3434 within 30 days after a change of residence, principal business
3435 address, or name.

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3436 (5) In addition, the department shall not issue a new
3437 license or permit if it finds that the circumstance or
3438 circumstances for which the license or permit was previously
3439 revoked or suspended still exist or are likely to recur.

3440 Section 42. Section 633.521, Florida Statutes, is
3441 transferred and renumbered as section 633.318, Florida Statutes,
3442 and subsection (1), paragraph (a) of subsection (2), paragraphs
3443 (c) and (g) of subsection (3), and subsections (4), (8), and
3444 (11) of that section are amended, to read:

3445 633.318 ~~633.521~~ Certificate application and issuance;
3446 permit issuance; examination and investigation of applicant.-

3447 (1) To obtain a fire protection system contractor's
3448 certificate, an applicant shall submit to the division State
3449 ~~Fire Marshal~~ an application in writing, on a form provided by
3450 the division State ~~Fire Marshal~~ containing the information
3451 prescribed, which shall be accompanied by the fee fixed herein,
3452 containing a statement that the applicant desires the issuance
3453 of a certificate and stating the class of certificate requested.

3454 (2) (a) Examinations shall be administered by the division
3455 ~~State Fire Marshal~~ and held at times and places within the state
3456 as the division State ~~Fire Marshal~~ determines, but there shall
3457 be at least two examinations a year. Each applicant shall take
3458 and pass an objective, written examination of her or his fitness
3459 for a certificate in the class for which the application is
3460 requested. There shall be a type of examination for each class
3461 of certificate for contractors as of the classes of certificates
3462 defined in s. 633.102(3) ~~633.021(5)~~. The examination shall test
3463 the applicant's ability to lay out, fabricate, install, alter,

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3464 repair, and inspect fire protection systems and their
3465 appurtenances and shall test the applicant's fitness in business
3466 and financial management. The test shall be based on applicable
3467 standards of the National Fire Protection Association and on
3468 relevant Florida and federal laws pertaining to the construction
3469 industry, safety standards, administrative procedures, and
3470 pertinent technical data.

3471 (b) A passing grade on the examination is 70 percent, and
3472 such examinations may be developed by an independent
3473 professional testing agency. The tests shall be prepared,
3474 administered, and scored in compliance with generally accepted
3475 professional testing standards.

3476 (c) The division shall solicit suggestions from affected
3477 persons regarding the content of examinations.

3478 (d) A reexamination may not be scheduled sooner than 30
3479 days after any administration of an examination to an applicant.

3480 (e) An applicant may not be examined more than four times
3481 during 1 year for certification as a contractor pursuant to this
3482 section unless the person is or has been certified and is taking
3483 the examination to change classifications. If an applicant does
3484 not pass one or more parts of the examination, she or he may
3485 take any part of the examination three more times during the 1-
3486 year period beginning upon the date she or he originally filed
3487 an application to take the examination. If the applicant does
3488 not pass the examination within that 1-year period, she or he
3489 must file a new application and pay the application and
3490 examination fees in order to take the examination or a part of
3491 the examination again. However, the applicant may not file a new

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3492 application sooner than 6 months after the date of her or his
3493 last examination. An applicant who passes the examination but
3494 does not meet the remaining qualifications as provided in
3495 applicable statutes and rules within 1 year after the
3496 application date must file a new application, pay the
3497 application and examination fee, successfully complete a
3498 prescribed training course approved by the State Fire College or
3499 an equivalent course approved by the State Fire Marshal, and
3500 retake and pass the written examination.

3501 (3) (a) As a prerequisite to taking the examination for
3502 certification as a Contractor I, the applicant must be at least
3503 18 years of age, be of good moral character, and possess 4
3504 years' proven experience in the employment of a fire protection
3505 system Contractor I or a combination of equivalent education and
3506 experience in both water-based and chemical fire suppression
3507 systems.

3508 (b) As a prerequisite to taking the examination for
3509 certification as a Contractor II, the applicant must be at least
3510 18 years of age, be of good moral character, and have 4 years of
3511 verifiable employment experience with a fire protection system
3512 as a Contractor I or Contractor II, or a combination of
3513 equivalent education and experience in water-based fire
3514 suppression systems.

3515 (c) Required education and experience for certification as
3516 a Contractor I, Contractor II, Contractor III, or Contractor IV
3517 includes training and experience in both installation and system
3518 layout as defined in s. 633.102 ~~633.021~~.

3519 (d) As a prerequisite to taking the examination for

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3520 certification as a Contractor III, the applicant must be at
3521 least 18 years of age, be of good moral character, and have 4
3522 years of verifiable employment experience with a fire protection
3523 system as a Contractor I or Contractor II, or a combination of
3524 equivalent education and experience in chemical fire suppression
3525 systems.

3526 (e) As a prerequisite to taking the examination for
3527 certification as a Contractor IV, the applicant must be at least
3528 18 years old, be of good moral character, be licensed as a
3529 certified plumbing contractor under chapter 489, and
3530 successfully complete a training program acceptable to the State
3531 Fire Marshal of not less than 40 contact hours regarding the
3532 applicable installation standard used by the Contractor IV as
3533 described in NFPA 13D. The State Fire Marshal may adopt rules to
3534 administer this subsection.

3535 (f) As a prerequisite to taking the examination for
3536 certification as a Contractor V, the applicant must be at least
3537 18 years old, be of good moral character, and have been licensed
3538 as a certified underground utility and excavation contractor or
3539 certified plumbing contractor pursuant to chapter 489, have
3540 verification by an individual who is licensed as a certified
3541 utility contractor or certified plumbing contractor pursuant to
3542 chapter 489 that the applicant has 4 years' proven experience in
3543 the employ of a certified underground utility and excavation
3544 contractor or certified plumbing contractor, or have a
3545 combination of education and experience equivalent to 4 years'
3546 proven experience in the employ of a certified underground
3547 utility and excavation contractor or certified plumbing

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3548 contractor.

3549 (g) Within 30 days after the date of the examination, the
3550 division State Fire Marshal shall inform the applicant in
3551 writing whether she or he has qualified or not and, if the
3552 applicant has qualified, that she or he is eligible ~~ready~~ to be
3553 issued ~~issue~~ a certificate of competency, subject to compliance
3554 with the requirements of subsection (4).

3555 (4) As a prerequisite to issuance of a certificate, the
3556 division State Fire Marshal shall require the applicant to
3557 submit satisfactory evidence that she or he has obtained
3558 insurance providing coverage for comprehensive general liability
3559 for bodily injury and property damages, products liability,
3560 completed operations, and contractual liability. The division
3561 ~~State Fire Marshal~~ may adopt rules providing for the amount of
3562 insurance, but such amount shall not be less than \$500,000 for a
3563 Contractor I, Contractor II, Contractor III, or Contractor V and
3564 shall not be less than \$250,000 for a Contractor IV. An insurer
3565 that ~~which~~ provides such coverage shall notify ~~within 30 days~~
3566 the division State Fire Marshal of any material change in
3567 coverage or any termination, cancellation, or nonrenewal of such
3568 coverage within 30 days of the change in coverage or
3569 termination, cancellation, or nonrenewal of such coverage. An
3570 insurer that ~~which~~ fails to so notify the division State Fire
3571 ~~Marshal's office~~ shall be subject to the penalties provided
3572 under s. 624.4211.

3573 (5) Upon satisfaction of the requirements of subsections
3574 (1), (2), (3), and (4), the certificate shall be issued
3575 forthwith. However, no certificate shall remain in effect if,

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3576 after issuance, the certificateholder fails to maintain the
3577 insurance coverage required by this section.

3578 (6) If an applicant for an original certificate, after
3579 having been notified to do so, does not appear for examination
3580 or does not pass the examination within 1 year from the date of
3581 filing her or his application, the fee paid by the applicant
3582 shall be forfeited. New applications for a certificate shall be
3583 accompanied by another application fee fixed by this chapter.

3584 (7) The State Fire Marshal may, at any time subsequent to
3585 the issuance of the certificate or its renewal, require, upon
3586 demand and in no event more than 30 days after notice of the
3587 demand, the certificateholder to provide proof of insurance
3588 coverage on a form provided by the State Fire Marshal containing
3589 confirmation of insurance coverage as required by this chapter.
3590 Failure to provide proof of insurance coverage as required, for
3591 any length of time, shall result in the immediate suspension of
3592 the certificate until proof of insurance is provided to the
3593 State Fire Marshal.

3594 (8) An individual employed by a Contractor I or Contractor
3595 II certificateholder, as established in this section, who will
3596 be inspecting water-based fire protection systems as required
3597 under s. 633.312 ~~633.082~~, must be issued a permit by the
3598 division ~~State Fire Marshal~~ to conduct such work. The permit is
3599 valid solely for use by the holder thereof in his or her
3600 employment by the certificateholder named in the permit. A
3601 permittee must have a valid and subsisting permit upon his or
3602 her person at all times while engaging in inspecting fire
3603 protection systems, and a permitholder must be able to produce

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3604 such a permit upon demand. In addition, a permittee shall, at
3605 all times while performing inspections, carry an identification
3606 card containing his or her photograph and other identifying
3607 information as prescribed by the State Fire Marshal, and the
3608 permittee must produce the identification card and information
3609 upon demand. The permit and the identification may be one and
3610 the same. A permittee is limited as to the specific type of work
3611 performed, depending upon the class of certificate held by the
3612 certificateholder under whom the permittee is working. The
3613 permit class shall be known as a Water-Based Fire Protection
3614 Inspector whose permit allows the holder to inspect water
3615 sprinkler systems, water spray systems, foam-water sprinkler
3616 systems, foam-water spray systems, standpipes, combination
3617 standpipes and sprinkler systems, all piping that is an integral
3618 part of the system beginning at the point where the piping is
3619 used exclusively for fire protection, sprinkler tank heaters,
3620 air lines, thermal systems used in connection with sprinklers,
3621 and tanks and pumps connected thereto, excluding preengineered
3622 systems.

3623 (9) It is the intent of the Legislature that the
3624 inspections and testing of automatic fire sprinkler systems for
3625 detached one-family dwellings, detached two-family dwellings,
3626 and mobile homes be accomplished by the owner, who is
3627 responsible for requesting service from a contractor when
3628 necessary. It is further intended that the NFPA-25 inspection of
3629 exposed underground piping and any attached appurtenances
3630 supplying a fire protection system be conducted by a Contractor
3631 I or Contractor II.

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3632 (10) The State Fire Marshal shall require the National
3633 Institute of Certification in Engineering Technologies (NICET),
3634 Sub-field of Inspection and Testing of Fire Protection Systems
3635 Level II or equivalent training and education as determined by
3636 the division as proof that the permitholders are knowledgeable
3637 about nationally accepted standards for the inspection of fire
3638 protection systems.

3639 (11) It is intended that a certificateholder, or a
3640 permitholder who is employed by a certificateholder, conduct
3641 inspections required by this chapter. It is understood that
3642 after July 1, 2008, employee turnover may result in a depletion
3643 of personnel who are certified under the NICET Sub-field of
3644 Inspection and Testing of Fire Protection Systems Level II or
3645 equivalent training and education as required by the division ~~of~~
3646 ~~State Fire Marshal~~. A certificateholder may obtain a provisional
3647 permit with an endorsement for inspection, testing, and
3648 maintenance of water-based fire extinguishing systems for an
3649 employee if the employee has initiated procedures for obtaining
3650 Level II certification from the National Institute for
3651 Certification in Engineering Technologies Sub-field of
3652 Inspection and Testing of Fire Protection Systems and achieved
3653 Level I certification or an equivalent level as determined by
3654 the State Fire Marshal through verification of experience,
3655 training, and examination. The division ~~State Fire Marshal~~ may
3656 establish rules to administer this subsection. After 2 years of
3657 provisional certification, the employee must have achieved NICET
3658 Level II certification or obtain equivalent training and
3659 education as determined by the division, or cease performing

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3660 inspections requiring Level II certification. The provisional
3661 permit is valid only for the 2 calendar years after the date of
3662 issuance, may not be extended, and is not renewable. After the
3663 initial 2-year provisional permit expires, the certificateholder
3664 must wait 2 additional years before a new provisional permit may
3665 be issued. The intent is to prohibit the certificateholder from
3666 using employees who never reach NICET Level II status, or
3667 equivalent training and education as determined by the division,
3668 by continuously obtaining provisional permits.

3669 Section 43. Section 633.551, Florida Statutes, is
3670 transferred and renumbered as section 633.322, Florida Statutes,
3671 and subsections (1), (2), and (3) of that section are amended,
3672 to read:

3673 633.322 ~~633.551~~ County and municipal powers; effect of ch.
3674 75-240.—

3675 (1) Nothing in this chapter act limits the power of a
3676 municipality, ~~or county,~~ or special district to regulate the
3677 quality and character of work performed by contractors through a
3678 system of permits, fees, and inspections which are designed to
3679 secure compliance with, and aid in the implementation of, state
3680 and local building laws or to enforce other local laws for the
3681 protection of the public health and safety.

3682 (2) Nothing in this chapter act limits the power of a
3683 municipality, ~~or county,~~ or special district to adopt any system
3684 of permits requiring submission to and approval by the
3685 municipality, ~~or county,~~ or special district of plans and
3686 specifications for work to be performed by contractors before
3687 commencement of the work, except that no municipality or county

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3688 shall require a fire protection system contractor's shop
3689 drawings to be sealed by a professional engineer.

3690 (3) Any official authorized to issue building or other
3691 related permits shall ascertain that the applicant contractor is
3692 duly certified before issuing the permit. The evidence shall
3693 consist only of the exhibition to him or her of ~~current~~ evidence
3694 of current certification.

3695 (4) The State Fire Marshal shall inform each county and
3696 municipal building department, prior to November 1 of each year,
3697 of the names of the certified contractors and the type of
3698 certificate held.

3699 Section 44. Section 633.527, Florida Statutes, is
3700 transferred and renumbered as section 633.324, Florida Statutes.

3701 Section 45. Section 633.531, Florida Statutes, is
3702 transferred and renumbered as section 633.326, Florida Statutes.

3703 Section 46. Section 633.534, Florida Statutes, is
3704 transferred and renumbered as section 633.328, Florida Statutes,
3705 and subsection (4) of that section is amended, to read:

3706 633.328 ~~633.534~~ Issuance of certificate to individuals and
3707 business organizations.-

3708 (1) When an individual proposes to do business in her or
3709 his own name, certifications, when granted, shall be issued only
3710 to that individual.

3711 (2) If the applicant proposing to engage in contracting is
3712 a business organization, such as a partnership, corporation,
3713 business trust, or other legal entity, the application shall
3714 state the name of the partnership and its partners, the name of
3715 the corporation and its officers and directors, the name of the

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3716 business trust and its trustees, or the name of such other legal
3717 entity and its members and shall furnish evidence of statutory
3718 compliance if a fictitious name is used. Such application shall
3719 also show that the person applying for the examination is an
3720 employee of and is legally qualified to act for the business
3721 organization in all matters connected with its contracting
3722 business and that she or he has authority to supervise and will
3723 supervise any construction undertaken by such business
3724 organization. The certification, when issued upon application of
3725 a business organization, shall be in the name of such business
3726 organization, and the name of the qualifying individual or
3727 individuals shall be noted thereon.

3728 (3) (a) At least one member or supervising employee of the
3729 business organization as designated to the State Fire Marshal by
3730 such organization shall be certified under this chapter in order
3731 for the business organization to hold a current certificate as a
3732 contractor. If any individual so certified on behalf of such
3733 business organization ceases to be affiliated with such business
3734 organization, she or he shall inform the State Fire Marshal as
3735 provided in paragraph (b). A certified individual who is the
3736 sole contractor on behalf of a business organization may not
3737 affiliate simultaneously with another business organization. In
3738 addition, if such individual was the only certified individual
3739 affiliated with the business organization, the business
3740 organization shall immediately notify the State Fire Marshal of
3741 the individual's termination and shall have a grace period of 60
3742 days from the date of termination in which to certify another
3743 person under the provisions of this chapter, failing which the

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3744 certification of the business organization shall expire without
3745 further operation of law.

3746 (b) The certified individual shall also inform the State
3747 Fire Marshal in writing when she or he proposes to engage in
3748 contracting in her or his own name or to affiliate with another
3749 business organization, and she or he or such new business
3750 organization shall supply the same information to the State Fire
3751 Marshal as is required of applicants under this chapter. Each
3752 certified individual must pay to the department an amount equal
3753 to the original fee for certification of a new business entity.

3754 (c) In the event of the death of a sole proprietor or in
3755 the event that a business organization has only one
3756 certificateholder and that person dies, the individual's estate
3757 or personal representative or the business organization, as the
3758 case may be, shall immediately notify the State Fire Marshal of
3759 the individual's death and shall have a grace period of 60 days
3760 from the date of death in which to certify another person under
3761 the provisions of this chapter, failing which the certification
3762 of the business organization shall expire without further
3763 operation of law.

3764 (4) When the certified business organization makes
3765 application for an occupational license in any municipality or
3766 county of this state, the application shall be made with the tax
3767 collector in the name of the business organization, and the
3768 license, when issued, shall be issued to the business
3769 organization upon payment of the appropriate licensing fee and
3770 exhibition to the tax collector of a valid certificate issued by
3771 the division ~~State Fire Marshal~~.

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3772 Section 47. Section 633.537, Florida Statutes, is
3773 transferred and renumbered as section 633.332, Florida Statutes,
3774 and subsections (1) and (2) and paragraph (a) of subsection (3)
3775 are amended, to read:

3776 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive
3777 certificate; continuing education.—

3778 (1) Certificates shall expire every 2 years at midnight on
3779 June 30. ~~Effective with the June 30, 1998, renewal,~~ All
3780 certificates must be renewed every 2 years. The failure to renew
3781 a certificate before ~~during~~ June 30, shall cause the certificate
3782 to become inoperative, and it is unlawful thereafter for any
3783 person to engage, offer to engage, or hold herself or himself
3784 out as engaging in contracting under the certificate unless the
3785 certificate is restored or reissued. A certificate which is
3786 inoperative because of failure to renew shall be restored on
3787 payment of the proper renewal fee if the application for
3788 restoration is made within 90 days after June 30. If the
3789 application for restoration is not made within the 90-day
3790 period, the fee for restoration shall be equal to the original
3791 application fee, and, in addition, the State Fire Marshal shall
3792 require examination or reexamination of the applicant.

3793 (2) A person who holds a valid certificate may maintain
3794 such certificate in an inactive status during which time she or
3795 he may not engage in contracting. An inactive status certificate
3796 shall be void after a 2-year period. ~~The biennial renewal fee~~
3797 ~~for an inactive status certificate shall be \$75.~~ An inactive
3798 status certificate may be reactivated upon application to the
3799 State Fire Marshal and payment of the initial application fee.

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3800 (3) (a) A certificate for the Contractor I, II, and III
3801 classifications as defined in this chapter shall not be renewed
3802 unless the certificateholder produces documentation of at least
3803 32 contact hours of continuing education in the fire protection
3804 discipline during the biennial licensure period. Holders of
3805 Contractor IV certificates are required to obtain 14 contact
3806 hours of continuing education encompassing the appropriate
3807 National Fire Protection Association fire sprinkler documents
3808 prior to renewal. Holders of Contractor V certificates are
3809 required to obtain 14 contact hours of continuing education
3810 prior to renewal, at least 1 hour of which is in the fire
3811 protection discipline. Any continuing education hours approved
3812 pursuant to chapter 489 by the Construction Industry Licensing
3813 Board for underground utility and excavation contractors shall
3814 be considered as also approved to comply with Contractor V
3815 continuing education requirements. A Contractor V
3816 certificateholder shall provide to the State Fire Marshal
3817 evidence of approval of such coursework by the Construction
3818 Industry Licensing Board.

3819 (b) Any continuing education hours approved by the
3820 department for a Contractor I, Contractor II, Contractor III,
3821 Contractor IV, or Contractor V certificateholder shall be
3822 considered as also approved to comply with continuing education
3823 requirements for licensees under the Construction Industry
3824 Licensing Board. Such continuing education requirements under
3825 this section may include seminars and conferences if the program
3826 and subject thereof is acceptable to the State Fire Marshal.

3827 (c) The contact hours of continuing education must be

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3828 obtained within the licensure period.

3829 (4) The renewal period for the permit class is the same as
3830 that for the employing certificateholder. The continuing
3831 education requirements for permitholders are what is required to
3832 maintain NICET Sub-field of Inspection and Testing of Fire
3833 Protection Systems Level II, equivalent training and education
3834 as determined by the division, or higher certification plus 8
3835 contact hours of continuing education approved by the State Fire
3836 Marshal during each biennial renewal period thereafter. It is
3837 the responsibility of the permitholder to maintain NICET II
3838 certification or equivalent training and education as determined
3839 by the division as a condition of permit renewal after July 1,
3840 2008.

3841 Section 48. Section 633.539, Florida Statutes, is
3842 transferred and renumbered as section 633.334, Florida Statutes,
3843 and paragraph (a) of subsection (1), subsection (2), and
3844 subsection (4) of that section are amended, to read:

3845 633.334 ~~633.539~~ Requirements for installation, inspection,
3846 and maintenance of fire protection systems.—

3847 (1) The requirements for installation of fire protection
3848 systems are as follows:

3849 (a) Contractors of fire protection systems shall be
3850 certified under s. 633.318 ~~633.521~~.

3851 (b) Equipment shall be listed by a nationally recognized
3852 testing laboratory, such as Underwriters Laboratories, Inc., or
3853 Factory Mutual Laboratories, Inc., or shall comply with
3854 nationally accepted standards. The State Fire Marshal shall
3855 adopt by rule procedures for determining whether a laboratory is

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3856 nationally recognized, taking into account the laboratory's
3857 facilities, procedures, use of nationally recognized standards,
3858 and any other criteria reasonably calculated to reach an
3859 informed determination.

3860 (c) Equipment shall be installed in accordance with the
3861 applicable standards of the National Fire Protection Association
3862 and the manufacturer's specifications.

3863 (d) Each piece of equipment supplied shall be guaranteed
3864 for a period of 1 year against defects in material or
3865 operations.

3866 (e) The contractor shall furnish the user with operating
3867 instructions for all equipment installed, together with a
3868 diagram of the final installation.

3869 (2) Equipment shall be inspected, serviced, and maintained
3870 in accordance with the manufacturer's maintenance procedures and
3871 with applicable National Fire Protection Association standards.
3872 The inspection of fire protection systems shall be conducted by
3873 a certificateholder or holder of a permit issued by the division
3874 ~~State Fire Marshal~~. The permitholder may perform inspections on
3875 fire protection systems only while employed by the
3876 certificateholder. This section does not prohibit the authority
3877 having jurisdiction or insurance company representatives from
3878 reviewing the system in accordance with acceptable oversight
3879 standards.

3880 (3) For contracts written after June 30, 2005, the
3881 contractor who installs the underground piping from the point of
3882 service is responsible for completing the installation to the
3883 aboveground connection flange, which by definition in this

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3884 chapter is no more than 1 foot above the finished floor, before
3885 completing the Contractor's Material and Test Certificate for
3886 Underground Piping document. Aboveground contractors may not
3887 complete the Contractor's Material and Test Certificate for
3888 Underground Piping document for underground piping or portions
3889 thereof which have been installed by others.

3890 (4) The Contractor V may install the cross-connection
3891 backflow prevention device as defined in this chapter on new
3892 installations following the engineer of record's direction on
3893 type and size of the device. The retrofitting of a backflow
3894 device on an existing fire protection system will cause a
3895 reduction in available water pressure and probable system
3896 malfunction. The development of aboveground fire protection
3897 system hydraulic calculations is a task of the Contractor I and
3898 II, as defined in this chapter. Accordingly, a Contractor V is
3899 expressly prohibited from retrofitting cross-connection backflow
3900 prevention devices on an existing fire protection system, and
3901 only a Contractor I or Contractor II who is tasked to
3902 recalculate the system and take corrective actions to ensure
3903 that the system will function with the available water supply
3904 may retroactively install these backflow devices on existing
3905 fire protection systems.

3906 Section 49. Section 633.541, Florida Statutes, is
3907 transferred and renumbered as section 633.336, Florida Statutes,
3908 and subsections (1), (3), and (4) of that section are amended,
3909 to read:

3910 633.336 ~~633.541~~ Contracting without certificate
3911 prohibited; violations; penalty.-

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3912 (1) It is unlawful for any organization or individual to
3913 engage in the business of layout, fabrication, installation,
3914 inspection, alteration, repair, or service of a fire protection
3915 system, other than a preengineered system, act in the capacity
3916 of a fire protection contractor, or advertise itself as being a
3917 fire protection contractor without having been duly certified
3918 and holding a valid and existing certificate, except as
3919 hereinafter provided. The holder of a certificate used to
3920 qualify an organization must be a full-time employee of the
3921 qualified organization or business. A certificateholder who is
3922 employed by more than one fire protection contractor during the
3923 same period of time is deemed not to be a full-time employee of
3924 either contractor. The State Fire Marshal shall revoke, for a
3925 period of time determined by the State Fire Marshal, the
3926 certificate of a certificateholder who allows the use of the
3927 certificate to qualify a company of which the certificateholder
3928 is not a full-time employee. A contractor who maintains more
3929 than one place of business must employ a certificateholder at
3930 each location. Nothing in this subsection prohibits an employee
3931 acting on behalf of governmental entities from inspecting and
3932 enforcing firesafety codes, provided such employee is certified
3933 under s. 633.216 ~~633.081~~.

3934 (2) A fire protection contractor certified under this
3935 chapter may not:

3936 (a) Enter into a written or oral agreement to authorize,
3937 or otherwise knowingly allow, a contractor who is not certified
3938 under this chapter to engage in the business of, or act in the
3939 capacity of, a fire protection contractor.

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3940 (b) Apply for or obtain a construction permit for fire
3941 protection work unless the fire protection contractor or the
3942 business organization qualified by the fire protection
3943 contractor has contracted to conduct the work specified in the
3944 application for the permit.

3945 (3) Any person who violates any provision of this act or
3946 commits any of the acts constituting cause for disciplinary
3947 action as herein set forth commits ~~is guilty of~~ a misdemeanor of
3948 the second degree, punishable as provided in s. 775.082 or s.
3949 775.083.

3950 (4) In addition to the penalties provided in subsection
3951 (3), a fire protection contractor certified under this chapter
3952 who violates any provision of this section or who commits any
3953 act constituting cause for disciplinary action is subject to
3954 suspension or revocation of the certificate and administrative
3955 fines pursuant to s. 633.338 ~~633.547~~.

3956 Section 50. Section 633.547, Florida Statutes, is
3957 transferred and renumbered as section 633.338, Florida Statutes,
3958 and paragraphs (d) and (h) of subsection (2) and subsections (3)
3959 and (4) of that section are amended, to read:

3960 633.338 ~~633.547~~ Disciplinary action; fire protection
3961 system contractors; grounds for denial, nonrenewal, suspension,
3962 or revocation of certificate or permit.—

3963 (1) The State Fire Marshal shall investigate the alleged
3964 illegal action of any fire protection system contractor or
3965 permittee certified under this chapter and hold hearings
3966 pursuant to chapter 120.

3967 (2) The following acts constitute cause for disciplinary

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3968 action:

3969 (a) Violation of any provision of this chapter or of any
3970 rule adopted pursuant thereto.

3971 (b) Violation of the applicable building codes or laws of
3972 this state or any municipality or county thereof.

3973 (c) Diversion of funds or property received for
3974 prosecution or completion of a specified construction project or
3975 operation when, as a result of the diversion, the contractor is,
3976 or will be, unable to fulfill the terms of her or his obligation
3977 or contract.

3978 (d) Disciplinary action by any municipality, ~~or~~ county, or
3979 special district, which action shall be reviewed by the State
3980 Fire Marshal before taking any disciplinary action.

3981 (e) Failure to supervise the installation of the fire
3982 protection system covered by the building permit signed by the
3983 contractor.

3984 (f) Rendering a fire protection system, standpipe system,
3985 or underground water supply main connecting to the system
3986 inoperative except when the fire protection system, standpipe
3987 system, or underground water supply main is being inspected,
3988 serviced, tested, or repaired, or except pursuant to court
3989 order.

3990 (g) Improperly servicing, repairing, testing, or
3991 inspecting a fire protection, standpipe system, or underground
3992 water supply main connecting to the system.

3993 (h) Failing to provide proof of insurance to the State
3994 Fire Marshal or failing to maintain in force the insurance
3995 coverage required by s. 633.318 ~~633.521~~.

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3996 (i) Failing to obtain, retain, or maintain one or more of
3997 the qualifications for a certificate as specified in this
3998 chapter.

3999 (j) Making a material misstatement, misrepresentation, or
4000 committing a fraud in obtaining or attempting to obtain a
4001 certificate.

4002 (k) Failing to notify the State Fire Marshal, in writing,
4003 within 30 days after a change of residence address, principal
4004 business address, or name.

4005 (3) The State Fire Marshal ~~is authorized to take the~~
4006 ~~following disciplinary action:~~

4007 ~~(a) She or he may suspend the contractor's certificate~~
4008 ~~certificateholder for a period not to exceed 2 years. During~~
4009 ~~that period, the contractor must cease all operations as a~~
4010 ~~contractor, but the State Fire Marshal may authorize the~~
4011 ~~certificateholder from all operations as a contractor during the~~
4012 ~~period fixed by the State Fire Marshal, but she or he may permit~~
4013 ~~the certificateholder to complete any contracts then incomplete.~~

4014 ~~(b) She or he may revoke a certificate for a period not to~~
4015 ~~exceed 5 years.~~

4016 (4) During the suspension or revocation of the
4017 certificate, the former certificateholder shall not engage in or
4018 attempt ~~to profess~~ to engage in any transaction or business for
4019 which a certificate is required under this chapter or directly
4020 or indirectly own, control, or be employed in any manner by any
4021 firm or corporation for which a certificate under this chapter
4022 is required. The department shall not, so long as the revocation
4023 or suspension remains in effect, grant any new certificate for

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4024 the establishment of any new firm, business, or corporation of
4025 any person that has or will have the same or similar management,
4026 ownership, control, or employees or that will use a same or
4027 similar name as a previously revoked or suspended firm,
4028 business, or corporation.

4029 (5) The State Fire Marshal may deny, suspend, or revoke
4030 the certificate of:

4031 (a) Any person, firm, or corporation the certificate of
4032 which under this chapter has been suspended or revoked.

4033 (b) Any firm or corporation if an officer, director,
4034 stockholder, owner, or person interested directly or indirectly
4035 has had his or her certificate under this chapter suspended or
4036 revoked.

4037 (c) Any person who is or has been an officer, director,
4038 stockholder, or owner of a firm or corporation, or who was
4039 interested directly or indirectly in a corporation, the
4040 certificate of which has been suspended or revoked under this
4041 chapter.

4042 (6) The lapse or suspension of a certificate by operation
4043 of law or by order of the State Fire Marshal or a court or its
4044 voluntary surrender by a certificateholder does not deprive the
4045 State Fire Marshal of jurisdiction to investigate or act in
4046 disciplinary proceedings against the certificateholder.

4047 (7) The filing of a petition in bankruptcy, either
4048 voluntary or involuntary, or the making of a composition of
4049 creditors or the appointment of a receiver for the business of
4050 the certificateholder may be considered by the State Fire
4051 Marshal as just cause for suspension of a certificate.

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4052 Section 51. Section 633.549, Florida Statutes, is
4053 transferred and renumbered as section 633.342, Florida Statutes,
4054 and amended to read:

4055 633.342 ~~633.549~~ Violations subject to injunction.—Any
4056 person who operates as a contractor without a current
4057 certificate or who violates any part of this chapter or any
4058 rule, decision, order, direction, demand, or requirement of the
4059 State Fire Marshal in relation thereto, or any part or provision
4060 thereof, may be enjoined by the courts of the state from any
4061 such violation or such unauthorized or unlawful contracting at
4062 the request ~~instance~~ of the State Fire Marshal, the board, or
4063 any citizen or taxpayer of the state.

4064 Section 52. Section 633.554, Florida Statutes, is
4065 transferred and renumbered as section 633.344, Florida Statutes.

4066 Section 53. Section 633.70, Florida Statutes, is
4067 transferred and renumbered as section 633.346, Florida Statutes,
4068 and subsection (1) of that section is amended, to read:

4069 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over
4070 alarm system contractors and certified unlimited electrical
4071 contractors.—

4072 (1) When the State Fire Marshal, in the course of its
4073 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that
4074 an alarm system contractor or a certified unlimited electrical
4075 contractor working with an alarm system has violated any
4076 provision of this chapter or the rules of the State Fire
4077 Marshal, the State Fire Marshal shall have jurisdiction,
4078 notwithstanding any other provision of this chapter, to order
4079 corrective action by the alarm system contractor or the

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4080 certified unlimited electrical contractor to bring the alarm
4081 system into compliance with applicable standards set forth in
4082 this chapter and the rules of the State Fire Marshal.

4083 (2) Any order issued by the State Fire Marshal shall
4084 comply with the provisions of chapter 120 and allow a reasonable
4085 time for corrective action to be completed.

4086 (3) The Department of Business and Professional Regulation
4087 and the Electrical Contractors' Licensing Board may participate,
4088 at their discretion, but not as a party, in any proceedings
4089 relating to corrective action.

4090 (4) The State Fire Marshal shall adopt standards, by rule,
4091 for the installation, maintenance, alteration, repair,
4092 monitoring, inspection, replacement, or servicing of fire alarms
4093 and fire alarm systems.

4094 Section 54. Section 633.701, Florida Statutes, is
4095 transferred and renumbered as section 633.348, Florida Statutes.

4096 Section 55. Section 633.702, Florida Statutes, is
4097 transferred and renumbered as section 633.3482, Florida
4098 Statutes, and subsection (2) and paragraph (c) of subsection (3)
4099 of that section are amended, to read:

4100 633.3482 ~~633.702~~ Prohibited acts regarding alarm system
4101 contractors or certified unlimited electrical contractors;
4102 penalties.—

4103 (1) It shall be unlawful for any person, directly or
4104 through an agent, to sell, offer for sale, or give any make,
4105 type, or model of fire alarm system, either new or used, unless
4106 such make, type, or model has been tested and is currently
4107 approved or listed by a nationally recognized testing

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4108 laboratory.

4109 (2) Any person who violates this section commits ~~is guilty~~
4110 ~~of~~ a misdemeanor of the second degree, punishable as provided in
4111 s. 775.082 or s. 775.083.

4112 (3) It is a misdemeanor of the first degree, punishable as
4113 provided in s. 775.082 or s. 775.083, for any fire alarm system
4114 contractor or certified unlimited electrical contractor to
4115 intentionally or willfully:

4116 (a) Render inoperative any fire alarm system which is
4117 required by the State Fire Marshal's rules, except when the
4118 system is being serviced, tested, repaired, inspected, or
4119 improved.

4120 (b) Improperly install, service, test, repair, improve, or
4121 inspect a fire alarm system.

4122 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~
4123 with any person by allowing one's certificate to be used by any
4124 uncertified person with intent to evade the provisions of this
4125 act. When a licensee allows his or her license to be used by one
4126 or more companies without having any active participation in the
4127 operation or management of said companies, such act constitutes
4128 prima facie evidence of any intent to evade the provisions of
4129 this chapter ~~act~~.

4130 (4) It is a misdemeanor of the first degree, punishable as
4131 provided in s. 775.082 or s. 775.083, for any person to
4132 intentionally or willfully install, service, test, repair,
4133 improve, or inspect a fire alarm system unless:

4134 (a) The person is the holder of a valid and current active
4135 license as a certified unlimited electrical contractor, as

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4136 defined in part II of chapter 489;

4137 (b) The person is the holder of a valid and current active
4138 license as a licensed fire alarm contractor, as defined in part
4139 II of chapter 489;

4140 (c) The person is authorized to act as a fire alarm system
4141 agent pursuant to s. 489.5185; or

4142 (d) The person is exempt pursuant to s. 489.503.

4143 Section 56. Part IV of chapter 633, Florida Statutes,
4144 consisting of sections 633.402, 633.404, 633.406, 633.408,
4145 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
4146 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,
4147 and 633.446, is created and entitled "Fire Standards and
4148 Training."

4149 Section 57. Section 633.31, Florida Statutes, is
4150 transferred and renumbered as subsections (1), (2), (3), and (4)
4151 of section 633.402, Florida Statutes, and subsection (1) of that
4152 section is amended, section 633.32, Florida Statutes, is
4153 transferred and renumbered as subsections (5), (6), (7), and (8)
4154 of that section, and section 633.33, Florida Statutes, is
4155 transferred and renumbered as subsection (9) of that section and
4156 amended, to read:

4157 633.402 ~~633.31~~ Firefighters Employment, Standards, and
4158 Training Council.-

4159 (1) There is created within the department a Firefighters
4160 Employment, Standards, and Training Council of 13 members.

4161 (a) The members shall be appointed as follows:

4162 1. ~~Two members shall be fire chiefs appointed by the~~
4163 Florida Fire Chiefs Association.

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4164 2. Two ~~members shall be~~ firefighters, who are not
4165 officers, appointed by the Florida Professional Firefighters
4166 Association.

4167 3. Two ~~members shall be~~ firefighter officers, who are not
4168 fire chiefs, appointed by the State Fire Marshal.

4169 4. One individual member appointed by the Florida League
4170 of Cities.

4171 5. One individual member appointed by the Florida
4172 Association of Counties.

4173 6. One individual member appointed by the Florida
4174 Association of Special Districts.

4175 7. One individual member appointed by the Florida Fire
4176 Marshals' and Inspectors' ~~Marshal's~~ Association.

4177 8. One employee of the Florida Forest Service of the
4178 Department of Agriculture and Consumer Services appointed by the
4179 director of the Florida Forest Service.

4180 9. One individual member appointed by the State Fire
4181 Marshal.

4182 10. One ~~member shall be~~ a director or instructor of a
4183 state-certified firefighting training facility appointed by the
4184 State Fire Marshal.

4185 (b) To be eligible for appointment as a member under
4186 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
4187 8., or subparagraph 10. ~~fire chief member, firefighter officer~~
4188 ~~member, firefighter member, or a director or instructor of a~~
4189 ~~state-certified firefighting facility,~~ a person must ~~shall~~ have
4190 had at least 4 years' experience in the firefighting profession.
4191 The remaining member, who shall be appointed by the State Fire

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4192 Marshal, shall not be a member or representative of the
4193 firefighting profession or of any local government. Members
4194 shall serve only as long as they continue to meet the criteria
4195 under which they were appointed, or unless a member has failed
4196 to appear at three consecutive and properly noticed meetings
4197 unless excused by the chair.

4198 (2) Members shall be appointed for 4-year terms and in no
4199 event shall a member serve more than two consecutive terms. Any
4200 vacancy shall be filled in the manner of the original
4201 appointment for the remaining time of the term.

4202 (3) The State Fire Marshal, in making her or his
4203 appointments, shall take into consideration representation by
4204 geography, population, and other relevant factors, in order that
4205 the membership on the council will be apportioned to give
4206 representation to the state at large rather than to a particular
4207 area.

4208 (4) Membership on the council shall not disqualify a
4209 member from holding any other public office or being employed by
4210 a public entity, except that no member of the Legislature shall
4211 serve on the council.

4212 ~~633.32 Organization; meetings; quorum; compensation;~~
4213 ~~seal.~~

4214 (5)~~(1)~~ The council shall elect to 1-year terms a chair and
4215 a vice chair. No person shall serve more than two consecutive
4216 terms in either office.

4217 (6)~~(2)~~ The council shall meet at the call of the chair, at
4218 the request of a majority of its membership, at the request of
4219 the department, or at such times as may be prescribed by its

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4220 rules, and a majority of the council shall constitute a quorum.

4221 ~~(7)(3)~~ Members of the council shall serve without
4222 compensation but shall be entitled to be reimbursed for per diem
4223 and travel expenses as provided by s. 112.061.

4224 ~~(8)(4)~~ The council may adopt a seal for its use containing
4225 the words "Firefighters Employment, Standards, and Training
4226 Council."

4227 ~~633.33 Special powers; firefighter training.~~

4228 (9) The council shall have special powers in connection
4229 with the employment and training of firefighters to:

4230 (a)(1) Recommend, for adoption by the division, uniform
4231 minimum standards for the employment and training of
4232 firefighters and training of volunteer firefighters.

4233 (b)(2) Recommend, for adoption by the division, minimum
4234 curriculum requirements for schools operated by or for any fire
4235 service provider ~~employing agency~~ for the specific purpose of
4236 training firefighter trainees, recruits or firefighters, and
4237 volunteer firefighters.

4238 (c)(3) Recommend, for adoption by the division, on matters
4239 relating to the funding, general operation, and administration
4240 of the Bureau of Fire Standards and Training (Florida State Fire
4241 College), including, but not limited to, all standards,
4242 training, curriculum, and the issuance of any certificate of
4243 competency required by this chapter.

4244 ~~(4) Consult and cooperate with any employing agency,~~
4245 ~~university, college, community college, the Florida State Fire~~
4246 ~~College, or other educational institution concerning the~~
4247 ~~employment and safety of firefighters, including, but not~~

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4248 ~~limited to, the safety of firefighters while at the scene of a~~
4249 ~~fire or the scene of an incident related to the provision of~~
4250 ~~emergency services to which a firefighter responds, and the~~
4251 ~~development of firefighter training schools and programs of~~
4252 ~~courses of instruction, including, but not limited to, education~~
4253 ~~and training in the areas of firefighter employment, fire~~
4254 ~~science, fire technology, fire administration, and all allied~~
4255 ~~and supporting fields.~~

4256 (d) ~~(5)~~ Make or support studies on any aspect of
4257 firefighting employment, education, and training or recruitment.

4258 (e) ~~(6)~~ Make recommendations concerning any matter within
4259 its purview pursuant to this section ~~act~~.

4260 Section 58. Section 633.42, Florida Statutes, is
4261 transferred and renumbered as 633.404, Florida Statutes, and
4262 amended to read:

4263 633.404 ~~633.42~~ Additional standards authorized.—Nothing
4264 herein shall be construed to preclude an fire service provider
4265 ~~employing agency~~ from establishing qualifications and standards
4266 for hiring, training, or promoting firefighters that exceed the
4267 minimum set by the division ~~department~~.

4268 Section 59. Section 633.406, Florida Statutes, is created
4269 to read:

4270 633.406 Classes of certification.—

4271 (1) The division may award one or more of the following
4272 certificates:

4273 (a) Firefighter Certificate of Compliance.—A Firefighter
4274 Certificate of Compliance may be awarded to a person who meets
4275 the requirements established in s. 633.408(4).

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4276 (b) Fire Safety Inspector Certificate of Compliance.—A
4277 Fire Safety Inspector Certificate of Compliance may be awarded
4278 to a person who meets the requirements established in s.
4279 633.216(2).

4280 (c) Special Certificate of Compliance.—A Special
4281 Certificate of Compliance may be awarded to a person who
4282 qualifies under s. 633.408(6).

4283 (d) Forestry Certificate of Compliance.—A Forestry
4284 Certificate of Compliance may be awarded to a person who has
4285 satisfactorily complied with a training program and successfully
4286 passed an examination as prescribed by rule, and who possesses
4287 the qualifications established in s. 590.02(1)(e).

4288 (e) Fire Service Instructor Certificate.—A Fire Service
4289 Instructor Certificate may be awarded to a person who
4290 demonstrates general or specialized knowledge, skills, and
4291 abilities in firefighting service and meets the qualification
4292 requirements prescribed by rule.

4293 (f) Certificate of Competency.—A Fire Service Instructor
4294 Certificate may be awarded to a person who meets the experience,
4295 training, advanced education, or examination requirements as
4296 prescribed by rule, and are especially qualified for particular
4297 aspects of firefighting service.

4298 (g) Volunteer Firefighter Certificate of Completion.—A
4299 Fire Service Instructor Certificate may be awarded to a person
4300 who has satisfactorily completed the training requirements as
4301 prescribed by rule for a volunteer firefighter.

4302 (2) The division may establish by rule certificates, in
4303 addition to those provided in subsection (1), that the division

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4304 may award in recognition of special training or education
4305 received by an individual, which authorizes that individual to
4306 perform specialized firefighting services or provide specialized
4307 firefighting instruction, such as hazardous materials and urban
4308 search and rescue.

4309 Section 60. Section 633.35, Florida Statutes, is
4310 transferred and renumbered as subsections (1) and (2), paragraph
4311 (a) of subsection (3), and subsections (4), (5), (6), (7), and
4312 (8) of section 633.408, Florida Statutes, and amended, and
4313 section 633.37, Florida Statutes, is transferred and renumbered
4314 as paragraph (b) of subsection (3) of that section, and amended,
4315 to read:

4316 633.408 ~~633.35~~ Firefighter and volunteer firefighter
4317 training and certification.-

4318 (1) The division shall establish by rule:

4319 (a) A Minimum Standards Course and course examination to
4320 provide the training required to obtain a Firefighter
4321 Certificate of Compliance;

4322 (b) Courses and course examinations to provide training
4323 required to obtain a Volunteer Firefighter Certificate of
4324 Completion or a Special Certificate of Compliance; and

4325 (c) Courses to provide continuing training for
4326 firefighters and volunteer firefighters.

4327 (2) Courses under subsection (1) may only be administered
4328 by education or training providers approved by the division
4329 pursuant to s. 633.128(1)(c) and taught by instructors certified
4330 pursuant to s. 633.128(1)(d) a firefighter training program of
4331 not less than 360 hours, administered by such agencies and

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4332 ~~institutions as it approves for the purpose of providing basic~~
4333 ~~employment training for firefighters.~~

4334 (3) (a) Nothing herein shall require a fire service
4335 provider public employer to pay the cost of such training.

4336 ~~633.37 Payment of tuition by employing agency.~~

4337 (b) A fire service provider An employing agency is
4338 authorized to pay part or all of the costs of tuition for of
4339 trainees in attendance at approved courses training programs.

4340 (4) (2) The division shall issue a firefighter certificate
4341 of compliance to any individual who:

4342 (a) person Satisfactorily completes complying with the
4343 Minimum Standards Course or who has satisfactorily completed
4344 training for firefighters in another state which has been
4345 determined by the division to be at least the equivalent of the
4346 training required for the Minimum Standards Course;

4347 (b) Passes the minimum standards course examination;
4348 training program established in subsection (1), who has
4349 successfully passed an examination as prescribed by the
4350 division, and

4351 (c) who Possesses the qualifications for employment in s.
4352 633.412 633.34, except s. 633.34(5).

4353 (5) The division shall issue a Volunteer Firefighter
4354 Certificate of Completion to any individual who satisfactorily
4355 completes the course established under paragraph (1) (b). No
4356 person may be employed as a regular or permanent firefighter by
4357 an employing agency, or by a private entity under contract with
4358 the state or any political subdivision of the state, including
4359 authorities and special districts, for a period of time in

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4360 ~~excess of 1 year from the date of initial employment until he or~~
4361 ~~she has obtained such certificate of compliance. A person who~~
4362 ~~does not hold a certificate of compliance and is employed under~~
4363 ~~this section may not directly engage in hazardous operations,~~
4364 ~~such as interior structural firefighting and hazardous-~~
4365 ~~materials-incident mitigation, requiring the knowledge and~~
4366 ~~skills taught in a training program established in subsection~~
4367 ~~(1). However, a person who has served as a volunteer firefighter~~
4368 ~~with the state or any political subdivision of the state,~~
4369 ~~including authorities and special districts, who is then~~
4370 ~~employed as a regular or permanent firefighter may function,~~
4371 ~~during this period, in the same capacity in which he or she~~
4372 ~~acted as a volunteer firefighter, provided that he or she has~~
4373 ~~completed all training required by the volunteer organization.~~

4374 ~~(3) The division may issue a certificate to any person who~~
4375 ~~has received basic employment training for firefighters in~~
4376 ~~another state when the division has determined that such~~
4377 ~~training was at least equivalent to that required by the~~
4378 ~~division for approved firefighter education and training~~
4379 ~~programs in this state and when such person has satisfactorily~~
4380 ~~complied with all other requirements of this section.~~

4381 (6) (a) The division may also issue a Special Certificate
4382 of Compliance to an individual a person who:

4383 1. Satisfactorily completes the course established in
4384 subsection (1) (b) to obtain a Special Certificate of Compliance;

4385 2. Passes the examination established in subsection
4386 (1) (b), to obtain a Special Certificate of Compliance; and

4387 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~

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4388 ~~qualified under this section and who is employed as the~~
4389 ~~administrative and command head of a fire/rescue/emergency~~
4390 ~~services organization, based on the acknowledgment that such~~
4391 ~~person is less likely to need physical dexterity and more likely~~
4392 ~~to need advanced knowledge of firefighting and supervisory~~
4393 ~~skills.~~

4394 (b) A special ~~The certificate of compliance is valid only~~
4395 ~~authorizes an individual to serve while the person is serving in~~
4396 ~~a position~~ as an administrative and command head of a fire
4397 service provider ~~fire/rescue/emergency services organization.~~

4398 (7)-(4) An individual ~~A person~~ who fails an examination
4399 given under this section may retake the examination once within
4400 6 months after the original examination date. If the individual
4401 ~~An applicant who~~ does not retake the examination or fails the
4402 reexamination within such time, the individual must take the
4403 Minimum Standards Course for a Firefighter Certificate of
4404 Compliance or the course established under subsection (1)(b) for
4405 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~
4406 before being reexamined. The division may grant an extension of
4407 the 6-month period based upon documented medical necessity and
4408 may establish reasonable preregistration deadlines for ~~such~~
4409 reexaminations.

4410 (8)-(5) Pursuant to s. 590.02(1)(e), the division shall
4411 establish a structural fire training program of not less than
4412 206 ~~40~~ hours. The division shall issue to any person
4413 satisfactorily complying with this training program and who has
4414 successfully passed an examination as prescribed by the division
4415 and who has met the requirements of s. 590.02(1)(e), a Forestry

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4416 Certificate of Compliance ~~Certificate of Forestry Firefighter.~~

4417 ~~(6)~~ An individual who holds a current and valid Forestry
4418 Certificate of Compliance ~~A certified forestry firefighter~~ is
4419 entitled to the same rights, privileges, and benefits provided
4420 for by law as a ~~certified~~ firefighter.

4421 Section 61. Section 633.34, Florida Statutes, is
4422 transferred, renumbered as section 633.412, Florida Statutes,
4423 and amended to read:

4424 633.412 ~~633.34~~ Firefighters; qualifications for
4425 certification employment.-

4426 (1) Any person applying for certification employment as a
4427 firefighter must:

4428 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the
4429 term may be determined by the division, and at least 18 years of
4430 age.

4431 (b) ~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor
4432 relating to the certification or to perjury or false statements,
4433 or a felony or a crime punishable by imprisonment of 1 year or
4434 more under the law of the United States or of any state thereof
4435 or under the law of any other country, or dishonorably
4436 discharged from any of the Armed Forces of the United States.

4437 "Convicted" means a finding of guilt or the acceptance of a plea
4438 of guilty or nolo contendere, in any federal or state court or a
4439 court in any other country, without regard to whether a judgment
4440 of conviction has been entered by the court having jurisdiction
4441 of the case. ~~felony or of a misdemeanor directly related to the~~
4442 ~~position of employment sought, nor have pled nolo contendere to~~
4443 ~~any charge of a felony. If an applicant has been convicted of a~~

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4444 ~~felony, such applicant must be in compliance with s.~~
4445 ~~112.011(2) (b). If an applicant has been convicted of a~~
4446 ~~misdemeanor directly related to the position of employment~~
4447 ~~sought, such applicant shall be excluded from employment for a~~
4448 ~~period of 4 years after expiration of sentence. If the sentence~~
4449 ~~is suspended or adjudication is withheld in a felony charge or~~
4450 ~~in a misdemeanor directly related to the position or employment~~
4451 ~~sought and a period of probation is imposed, the applicant must~~
4452 ~~have been released from probation.~~

4453 ~~(c)(3)~~ Submit fingerprints ~~a fingerprint card~~ to the
4454 division with a current processing fee. The fingerprints
4455 ~~fingerprint card~~ will be forwarded to the Department of Law
4456 Enforcement for state processing, and forwarded by the
4457 Department of Law Enforcement to and/or the Federal Bureau of
4458 Investigation for national processing.

4459 ~~(d)(4)~~ Have a good moral character as determined by
4460 investigation under procedure established by the division.

4461 ~~(e)(5)~~ Be in good physical condition as determined by a
4462 medical examination given by a physician, surgeon, or physician
4463 assistant licensed to practice in the state pursuant to chapter
4464 458; an osteopathic physician, surgeon, or physician assistant
4465 licensed to practice in the state pursuant to chapter 459; or an
4466 advanced registered nurse practitioner licensed to practice in
4467 the state pursuant to chapter 464. Such examination may include,
4468 but need not be limited to, provisions of the National Fire
4469 Protection Association Standard 1582. A medical examination
4470 evidencing good physical condition shall be submitted to the
4471 division, on a form as provided by rule, before an individual is

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4472 eligible for admission into a course under ~~firefighter training~~
4473 ~~program as defined in s. 633.408 633.35.~~

4474 (f) (6) Be a nonuser of tobacco or tobacco products for at
4475 least 1 year immediately preceding application, as evidenced by
4476 the sworn affidavit of the applicant.

4477 (2) If the division suspends or revokes an individual's
4478 certificate, the division must suspend or revoke all other
4479 certificates issued by the division pursuant to this part.

4480 Section 62. Section 633.352, Florida Statutes, is
4481 transferred, renumbered as section 633.414, Florida Statutes,
4482 and amended to read:

4483 633.414 633.352 Retention of firefighter certification.—

4484 (1) In order for a firefighter to retain his or her
4485 Firefighter Certificate of Compliance, every 4 years he or she
4486 must:

4487 (a) Be Any certified firefighter who has not been active
4488 as a firefighter, or as a volunteer firefighter with an
4489 organized fire department, for a period of 3 years shall be
4490 required to retake the practical portion of the minimum
4491 standards state examination specified in rule 69A-37.056(6)(b),
4492 Florida Administrative Code, in order to maintain her or his
4493 certification as a firefighter;

4494 (b) Maintain a current and valid fire safety instructor
4495 certificate, instruct at least 40 hours during the 4 year
4496 period, and provide proof of such instruction to the division,
4497 which proof must be registered in an electronic database
4498 designated by the division;

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4499 (c) Successfully complete a refresher course consisting of
4500 a minimum of 40 hours of training to be prescribed by rule; or

4501 (d) Within 6 months before the 4-year period expires,
4502 successfully retake and pass the Minimum Standards Course
4503 examination.

4504 (2) In order for a volunteer firefighter to retain his or
4505 her Volunteer Firefighter Certificate of Completion, every 4
4506 years he or she must:

4507 (a) Be active as a volunteer firefighter; or

4508 (b) Successfully complete a refresher course consisting of
4509 a minimum of 40 hours of training to be prescribed by rule.

4510 (3) Subsection (1) ~~however, this requirement~~ does not
4511 apply to state-certified firefighters who are certified and
4512 employed as full-time, as determined by the fire service
4513 provider, as firesafety inspectors or fire investigators
4514 firesafety instructors, regardless of ~~their the firefighter's~~
4515 employment status as a firefighter.

4516 (4) For the purposes of this section, "active" means being
4517 employed as a firefighter or providing service as a volunteer
4518 firefighter for a cumulative 6 months within a 4-year period.

4519 (5) The 4-year ~~3-year~~ period begins:

4520 (a) If the individual is certified on or after July 1,
4521 2013, on the date the certificate ~~of compliance~~ is issued or
4522 upon termination of employment or service with a ~~an~~ organized
4523 fire department.

4524 (b) If the individual is certified before July 1, 2013, on
4525 July 1, 2014, or upon termination of employment or service
4526 thereafter.

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4527 Section 63. Section 633.41, Florida Statutes, is
4528 transferred, renumbered as section 633.416, Florida Statutes,
4529 and amended to read:

4530 633.416 ~~633.41~~ Firefighter employment and volunteer
4531 firefighter service; saving clause.-

4532 (1) A fire service provider may not employ an individual
4533 to:

4534 (a) Extinguish fires for the protection of life or
4535 property or to supervise individuals who perform such services
4536 unless the individual holds a current and valid Firefighter
4537 Certificate of Compliance; or

4538 (b) Serve as the administrative and command head of a fire
4539 service provider for a period in excess of 1 year unless the
4540 individual holds a current and valid Firefighter Certificate of
4541 Compliance or Special Certificate of Compliance.

4542 (2) A fire service provider may not retain the services of
4543 an individual volunteering to extinguish fires for the
4544 protection of life or property or to supervise individuals who
4545 perform such services unless the individual holds a current and
4546 valid Volunteer Firefighter Certificate of Completion.

4547 (3) (a) A fire service provider must make a diligent effort
4548 to determine whether the individual has a current and valid
4549 certificate prior to employing or retaining an individual for
4550 the services under subsection (1) or subsection (2), including
4551 making a determination of whether the requirements set forth in
4552 s. 633.414 have been fulfilled.

4553 (b) For the purposes of this subsection, the term
4554 "diligent effort" means contacting at least three of the

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4555 individual's previous employers to obtain his or her dates of
4556 employment and contacting the division to determine the
4557 certification status of the individual.

4558 (4) (a) A fire service provider must notify the division
4559 electronically, as directed by rule by the division, within 10
4560 days of:

4561 1. The hiring of a firefighter.

4562 2. The retention of a volunteer firefighter.

4563 3. The cessation of employment of a firefighter.

4564 4. A decision not to retain a volunteer firefighter.

4565 (b) Notification under paragraph (a) must include:

4566 1. The individual's name.

4567 2. The date on which he or she was hired or retained.

4568 3. The last date of employment or retention prior to

4569 leaving the fire service provider.

4570 4. Any other information deemed necessary by the division
4571 to determine compliance with ss. 633.414 and 633.426.

4572 (5) If the fire service provider makes a determination
4573 that an individual has not met the requirements set forth in s.
4574 633.414(1), the fire service provider must notify the division
4575 in writing within 10 days of making that determination.

4576 (6) The division may conduct site visits to fire
4577 departments to monitor compliance with this section.

4578 (7) For purposes of this section, the term "employ" means
4579 to pay an individual a salary, wage, or other compensation for
4580 the performance of work. The term does not include the payment
4581 of expenses, reasonable benefits, a nominal fee, or a
4582 combination thereof, to a volunteer for a public or private fire

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4583 service provider who is only paid in a manner that would be
4584 authorized for a volunteer under the federal Fair Labor
4585 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,
4586 and its implementing regulations.

4587 (8) Firefighters employed on July 5, 1969, are not
4588 required to meet the provisions of ss. 633.408 and 633.412
4589 ~~633.34 and 633.35~~ as a condition of tenure or continued
4590 employment; nor shall their failure to fulfill such requirements
4591 make them ineligible for any promotional examination for which
4592 they are otherwise eligible or affect in any way any pension
4593 rights to which they may be entitled on July 5, 1969.

4594 Section 64. Section 633.38, Florida Statutes, is
4595 transferred, renumbered as section 633.418, Florida Statutes,
4596 and amended to read:

4597 633.418 ~~633.38~~ Inservice training and promotion;
4598 participation.—

4599 (1) (a) The division shall by rules and regulations
4600 prescribe curricula and standards for advanced and specialized
4601 training courses and education ~~training~~ in addition to those
4602 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

4603 (b) The standards provided by this section shall not bind
4604 any fire service provider ~~employing agency~~ as to the
4605 requirements it may have for promoting personnel.

4606 (2) Fire service providers ~~departments or any fire service~~
4607 participating under the provisions of this section shall adhere
4608 to the standards and procedures established by the division.

4609 Section 65. Section 633.382, Florida Statutes, is
4610 transferred, renumbered as section 633.422, Florida Statutes,

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and amended to read:

633.422 ~~633.382~~ Firefighters; supplemental compensation.-

~~(1) DEFINITIONS. As used in this section, the term:~~

~~(a) "Employing agency" means any municipality or any county, the state, or any political subdivision of the state, including authorities and special districts employing firefighters.~~

~~(b) "Firefighter" means any person who meets the definition of the term "firefighter" in s. 633.30(1) who is certified in compliance with s. 633.35 and who is employed solely within the fire department of the employing agency or is employed by the division.~~

(1)(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.-The Legislature recognizes 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 that firefighters protect. The State Fire Marshal shall determine, and is authorized to adopt by rule, the course work or degrees that represent the best practices toward this goal in the field of firefighting.

(a) In addition to the compensation now paid by a fire service provider ~~an employing agency~~ to any firefighter, every firefighter shall be paid supplemental compensation by the fire service provider ~~employing agency~~ when such firefighter is a full-time employee, as determined by the employing fire service provider, and has complied with one of the following criteria:

1. Any firefighter who receives an associate degree from an accredited ~~a~~ college, which degree is directly applicable to

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4639 fire department duties, as outlined in policy guidelines adopted
4640 by rule by ~~of~~ the division, shall be additionally compensated as
4641 outlined in paragraph (2) ~~(3)~~ (a).

4642 2. Any firefighter, regardless of whether or not she or he
4643 earned an associate degree earlier, who receives from an
4644 accredited college or university a bachelor's degree, which
4645 bachelor's degree is directly applicable to fire department
4646 duties, as outlined in policy guidelines adopted by rule by ~~of~~
4647 the division, shall receive compensation as outlined in
4648 paragraph (2) ~~(3)~~ (b).

4649 (b) Whenever any question arises as to the eligibility of
4650 any firefighter to receive supplemental compensation as provided
4651 in this section, the question, together with all facts relating
4652 thereto, shall be submitted to the division for determination,
4653 and the decision of the division with regard to determination of
4654 eligibility shall be final, subject to the provisions of chapter
4655 120.

4656 (2) ~~(3)~~ SUPPLEMENTAL COMPENSATION.—Supplemental
4657 compensation shall be determined as follows:

4658 (a) Fifty dollars shall be paid monthly to each
4659 firefighter who qualifies under the provisions of subparagraph
4660 (1) ~~(2)~~ (a) 1.

4661 (b) One hundred and ten dollars shall be paid monthly to
4662 each firefighter who qualifies under the provisions of
4663 subparagraph (1) ~~(2)~~ (a) 2.

4664 (3) ~~(4)~~ FUNDING.—

4665 (a) The fire service provider ~~employing agency~~ is
4666 responsible for the correct payment of firefighters pursuant to

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4667 the provisions of this section. The division may review, in a
4668 postaudit capacity, any action taken by an agency in
4669 administering the educational incentive program. The fire
4670 service provider ~~employing agency~~ shall take appropriate action
4671 when a postaudit shows that an action taken by the fire service
4672 provider ~~employing agency~~ was in error.

4673 (b) Each fire service provider ~~agency~~ employing
4674 firefighters who are eligible for this compensation shall submit
4675 reports containing information relating to compensation paid as
4676 a result of this section to the division on March 31, June 30,
4677 September 30, and December 31 of each year.

4678 (c) There is appropriated from the Police and
4679 Firefighter's Premium Tax Trust Fund to the Firefighters'
4680 Supplemental Compensation Trust Fund, which is hereby created
4681 under the Department of Revenue, all moneys which have not been
4682 distributed to municipalities and special fire control districts
4683 in accordance with s. 175.121 as a result of the limitation
4684 contained in s. 175.122 on the disbursement of revenues
4685 collected pursuant to chapter 175 or as a result of any
4686 municipality or special fire control district not having
4687 qualified in any given year, or portion thereof, for
4688 participation in the distribution of the revenues collected
4689 pursuant to chapter 175. The total required annual distribution
4690 from the Firefighters' Supplemental Compensation Trust Fund
4691 shall equal the amount necessary to pay supplemental
4692 compensation as provided in this section, provided that:

4693 1. Any deficit in the total required annual distribution
4694 shall be made up from accrued surplus funds existing in the

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4695 Firefighters' Supplemental Compensation Trust Fund on June 30,
4696 1990, for as long as such funds last. If the accrued surplus is
4697 insufficient to cure the deficit in any given year, the
4698 proration of the appropriation among the counties,
4699 municipalities, and special fire service taxing districts shall
4700 equal the ratio of compensation paid in the prior year to
4701 county, municipal, and special fire service taxing district
4702 firefighters pursuant to this section. This ratio shall be
4703 provided annually to the Department of Revenue by the division
4704 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue
4705 on or after July 1, 1990, shall be redistributed to
4706 municipalities and special fire control districts as provided in
4707 subparagraph 2.

4708 2. By October 1 of each year, any funds that have accrued
4709 or accrue on or after July 1, 1990, and remain in the
4710 Firefighters' Supplemental Compensation Trust Fund following the
4711 required annual distribution shall be redistributed by the
4712 Department of Revenue pro rata to those municipalities and
4713 special fire control districts identified by the Department of
4714 Management Services as being eligible for additional funds
4715 pursuant to s. 175.121(3)(b).

4716 (d) Salary incentive payments to firefighters shall
4717 commence in the first full calendar month following the initial
4718 date of certification of eligibility by the division ~~of State~~
4719 ~~Fire Marshal~~.

4720 (e) Special fire service taxing districts are authorized
4721 and empowered to expend the funds necessary to ensure correct
4722 payment to firefighters.

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4723 (4)~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental
4724 compensation and expenses of the administration provided by this
4725 section is found to serve a state, county, district, and
4726 municipal purpose and to provide benefit to the state and to its
4727 counties, municipalities, and districts.

4728 (5) For the purposes of this section, the division shall be
4729 considered a fire service provider responsible for the payment
4730 of supplemental compensation in accordance with this section to
4731 firefighters employed full-time by the division.

4732 Section 66. Section 633.353, Florida Statutes, is
4733 transferred, renumbered as section 633.424, Florida Statutes,
4734 and amended to read:

4735 633.424 ~~633.353~~ Falsification of qualifications.—Any
4736 individual person who willfully and knowingly falsifies her or
4737 his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of Fire
4738 Standards and Training of the division commits ~~is guilty of~~ a
4739 misdemeanor of the second degree, punishable as provided in s.
4740 775.082 or s. 775.083.

4741 Section 67. Section 633.351, Florida Statutes, is
4742 transferred, renumbered as section 633.426, Florida Statutes,
4743 and amended to read:

4744 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~
4745 standards for revocation of certification.—

4746 (1) For purposes of this section, the term:

4747 (a) "Certificate" means any of the certificates issued
4748 under s. 633.406.

4749 (b) "Certification" or "certified" means the act of
4750 holding a current and valid certificate.

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4751 (c) "Convicted" means a finding of guilt, or the
4752 acceptance of a plea of guilty or nolo contendere, in any
4753 federal or state court or a court in any other country, without
4754 regard to whether a judgment of conviction has been entered by
4755 the court having jurisdiction of the case.

4756 (2) An individual is ineligible to apply for certification
4757 if the individual has, at any time, been:

4758 (a) Convicted of a misdemeanor relating to the
4759 certification or to perjury or false statements.

4760 (b) Convicted of a felony or a crime punishable by
4761 imprisonment of 1 year or more under the law of the United
4762 States or of any state thereof, or under the law of any other
4763 country.

4764 (c) Dishonorably discharged from any of the Armed Forces
4765 of the United States.

4766 (3) (a) The certification of an individual shall be
4767 permanently revoked if the individual is:

4768 1. Convicted of a misdemeanor relating to perjury or false
4769 statement.

4770 2. Convicted of a felony or a crime punishable by
4771 imprisonment of 1 year or more under the law of the United
4772 States or of any state thereof, or under the law of any other
4773 country.

4774 3. Dishonorably discharged from any of the Armed Forces of
4775 the United States.

4776 (b) For individuals who are certified prior to the
4777 effective date of this act:

4778 1. This subsection shall apply prospectively to

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4779 convictions or dishonorable discharges entered on or after the
4780 effective date of this act.

4781 2. The provisions of former s. 633.351 as it existed prior
4782 to the effective date of this act shall apply to convictions
4783 entered prior to the effective date of this act.

4784 (4) The certification of an individual a firefighter shall
4785 be revoked if evidence is found which demonstrates that the
4786 certification was improperly issued by the division or if
4787 evidence is found that the certification was issued on the basis
4788 of false, incorrect, incomplete, or misleading information, or
4789 that the individual has demonstrated a lack of moral fitness or
4790 trustworthiness to carry out the responsibilities under the
4791 individual's certification.

4792 (5) If the division, after investigation, has reason to
4793 believe that any individual who is certified may have been
4794 convicted of a felony or of a misdemeanor related to perjury or
4795 false statement in this or any other state or jurisdiction, the
4796 division may require the individual to submit fingerprints to
4797 the division with a current processing fee. The fingerprints
4798 will be forwarded by the division to the Department of Law
4799 Enforcement for state processing and will be forwarded by the
4800 Department of Law Enforcement to the Federal Bureau of
4801 Investigation for national processing.

4802 ~~(2) The certification of a firefighter who is convicted of~~
4803 ~~a felony, or who is convicted of a misdemeanor relating to~~
4804 ~~misleading or false statements, or who pleads nolo contendere to~~
4805 ~~any charge of a felony shall be revoked until the firefighter~~
4806 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~

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4807 ~~felony or such misdemeanor charge is suspended or adjudication~~
4808 ~~is withheld, the firefighter's certification shall be revoked~~
4809 ~~until she or he completes any probation.~~

4810 Section 68. Section 633.43, Florida Statutes, is
4811 transferred, renumbered as section 633.428, Florida Statutes,
4812 and amended to read:

4813 633.428 ~~633.43~~ Florida State Fire College established.—
4814 There is hereby established a state institution to be known as
4815 the Florida State Fire College, to be located at or near Ocala,
4816 Marion County. The institution shall be operated by the division
4817 ~~of State Fire Marshal of the department.~~

4818 Section 69. Section 633.44, Florida Statutes, is
4819 transferred, renumbered as section 633.432, Florida Statutes,
4820 and amended, to read:

4821 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
4822 this part ss. 633.43-633.49 and of the Florida State Fire
4823 College shall be:

4824 (1) To provide professional and volunteer firefighters
4825 with needful professional instruction and training in subjects,
4826 including, but not limited to, firefighting, fire prevention,
4827 hazardous materials, urban search and rescue, and emergency
4828 operations, at a minimum of cost to them and to their employers.

4829 (2) To ensure the professionalism and competence of those
4830 performing firefighting, fire prevention, and associated fire
4831 protection functions by administering a system of certification
4832 and licensing.

4833 (3) ~~(2)~~ To develop new methods and practices of
4834 firefighting and fire prevention.

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4835 (4)~~(3)~~ To assist the state and county, municipal, and
4836 other local governments of this state and their agencies and
4837 officers in their investigation and determination of the causes
4838 of fires.

4839 (5)~~(4)~~ To provide testing facilities for testing
4840 firefighting equipment.

4841 (6)~~(5)~~ To disseminate useful information on fires,
4842 firefighting and fire prevention and other related subjects, to
4843 fire departments and others interested in such information.

4844 (7)~~(6)~~ To do such other needful or useful things necessary
4845 to the promotion of public safety in the field of fire hazards
4846 and fire prevention work.

4847

4848 It is hereby declared by the Legislature that the above purposes
4849 are legitimate state functions and are designed to promote
4850 public safety.

4851 Section 70. Section 633.48, Florida Statutes, is
4852 transferred, renumbered as section 633.434, Florida Statutes,
4853 and amended to read:

4854 633.434 ~~633.48~~ Superintendent of college.—The division may
4855 employ a superintendent for the Florida State Fire College, who
4856 shall be especially trained and qualified in firefighting, fire
4857 prevention and fire experimental work, and may employ on the
4858 recommendations of said superintendent such other instructors,
4859 experimental helpers and laborers as may be necessary to the
4860 proper conduct of said institution; and may proceed with the
4861 erection and detailed operation of said institution under ss.
4862 633.428-633.444 ~~633.43-633.49~~.

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4863 Section 71. Section 633.461, Florida Statutes, is
4864 transferred, renumbered as section 633.436, Florida Statutes,
4865 and amended to read:

4866 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—
4867 The funds received from the Insurance Regulatory Trust Fund
4868 shall be used by the staff of the Florida State Fire College to
4869 provide all necessary services, training, equipment, and
4870 supplies to carry out the college's responsibilities, including,
4871 but not limited to, ~~the State Fire Marshal Scholarship Grant~~
4872 ~~Program~~ and the procurement of training resources and films,
4873 ~~videotapes, audiovisual~~ equipment, and other useful information
4874 on fire, firefighting, and fire prevention, including public
4875 fire service information packages.

4876 Section 72. Section 633.46, Florida Statutes, is
4877 transferred and renumbered as section 633.446, Florida Statutes.

4878 Section 73. Section 633.47, Florida Statutes, is
4879 transferred and renumbered as section 633.438, Florida Statutes.

4880 Section 74. Section 633.49, Florida Statutes, is
4881 transferred, renumbered as section 633.442, Florida Statutes,
4882 and amended to read:

4883 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
4884 use.—The division shall have the power to prescribe and shall
4885 make the necessary rules and regulations for the use of
4886 buildings, equipment and other facilities of the Florida State
4887 Fire College when they are not in use for the purposes set forth
4888 in this part ~~ss. 633.43-633.49~~.

4889 Section 75. Section 633.50, Florida Statutes, is
4890 transferred, renumbered as section 633.444, Florida Statutes,

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and amended to read:

633.444 ~~633.50~~ Division powers and duties; Florida State
Fire College.—

(1) The division, in performing its duties related to the
Florida State Fire College, specified in this part ~~ss. 633.43-~~
~~633.49~~, shall:

(a) Enter into agreements with public or private school
districts, community colleges, junior colleges, or state
universities to carry out its duties and responsibilities.

(b) Review and approve budget requests for the fire
college educational program.

(c) Prepare the legislative budget request for the Florida
State Fire College education program. The superintendent is
responsible for all expenditures pursuant to appropriations.

(d) Implement procedures to obtain appropriate entitlement
funds from federal and state grants to supplement the annual
legislative appropriation. Such funds must be used expressly for
the fire college educational programs.

(e) Develop a staffing and funding formula for the Florida
State Fire College. The formula shall include differential
funding levels for various types of programs, shall be based on
the number of full-time equivalent students and information
obtained from scheduled attendance counts taken the first day of
each program, and shall provide the basis for the legislative
budget request. As used in this section, a full-time equivalent
student is equal to a minimum of 900 hours in a technical
certificate program and 400 hours in a degree-seeking program.
The funding formula shall be as prescribed pursuant to s.

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4919 1011.62, shall include procedures to document daily attendance,
4920 and shall require that attendance records be retained for audit
4921 purposes.

4922 (f) Approve and register in an electronic database
4923 designated by the division an education or training provider
4924 before the education or training provider is authorized to offer
4925 any course to fulfill any education or training requirement
4926 under this chapter. The division must establish criteria, by
4927 rule, for the approval of such education or training providers.
4928 Only approved and registered education or training providers are
4929 eligible to provide instruction or training that will be
4930 recognized by the division in order to fulfill any education or
4931 training requirement under this chapter.

4932 (g) Recognize only courses offered by approved and
4933 registered training or education providers as fulfilling the
4934 education or training requirements under this chapter.

4935 (2) Funds generated by the formula per full-time
4936 equivalent student may not exceed the level of state funding per
4937 full-time equivalent student generated through the Florida
4938 Education Finance Program or the State Community College Program
4939 Fund for students enrolled in comparable education programs
4940 provided by public school districts and community colleges.
4941 Funds appropriated for education and operational costs shall be
4942 deposited in the Insurance Regulatory Trust Fund to be used
4943 solely for purposes specified in s. 633.436 ~~633.461~~ and may not
4944 be transferred to any other budget entity for purposes other
4945 than education.

4946 Section 76. Part V of chapter 633, Florida Statutes,

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4947 consisting of sections 633.502, 633.504, 633.506, 633.508,
4948 633.512, 633.5141, 633.516, 633.518, 633.522, 633.526, 633.528,
4949 633.532, 633.5341, and 633.536, is created and entitled "Florida
4950 Firefighters Occupational Safety and Health Act."

4951 Section 77. Section 633.801, Florida Statutes, is
4952 transferred, renumbered as section 633.502, Florida Statutes,
4953 and amended to read:

4954 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,
4955 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
4956 Occupational Safety and Health Act."

4957 Section 78. Section 633.802, Florida Statutes, is
4958 transferred, renumbered as section 633.504, Florida Statutes,
4959 and amended to read:

4960 633.504 ~~633.802~~ Definitions.—Unless the context clearly
4961 requires otherwise, the following definitions shall apply to
4962 this part ~~ss. 633.801-633.821~~:

4963 (1) "Firefighter employee" means any firefighter,
4964 volunteer firefighter, or individual providing support services,
4965 who is ~~person~~ engaged in any employment, public or private, ~~as a~~
4966 ~~firefighter~~ under any appointment or contract of hire or
4967 apprenticeship, express or implied, oral or written, whether
4968 lawfully or unlawfully employed, responding to or assisting with
4969 fire or medical emergencies, whether or not ~~the firefighter is~~
4970 on duty, except those appointed under s. 590.02(1)(d).

4971 (2) "Firefighter employer" means the state and all
4972 political subdivisions of this state, all public and quasi-
4973 public corporations in this state, and every person carrying on
4974 any employment for this state, political subdivisions of this

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4975 state, and public and quasi-public corporations in this state
4976 which employs firefighter employees ~~firefighters~~, except those
4977 appointed under s. 590.02(1)(d).

4978 (3) "Firefighter employment" or "employment" means any
4979 service performed by a firefighter employee for the firefighter
4980 employer.

4981 (4) "Firefighter place of employment" or "place of
4982 employment" means the physical location at which the firefighter
4983 employee is employed or deployed.

4984 Section 79. Section 633.803, Florida Statutes, is
4985 transferred, renumbered as section 633.506, and amended to read:

4986 633.506 ~~633.803~~ Legislative intent.—It is the intent of
4987 the Legislature to enhance firefighter occupational safety and
4988 health in the state through the implementation and maintenance
4989 of policies, procedures, practices, rules, and standards that
4990 reduce the incidence of firefighter employee accidents,
4991 firefighter employee occupational diseases, and firefighter
4992 employee fatalities compensable under chapter 440 or otherwise.
4993 The Legislature further intends that the division develop a
4994 means by which the division can identify individual firefighter
4995 employers with a high frequency or severity of work-related
4996 injuries, conduct safety inspections of those firefighter
4997 employers, and assist those firefighter employers in the
4998 development and implementation of firefighter employee safety
4999 and health programs. In addition, it is the intent of the
5000 Legislature that the division administer and enforce the
5001 provisions of this part ~~ss. 633.801-633.821~~; provide assistance
5002 to firefighter employers, firefighter employees, and insurers;

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5003 and enforce the policies, rules, and standards set forth in this
5004 part ~~ss. 633.801-633.821~~.

5005 Section 80. Section 633.821, Florida Statutes, is
5006 transferred and renumbered as subsections (1), (2), (3), (4),
5007 (5), and (6) of section 633.508, Florida Statutes, and
5008 subsections (2), (3), (5), and (6) of that section are amended,
5009 and section 633.808, Florida Statutes, is transferred and
5010 renumbered as subsection (7) of that section and amended, to
5011 read:

5012 633.508 ~~633.821~~ Workplace safety; rulemaking authority.-

5013 (1) The division shall assist in making the firefighter
5014 employee place of employment a safer place to work and
5015 decreasing the frequency and severity of on-the-job injuries in
5016 such workplace.

5017 (2) The division shall have the authority to adopt rules
5018 for the purpose of ensuring safe working conditions for all
5019 firefighter employees by authorizing the enforcement of
5020 effective standards, by assisting and encouraging firefighter
5021 employers to maintain safe working conditions, and by providing
5022 for education and training in the field of safety. Specifically,
5023 the division may by rule adopt the most current edition of all
5024 or any part of subparts C through T and subpart Z of 29 C.F.R.
5025 s. 1910, ~~as revised April 8, 1998; the National Fire Protection~~
5026 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~
5027 ~~Safety System) (1992 edition); the National Fire Protection~~
5028 ~~Association, Inc., Publication 1403, Standard on Live Fire~~
5029 ~~Training Evolutions (latest edition), as limited by subsection~~
5030 (6); and ANSI A 10.4-1990.

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5031 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
5032 individuals located outside the immediately dangerous to life
5033 and health atmosphere may be assigned to an additional role,
5034 such as incident commander, pumper operator, engineer, or
5035 driver, so long as such individual is able to immediately
5036 perform assistance or rescue activities without jeopardizing the
5037 safety or health of any firefighter employee working at an
5038 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

5039 ~~(a) Each county, municipality, and special district shall~~
5040 ~~implement such provision by April 1, 2002, except as provided in~~
5041 ~~paragraphs (b) and (c).~~

5042 ~~(b) If any county, municipality, or special district is~~
5043 ~~unable to implement such provision by April 1, 2002, without~~
5044 ~~adding additional personnel to its firefighting staff or~~
5045 ~~expending significant additional funds, such county,~~
5046 ~~municipality, or special district shall have an additional 6~~
5047 ~~months within which to implement such provision. Such county,~~
5048 ~~municipality, or special district shall notify the division that~~
5049 ~~the 6-month extension to implement such provision is in effect~~
5050 ~~in such county, municipality, or special district within 30 days~~
5051 ~~after its decision to extend the time for the additional 6~~
5052 ~~months. The decision to extend the time for implementation shall~~
5053 ~~be made prior to April 1, 2002.~~

5054 ~~(c) If, after the extension granted in paragraph (b), the~~
5055 ~~county, municipality, or special district, after having worked~~
5056 ~~with and cooperated fully with the division and the Firefighters~~
5057 ~~Employment, Standards, and Training Council, is still unable to~~
5058 ~~implement such provisions without adding additional personnel to~~

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5059 ~~its firefighting staff or expending significant additional~~
5060 ~~funds, such municipality, county, or special district shall be~~
5061 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~
5062 ~~However, each year thereafter the division shall review each~~
5063 ~~such county, municipality, or special district to determine if~~
5064 ~~such county, municipality, or special district has the ability~~
5065 ~~to implement such provision without adding additional personnel~~
5066 ~~to its firefighting staff or expending significant additional~~
5067 ~~funds. If the division determines that any county, municipality,~~
5068 ~~or special district has the ability to implement such provision~~
5069 ~~without adding additional personnel to its firefighting staff or~~
5070 ~~expending significant additional funds, the division shall~~
5071 ~~require such county, municipality, or special district to~~
5072 ~~implement such provision. Such requirement by the division under~~
5073 ~~this paragraph constitutes final agency action subject to~~
5074 ~~chapter 120.~~

5075 (4) The provisions of chapter 440 that pertain to
5076 workplace safety apply to the division.

5077 (5) The division may adopt any rule necessary to
5078 implement, interpret, and make specific the provisions of this
5079 section, provided the division may not adopt by rule any other
5080 standard or standards of the Occupational Safety and Health
5081 Administration or the National Fire Protection Association
5082 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter
5083 employment safety without specific legislative authority.

5084 (6) (a) The division shall adopt rules for live fire
5085 training that all firefighter employees ~~firefighters~~ subject to
5086 this chapter must complete. The division shall also adopt rules

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5087 for a training and certification process for live fire training
5088 instructors.

5089 (b) Such rules for training shall include:

5090 1. Sections of the most current edition of the National
5091 Fire Protection Association, Inc., Publication 1402, Guide to
5092 Building Fire Service Training Centers, relating to establishing
5093 policies and procedures for effective use of such permanent
5094 facilities or structures.

5095 2. Sections of the most current edition of the National
5096 Fire Protection Association, Inc., Publication 1403, Standard on
5097 Live Fire Training Evolutions, excluding, however:

5098 a. Any chapter entitled "Referenced Publications."

5099 b. References to the National Fire Protection Association,
5100 Inc., Publication 1975, Station Uniform.

5101 c. Provisions of the National Fire Protection Association,
5102 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~
5103 ~~references to such publication in the National Fire Protection~~
5104 ~~Association, Inc., Publication 1975.~~

5105 d. Any reference to an authority having jurisdiction in
5106 the National Fire Protection Association, Inc., Publication
5107 1403, defined as the organization, office, or individual
5108 responsible for approving equipment, materials, installations,
5109 and procedures.

5110 3. A 40-hour training program for live fire training
5111 instructors, including:

5112 a. Live fire instructional techniques.

5113 b. Training safety in acquired or permanent facilities or
5114 props.

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5115 c. Personnel safety.

5116 d. Exterior props, including, but not limited to, liquid
5117 petroleum gas, other liquid fuels, and similar props.

5118 ~~(c) The rules, excluding those pertaining to live fire~~
5119 ~~training instructor certification, shall take effect no later~~
5120 ~~than January 1, 2006.~~

5121 (c)~~(d)~~ Each live fire training instructor is required to
5122 be a state certified fire safety instructor. All live fire
5123 training ~~commenced on and after January 1, 2007,~~ must be
5124 conducted by a certified live fire training instructor.

5125 (d)~~(e)~~ This subsection does not apply to wildland or
5126 prescribed live fire training exercises sanctioned by the
5127 Florida Forest Service of the Department of Agriculture and
5128 Consumer Services or the National Wildfire Coordinating Group.

5129 ~~633.808 Division authority.~~

5130 (7) The division shall:

5131 (a)~~(1)~~ Investigate and prescribe by rule what safety
5132 devices, safeguards, or other means of protection must be
5133 adopted for the prevention of accidents and injuries in every
5134 firefighter employee place of employment or at any fire scene;
5135 determine what suitable devices, safeguards, or other means of
5136 protection for the prevention of occupational diseases must be
5137 adopted or followed in any or all such firefighter places of
5138 employment or at any emergency fire scene; and adopt reasonable
5139 rules for the prevention of accidents, the safety, protection,
5140 and security of firefighter employees engaged in interior
5141 firefighting, and the prevention of occupational diseases.

5142 (b)~~(2)~~ Ascertain, fix, and order such reasonable standards

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5143 and rules for the construction, repair, and maintenance of
5144 firefighter employee places of employment as shall render them
5145 safe. Such rules and standards shall be adopted in accordance
5146 with chapter 120.

5147 ~~(3) Assist firefighter employers in the development and~~
5148 ~~implementation of firefighter employee safety training programs~~
5149 ~~by contracting with professional safety organizations.~~

5150 (c) ~~(4)~~ Adopt rules prescribing recordkeeping
5151 responsibilities for firefighter employers, which may include
5152 maintaining a log and summary of occupational injuries,
5153 diseases, and illnesses, for producing on request a notice of
5154 injury and firefighter employee accident investigation records,
5155 and prescribing a retention schedule for such records.

5156 Section 81. Section 633.817, Florida Statutes, is
5157 transferred, renumbered as section 633.512, Florida Statutes,
5158 and amended to read:

5159 633.512 ~~633.817~~ Compliance.—Failure of a firefighter
5160 employer or an insurer to comply with this part ~~ss. 633.801-~~
5161 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~
5162 ~~633.821~~, constitutes grounds for the division to seek remedies,
5163 including injunctive relief, by making appropriate filings with
5164 the circuit court.

5165 Section 82. Section 633.805, Florida Statutes, is
5166 transferred and renumbered as section 633.5141, Florida
5167 Statutes.

5168 Section 83. Section 633.806, Florida Statutes, is
5169 transferred, renumbered as subsections (1) and (2) of section
5170 633.516, Florida Statutes, and amended, and section 633.815,

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5171 Florida Statutes, is transferred, renumbered as subsection (3)
5172 of that section, and amended, to read:

5173 633.516 ~~633.806~~ Studies, investigations, inspections, or
5174 inquiries by the division; refusal to admit; penalty.—

5175 (1) The division shall make studies ~~and~~ investigations,
5176 inspections, or inquiries, with respect to compliance with this
5177 part or any rules authorized under this part ~~safety provisions~~
5178 and the causes of firefighter employee injuries, illnesses,
5179 safety based complaints, or Line of Duty Deaths (LODD) as
5180 defined in rule, in firefighter employee places of employment
5181 and shall make such recommendations to the Legislature and
5182 firefighter employers and insurers as the division considers
5183 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~
5184 ~~of preventing firefighter injuries.~~ In making such studies, and
5185 investigations, inspections, or inquiries, the division may
5186 cooperate with any agency of the United States charged with the
5187 duty of enforcing any law securing safety against injury in any
5188 place of firefighter employment covered by this part ~~ss.~~
5189 ~~633.801-633.821~~ or any agency or department of the state engaged
5190 in enforcing any law to ensure safety for firefighter employees.

5191 (2) The division by rule may adopt procedures for
5192 conducting investigations, inspections, or inquiries, of
5193 firefighter employers under this part ~~ss. 633.801-633.821.~~

5194 ~~633.815~~ ~~Refusal to admit; penalty.—~~

5195 (3) The division and authorized representatives of the
5196 division may enter and inspect any firefighter employee's place
5197 of employment at any reasonable time for the purpose of
5198 investigating compliance with this part ~~ss. 633.801-633.821~~ and

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5199 conducting inspections for the proper enforcement of this part
5200 ~~ss. 633.801-633.821~~. A firefighter employer who refuses to admit
5201 any member of the division or authorized representative of the
5202 division to any place of employment or to allow investigation
5203 and inspection pursuant to this section commits a misdemeanor of
5204 the second degree, punishable as provided in s. 775.082 or s.
5205 775.083.

5206 Section 84. Section 633.807, Florida Statutes, is
5207 transferred, renumbered as section 633.518, Florida Statutes,
5208 and amended to read:

5209 633.518 ~~633.807~~ Safety; firefighter employer
5210 responsibilities.—Every firefighter employer shall furnish and
5211 use safety devices and safeguards, adopt and use methods and
5212 processes reasonably adequate to render such an employment and
5213 place of employment safe, and do every other thing reasonably
5214 necessary to protect the lives, health, and safety of such
5215 firefighter employees. As used in this section, the terms "safe"
5216 and "safety," as applied to any employment or place of
5217 ~~firefighter~~ employment, mean such freedom from danger as is
5218 reasonably necessary for the protection of the lives, health,
5219 and safety of firefighter employees, including conditions and
5220 methods of sanitation and hygiene. Safety devices and safeguards
5221 required to be furnished by the firefighter employer by this
5222 section or by the division under authority of this section shall
5223 not include personal apparel and protective devices that replace
5224 personal apparel normally worn by firefighter employees during
5225 regular working hours.

5226 Section 85. Section 633.809, Florida Statutes, is

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5227 transferred, renumbered as subsection (1) of section 633.522,
5228 Florida Statutes, and amended, section 633.810, Florida
5229 Statutes, is transferred and renumbered as subsections (2), (3),
5230 (4), and (5) of that section, and section 633.813, Florida
5231 Statutes, is transferred, renumbered as subsection (6) of that
5232 section, and amended, to read:

5233 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~
5234 ~~employees have a high frequency of work-related injuries;~~
5235 ~~corrective plans; workplace safety committees and coordinators.-~~

5236 (1) The division shall develop a means to ~~by which the~~
5237 ~~division may~~ identify individual firefighter employers with
5238 ~~whose firefighter employees have a high frequency or severity of~~
5239 firefighter employee work-related injuries. The division shall
5240 ~~carry out safety inspections of the facilities and operations of~~
5241 ~~those firefighter employers in order to assist them in reducing~~
5242 ~~the frequency and severity of work-related injuries. The~~
5243 ~~division shall develop safety and health programs for those~~
5244 ~~firefighter employers. Insurers shall distribute such safety and~~
5245 ~~health programs to the firefighter employers so identified by~~
5246 ~~the division. Those firefighter employers identified by the~~
5247 ~~division as having a high frequency or severity of work-related~~
5248 ~~injuries shall implement a safety and health program developed~~
5249 ~~by the division. The division shall conduct ~~carry out~~ safety~~

5250 inspections of those firefighter employers so identified to

5251 ensure compliance with this part or the division's rules and

5252 make recommendations based upon current ~~the~~ safety and health

5253 practices ~~program~~ and to assist such firefighter employers in

5254 reducing the number of work-related injuries. The division may

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5255 not assess penalties as a result of such inspections, ~~except as~~
5256 ~~provided by s. 633.813~~. Copies of any report made as the result
5257 of such an inspection shall be provided to the firefighter
5258 employer and its insurer. Firefighter employers shall ~~may~~ submit
5259 a plan for the correction of any noncompliance issues ~~their own~~
5260 ~~safety and health programs~~ to the division for approval in
5261 accordance with division rule ~~lieu of using the safety and~~
5262 ~~health program developed by the division~~. The division shall
5263 promptly review the plan ~~program~~ submitted and approve or
5264 disapprove the plan ~~program~~ within 60 days or such plan ~~program~~
5265 shall be deemed approved. Upon approval by the division, the
5266 plan ~~program~~ shall be implemented by the firefighter employer.
5267 If the plan ~~program~~ is not submitted, does not provide
5268 corrective actions for all deficiencies, is not complete, or is
5269 not implemented, the fire service provider shall be subject to
5270 the provisions of s. 633.526 ~~approved or if a program is not~~
5271 ~~submitted, the firefighter employer shall implement the program~~
5272 ~~developed by the division. The division shall adopt rules~~
5273 ~~setting forth the criteria for safety and health programs, as~~
5274 ~~such rules relate to this section.~~

5275 ~~633.810 Workplace safety committees and safety~~
5276 ~~coordinators.—~~

5277 (2)(1) In order to promote health and safety in
5278 firefighter employee places of employment in this state:

5279 (a) Each firefighter employer of 20 or more firefighter
5280 employees shall establish and administer a workplace safety
5281 committee in accordance with rules adopted under this section.

5282 (b) Each firefighter employer of fewer than 20 firefighter

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5283 employees identified by the division as having high frequency or
5284 high severity of work-related injuries shall establish and
5285 administer a workplace safety committee or designate a workplace
5286 safety coordinator who shall establish and administer workplace
5287 safety activities in accordance with rules adopted under this
5288 section.

5289 ~~(3)~~(2) The division shall adopt rules:

5290 (a) Prescribing the membership of the workplace safety
5291 committees so as to ensure an equal number of firefighter
5292 employee representatives who are volunteers or are elected by
5293 their peers and firefighter employer representatives, and
5294 specifying the frequency of meetings.

5295 (b) Requiring firefighter employers to make adequate
5296 records of each meeting and to file and to maintain the records
5297 subject to inspection by the division.

5298 (c) Prescribing the duties and functions of the workplace
5299 safety committee and workplace safety coordinator, which
5300 include, but are not limited to:

5301 1. Establishing procedures for workplace safety
5302 inspections by the committee.

5303 2. Establishing procedures for investigating all workplace
5304 accidents, safety-related incidents, illnesses, and deaths.

5305 3. Evaluating accident prevention and illness prevention
5306 programs.

5307 4. Prescribing guidelines for the training of safety
5308 committee members.

5309 ~~(4)~~(3) The composition, selection, and function of
5310 workplace safety committees shall be a mandatory topic of

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5311 negotiations with any certified collective bargaining agent for
5312 firefighter employers that operate under a collective bargaining
5313 agreement. Firefighter employers that operate under a collective
5314 bargaining agreement that contains provisions regulating the
5315 formation and operation of workplace safety committees that meet
5316 or exceed the minimum requirements contained in this section, or
5317 firefighter employers who otherwise have existing workplace
5318 safety committees that meet or exceed the minimum requirements
5319 established by this section, are in compliance with this
5320 section.

5321 (5)~~(4)~~ Firefighter employees shall be compensated their
5322 regular hourly wage while engaged in workplace safety committee
5323 or workplace safety coordinator training, meetings, or other
5324 duties prescribed under this section.

5325 ~~633.813 Failure to implement a safety and health program;~~
5326 ~~cancellations.-~~

5327 (6) If a firefighter employer ~~that is found by the~~
5328 ~~division to have a high frequency or severity of work-related~~
5329 ~~injuries~~ fails to implement a corrective plan ~~safety and health~~
5330 ~~program~~, the insurer or self-insurer's fund that is providing
5331 coverage for the firefighter employer may cancel the contract
5332 for insurance with the firefighter employer. In the alternative,
5333 the insurer or fund may terminate any discount or deviation
5334 granted to the firefighter employer for the remainder of the
5335 term of the policy. If the contract is canceled or the discount
5336 or deviation is terminated, the insurer shall make such reports
5337 as are required by law.

5338 Section 86. Section 633.811, Florida Statutes, is

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5339 transferred, renumbered as section 633.526, Florida Statutes,
5340 and amended to read:

5341 633.526 ~~633.811~~ Firefighter employer penalties.—If any
5342 firefighter employer violates or fails or refuses to comply with
5343 this part ss. 633.801-633.821, or with any rule adopted by the
5344 division under such sections in accordance with chapter 120 for
5345 the prevention of injuries, accidents, or occupational diseases
5346 or with any lawful order of the division in connection with this
5347 part ss. 633.801-633.821, or fails or refuses to furnish or
5348 adopt any safety device, safeguard, or other means of protection
5349 prescribed by division rule under this part ss. 633.801-633.821
5350 for the prevention of accidents or occupational diseases, the
5351 division may:

5352 (1) Issue an administrative cease and desist order,
5353 enforceable in the circuit court in the jurisdiction where the
5354 violation is occurring or has occurred;

5355 (2) Assess an administrative fine against a firefighter
5356 employer of not less than \$100 or more than \$1,000 for each
5357 violation and each day a violation is committed; and

5358 (3) Assess against the firefighter employer a civil
5359 penalty of not less than \$100 nor more than \$5,000 for each day
5360 the violation, omission, failure, or refusal continues after the
5361 firefighter employer has been given written notice of such
5362 violation, omission, failure, or refusal. The total penalty for
5363 each violation shall not exceed \$50,000. The division shall
5364 adopt rules requiring penalties commensurate with the frequency
5365 or severity of safety violations. Hearings requested under this
5366 provision shall be conducted in Tallahassee, Florida. ~~A hearing~~

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5367 ~~shall be held in the county in which the violation, omission,~~
5368 ~~failure, or refusal is alleged to have occurred, unless~~
5369 ~~otherwise agreed to by the firefighter employer and authorized~~
5370 ~~by the division.~~ All penalties assessed and collected under this
5371 section shall be deposited in the Insurance Regulatory Trust
5372 Fund.

5373 Section 87. Section 633.812, Florida Statutes, is
5374 transferred and renumbered as section 633.528, Florida Statutes,
5375 and subsections (2) and (3) of that section are amended, to
5376 read:

5377 633.528 ~~633.812~~ Division cooperation with Federal
5378 Government; exemption from requirements for private firefighter
5379 employers.—

5380 (1) The division shall cooperate with the Federal
5381 Government so that duplicate inspections will be avoided while
5382 at the same time ensuring safe firefighter employee places of
5383 employment for the citizens of this state.

5384 (2) ~~Except as provided in this section,~~ A private
5385 firefighter employer is not subject to the requirements set
5386 forth in part IV and this part of the division if the private
5387 firefighter employer meets the requirements of this part and:

5388 (a) The private firefighter employer is subject to the
5389 federal regulations in 29 C.F.R. ss. 1910 and 1926.

5390 (b) The private firefighter employer has adopted and
5391 implemented a written safety program that conforms to the
5392 requirements of 29 C.F.R. ss. 1910 and 1926.

5393 ~~(c) A private firefighter employer with 20 or more full-~~
5394 ~~time firefighter employees shall include provisions for a safety~~

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5395 ~~committee in the safety program. The safety committee shall~~
5396 ~~include firefighter employee representation and shall meet at~~
5397 ~~least once each calendar quarter. The private firefighter~~
5398 ~~employer shall make adequate records of each meeting and~~
5399 ~~maintain the records subject to inspections under subsection~~
5400 ~~(3). The safety committee shall, if appropriate, make~~
5401 ~~recommendations regarding improvements to the safety program and~~
5402 ~~corrections of hazards affecting workplace safety.~~

5403 ~~(c)(d)~~ The private firefighter employer provides the
5404 division with a written statement that certifies compliance with
5405 this subsection.

5406 (3) The division may enter at any reasonable time any
5407 place of private firefighter employment for the purpose of
5408 verifying the accuracy of the written certification. If the
5409 division determines that the private firefighter employer has
5410 not complied with the requirements of subsection (2), the
5411 private firefighter employer shall be subject to the rules of
5412 the division until the private firefighter employer complies
5413 with subsection (2), which must be verified by a reinspection by
5414 the division and recertifies that fact to the division.

5415 (4) This section shall not restrict the division's
5416 performance of any duties pursuant to a written contract between
5417 the division and the federal Occupational Safety and Health
5418 Administration.

5419 Section 88. Section 633.816, Florida Statutes, is
5420 transferred, renumbered as section 633.532, Florida Statutes,
5421 and amended to read:

5422 633.532 ~~633.816~~ Firefighter employee rights and

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responsibilities.-

(1) Each firefighter employee of a firefighter employer covered under this part ~~ss. 633.801-633.821~~ shall comply with rules adopted by the division and with reasonable workplace safety and health standards, rules, policies, procedures, and work practices established by the firefighter employer and the workplace safety committee. A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

(2) A firefighter employer may not discharge, threaten to discharge, cause to be discharged, intimidate, coerce, otherwise discipline, or in any manner discriminate against a firefighter employee for any of the following reasons:

(a) The firefighter employee has testified or is about to testify, on her or his own behalf or on behalf of others, in any proceeding instituted under this part ~~ss. 633.801-633.821~~;

(b) The firefighter employee has exercised any other right afforded under this part ~~ss. 633.801-633.821~~; or

(c) The firefighter employee is engaged in activities relating to the workplace safety committee.

(3) No pay, position, seniority, or other benefit may be lost for exercising any right under, or for seeking compliance with any requirement of, this part ~~ss. 633.801-633.821~~.

Section 89. Section 633.818, Florida Statutes, is transferred, renumbered as subsection (1) of section 633.5341, Florida Statutes, and amended, and section 633.819, Florida Statutes, is transferred and renumbered as subsection (2) of that section, to read:

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5451 633.5341 ~~633.818~~ False, fictitious, or fraudulent acts,
5452 statements, and representations prohibited; penalty; statute of
5453 limitations; ~~to insurers.~~

5454 (1) A firefighter employer who knowingly and willfully
5455 falsifies or conceals a material fact, who makes a false,
5456 fictitious, or fraudulent statement or representation, or who
5457 makes or uses any false document knowing the document to contain
5458 any false, fictitious, or fraudulent entry or statement to an
5459 insurer of workers' compensation insurance under this part ~~ss.~~
5460 ~~633.801-633.821~~ commits a misdemeanor of the second degree,
5461 punishable as provided in s. 775.082 or s. 775.083.

5462 ~~633.819 Matters within jurisdiction of the division;~~
5463 ~~false, fictitious, or fraudulent acts, statements, and~~
5464 ~~representations prohibited; penalty; statute of limitations.~~

5465 (2) A person may not, in any matter within the
5466 jurisdiction of the division, knowingly and willfully falsify or
5467 conceal a material fact; make any false, fictitious, or
5468 fraudulent statement or representation; or make or use any false
5469 document, knowing the same to contain any false, fictitious, or
5470 fraudulent statement or entry. A person who violates this
5471 section commits a misdemeanor of the second degree, punishable
5472 as provided in s. 775.082 or s. 775.083. The statute of
5473 limitations for prosecution of an act committed in violation of
5474 this section is 5 years after the date the act was committed or,
5475 if not discovered within 30 days after the act was committed, 5
5476 years after the date the act was discovered.

5477 Section 90. Section 633.814, Florida Statutes, is
5478 transferred, renumbered as section 633.536, Florida Statutes,

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and amended, to read:

633.536 ~~633.814~~ Expenses of administration.—The amounts that are needed to administer this part ~~ss. 633.801–633.821~~ shall be disbursed from the Insurance Regulatory Trust Fund.

Section 91. Section 554.103, Florida Statutes, is amended to read:

554.103 Boiler code.—The department shall adopt by rule a State Boiler Code for the safe ~~construction~~, installation, inspection, maintenance, and repair of boilers in this state. The rules adopted shall be based upon and shall at all times follow generally accepted nationwide engineering standards, formulas, and practices pertaining to boiler construction and safety.

(1) New boilers installed or imported into this state shall be constructed to the most current mandatory boiler code, ~~The department shall adopt an existing code for new construction and installation~~ known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, including all amendments, code cases, and interpretations approved thereto by the Council on Codes and Standards of A.S.M.E. ~~The department may adopt amendments and interpretations to the A.S.M.E. Boiler and Pressure Vessel Code approved by the A.S.M.E. Council on Codes and Standards subsequent to the adoption of the State Boiler Code, and when so adopted, such amendments and interpretations shall become a part of the State Boiler Code.~~

(2) The installer ~~owner~~ of any boiler placed in use in this state after July 1, 2013 ~~October 1, 1987~~, shall submit the A.S.M.E. manufacturer's data report on such boiler to the chief

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5507 inspector prior to the boiler being placed into operation ~~not~~
5508 ~~more than 90 days following the inservice date of the boiler.~~

5509 (3) The maximum allowable working pressure of a boiler
5510 carrying the A.S.M.E. code symbol shall be determined by the
5511 applicable sections of the code under which it was constructed
5512 and stamped. Subject to the concurrence of the chief inspector,
5513 such boiler may be rerated in accordance with the standards of
5514 the State Boiler Code.

5515 (4) The maximum allowable working pressure of a boiler
5516 which does not carry the A.S.M.E. code symbol shall be computed
5517 in accordance with the standards of the State Boiler Code.

5518 (5) Nothing in ss. 554.1011-554.115 shall be construed to
5519 in any way prevent the use, sale, or reinstallation of a boiler
5520 if such boiler has been made to conform to the applicable
5521 provisions of the State Boiler Code governing existing
5522 installations and if, upon inspection, the boiler has been found
5523 to be in a safe condition.

5524 Section 92. Section 627.4107, Florida Statutes, is amended
5525 to read:

5526 627.4107 Government employees exposed to toxic drug
5527 chemicals; cancellation of life or health policy or certificate
5528 prohibited.—No life or health insurer may cancel or nonrenew a
5529 life or health insurance policy or certificate of insurance
5530 providing coverage to a state or local law enforcement officer
5531 as defined in s. 943.10, firefighter as defined in s. 633.102
5532 ~~633.30~~, volunteer firefighter as defined in 633.102, emergency
5533 medical technician as defined in s. 401.23, or paramedic as
5534 defined in s. 401.23, a volunteer firefighter engaged by state

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5535 or local government, a law enforcement officer employed by the
5536 Federal Government, or any other local, state, or Federal
5537 Government employee solely based on the fact that the individual
5538 has been exposed to toxic chemicals or suffered injury or
5539 disease as a result of the individual's lawful duties arising
5540 out of the commission of a violation of chapter 893 by another
5541 person. This section does not apply to any person who commits an
5542 offense under chapter 893. This section does not prohibit an
5543 insurer from canceling or nonrenewing an insurance policy or
5544 certificate, as permitted under the applicable state insurance
5545 code, based on an act or practice of the policyholder or
5546 certificateholder that constitutes fraud or intentional
5547 misrepresentation of material fact by the policyholder or
5548 certificateholder.

5549 Section 93. Section 791.012, Florida Statutes, is amended
5550 to read:

5551 791.012 Minimum fireworks safety standards.—The outdoor
5552 display of fireworks in this state shall be governed by the
5553 National Fire Protection Association (NFPA) 1123, Code for
5554 Fireworks Display, as adopted in the Florida Fire Prevention
5555 Code 1995 Edition, approved by the American National Standards
5556 Institute. Any state, county, or municipal law, rule, or
5557 ordinance may provide for more stringent regulations for the
5558 outdoor display of fireworks, but in no event may any such law,
5559 rule, or ordinance provide for less stringent regulations for
5560 the outdoor display of fireworks. The division shall promulgate
5561 rules to carry out the provisions of this section. The Code for
5562 Fireworks Display shall not govern the display of any fireworks

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5563 on private, residential property and shall not govern the
5564 display of those items included under s. 791.01(4)(b) and (c)
5565 and authorized for sale thereunder.

5566 Section 94. Subsection (1) and paragraph (a) of subsection
5567 (3) of section 791.015, Florida Statutes, are amended to read:

5568 791.015 Registration of manufacturers, distributors,
5569 wholesalers, and retailers of sparklers.—

5570 (1) REGISTRATION REQUIREMENTS.—Any manufacturer,
5571 distributor, wholesaler, retailer, or seasonal retailer of
5572 sparklers who wishes to do business in this state or to
5573 otherwise sell, ship, or assign for sale its products in this
5574 state must register annually with the division on forms
5575 prescribed by the division. Any retailer or seasonal retailer
5576 who sells sparklers at more than one retail location may submit
5577 one registration form for all such locations but must provide
5578 the address of each location with the registration form;
5579 however, any retailer or seasonal retailer may submit multiple
5580 registration forms.

5581 (3) FEES.—

5582 (a) Each manufacturer, distributor, or wholesaler must pay
5583 an annual registration fee to be set by the division not to
5584 exceed \$1,000. Each seasonal retailer must pay an annual
5585 registration fee to be set by the division not to exceed \$200
5586 per each retail location registered. Each retailer shall pay an
5587 annual registration fee to be set by the division not to exceed
5588 \$15 for each retail location registered. Each certificateholder
5589 wishing to have a duplicate certificate issued for one which is
5590 lost or to reflect a change of address shall request such

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5591 duplicate in writing and shall pay a fee of \$5.

5592 Section 95. Sections 633.024, 633.0245, 633.30, 633.445,
5593 633.524, 633.804, and 633.820, Florida Statutes, are repealed.

5594 Section 96. Subsection (1) of section 112.1815, Florida
5595 Statutes, is amended to read:

5596 112.1815 Firefighters, paramedics, emergency medical
5597 technicians, and law enforcement officers; special provisions
5598 for employment-related accidents and injuries.-

5599 (1) The term "first responder" as used in this section
5600 means a law enforcement officer as defined in s. 943.10, a
5601 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5602 medical technician or paramedic as defined in s. 401.23 employed
5603 by state or local government. A volunteer law enforcement
5604 officer, firefighter, or emergency medical technician or
5605 paramedic engaged by the state or a local government is also
5606 considered a first responder of the state or local government
5607 for purposes of this section.

5608 Section 97. Paragraph (b) of subsection (1) of section
5609 112.191, Florida Statutes, is amended to read:

5610 112.191 Firefighters; death benefits.-

5611 (1) Whenever used in this act:

5612 (b) The term "firefighter" means any full-time duly
5613 employed uniformed firefighter employed by an employer, whose
5614 primary duty is the prevention and extinguishing of fires, the
5615 protection of life and property therefrom, the enforcement of
5616 municipal, county, and state fire prevention codes, as well as
5617 the enforcement of any law pertaining to the prevention and
5618 control of fires, who is certified pursuant to s. 633.408

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5619 ~~633.35~~, and who is a member of a duly constituted fire
5620 department of such employer or who is a volunteer firefighter.

5621 Section 98. Subsection (1) of section 112.81, Florida
5622 Statutes, is amended to read:

5623 112.81 Definitions.—As used in this part:

5624 (1) "Firefighter" means any person who is certified in
5625 compliance with s. 633.408 ~~633.35~~ and who is employed solely
5626 within the fire department or public safety department of an
5627 employing agency as a full-time firefighter whose primary
5628 responsibility is the prevention and extinguishment of fires;
5629 the protection of life and property; and the enforcement of
5630 municipal, county, and state fire prevention codes and laws
5631 pertaining to the prevention and control of fires.

5632 Section 99. Paragraph (d) of subsection (4) of section
5633 119.071, Florida Statutes, is amended to read:

5634 119.071 General exemptions from inspection or copying of
5635 public records.—

5636 (4) AGENCY PERSONNEL INFORMATION.—

5637 (d)1. For purposes of this paragraph, the term "telephone
5638 numbers" includes home telephone numbers, personal cellular
5639 telephone numbers, personal pager telephone numbers, and
5640 telephone numbers associated with personal communications
5641 devices.

5642 2.a. The home addresses, telephone numbers, social
5643 security numbers, dates of birth, and photographs of active or
5644 former sworn or civilian law enforcement personnel, including
5645 correctional and correctional probation officers, personnel of
5646 the Department of Children and Family Services whose duties

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5647 include the investigation of abuse, neglect, exploitation,
5648 fraud, theft, or other criminal activities, personnel of the
5649 Department of Health whose duties are to support the
5650 investigation of child abuse or neglect, and personnel of the
5651 Department of Revenue or local governments whose
5652 responsibilities include revenue collection and enforcement or
5653 child support enforcement; the home addresses, telephone
5654 numbers, social security numbers, photographs, dates of birth,
5655 and places of employment of the spouses and children of such
5656 personnel; and the names and locations of schools and day care
5657 facilities attended by the children of such personnel are exempt
5658 from s. 119.07(1).

5659 b. The home addresses, telephone numbers, dates of birth,
5660 and photographs of firefighters certified in compliance with s.
5661 633.408 ~~633.35~~; the home addresses, telephone numbers,
5662 photographs, dates of birth, and places of employment of the
5663 spouses and children of such firefighters; and the names and
5664 locations of schools and day care facilities attended by the
5665 children of such firefighters are exempt from s. 119.07(1).

5666 c. The home addresses, dates of birth, and telephone
5667 numbers of current or former justices of the Supreme Court,
5668 district court of appeal judges, circuit court judges, and
5669 county court judges; the home addresses, telephone numbers,
5670 dates of birth, and places of employment of the spouses and
5671 children of current or former justices and judges; and the names
5672 and locations of schools and day care facilities attended by the
5673 children of current or former justices and judges are exempt
5674 from s. 119.07(1).

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5675 d. The home addresses, telephone numbers, social security
5676 numbers, dates of birth, and photographs of current or former
5677 state attorneys, assistant state attorneys, statewide
5678 prosecutors, or assistant statewide prosecutors; the home
5679 addresses, telephone numbers, social security numbers,
5680 photographs, dates of birth, and places of employment of the
5681 spouses and children of current or former state attorneys,
5682 assistant state attorneys, statewide prosecutors, or assistant
5683 statewide prosecutors; and the names and locations of schools
5684 and day care facilities attended by the children of current or
5685 former state attorneys, assistant state attorneys, statewide
5686 prosecutors, or assistant statewide prosecutors are exempt from
5687 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

5688 e. The home addresses, dates of birth, and telephone
5689 numbers of general magistrates, special magistrates, judges of
5690 compensation claims, administrative law judges of the Division
5691 of Administrative Hearings, and child support enforcement
5692 hearing officers; the home addresses, telephone numbers, dates
5693 of birth, and places of employment of the spouses and children
5694 of general magistrates, special magistrates, judges of
5695 compensation claims, administrative law judges of the Division
5696 of Administrative Hearings, and child support enforcement
5697 hearing officers; and the names and locations of schools and day
5698 care facilities attended by the children of general magistrates,
5699 special magistrates, judges of compensation claims,
5700 administrative law judges of the Division of Administrative
5701 Hearings, and child support enforcement hearing officers are
5702 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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5703 Constitution if the general magistrate, special magistrate,
5704 judge of compensation claims, administrative law judge of the
5705 Division of Administrative Hearings, or child support hearing
5706 officer provides a written statement that the general
5707 magistrate, special magistrate, judge of compensation claims,
5708 administrative law judge of the Division of Administrative
5709 Hearings, or child support hearing officer has made reasonable
5710 efforts to protect such information from being accessible
5711 through other means available to the public.

5712 f. The home addresses, telephone numbers, dates of birth,
5713 and photographs of current or former human resource, labor
5714 relations, or employee relations directors, assistant directors,
5715 managers, or assistant managers of any local government agency
5716 or water management district whose duties include hiring and
5717 firing employees, labor contract negotiation, administration, or
5718 other personnel-related duties; the names, home addresses,
5719 telephone numbers, dates of birth, and places of employment of
5720 the spouses and children of such personnel; and the names and
5721 locations of schools and day care facilities attended by the
5722 children of such personnel are exempt from s. 119.07(1) and s.
5723 24(a), Art. I of the State Constitution.

5724 g. The home addresses, telephone numbers, dates of birth,
5725 and photographs of current or former code enforcement officers;
5726 the names, home addresses, telephone numbers, dates of birth,
5727 and places of employment of the spouses and children of such
5728 personnel; and the names and locations of schools and day care
5729 facilities attended by the children of such personnel are exempt
5730 from s. 119.07(1) and s. 24(a), Art. I of the State

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5731
5732 h. The home addresses, telephone numbers, places of
5733 employment, dates of birth, and photographs of current or former
5734 guardians ad litem, as defined in s. 39.820; the names, home
5735 addresses, telephone numbers, dates of birth, and places of
5736 employment of the spouses and children of such persons; and the
5737 names and locations of schools and day care facilities attended
5738 by the children of such persons are exempt from s. 119.07(1) and
5739 s. 24(a), Art. I of the State Constitution, if the guardian ad
5740 litem provides a written statement that the guardian ad litem
5741 has made reasonable efforts to protect such information from
5742 being accessible through other means available to the public.

5743 i. The home addresses, telephone numbers, dates of birth,
5744 and photographs of current or former juvenile probation
5745 officers, juvenile probation supervisors, detention
5746 superintendents, assistant detention superintendents, juvenile
5747 justice detention officers I and II, juvenile justice detention
5748 officer supervisors, juvenile justice residential officers,
5749 juvenile justice residential officer supervisors I and II,
5750 juvenile justice counselors, juvenile justice counselor
5751 supervisors, human services counselor administrators, senior
5752 human services counselor administrators, rehabilitation
5753 therapists, and social services counselors of the Department of
5754 Juvenile Justice; the names, home addresses, telephone numbers,
5755 dates of birth, and places of employment of spouses and children
5756 of such personnel; and the names and locations of schools and
5757 day care facilities attended by the children of such personnel
5758 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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5760 j. The home addresses, telephone numbers, dates of birth,
5761 and photographs of current or former public defenders, assistant
5762 public defenders, criminal conflict and civil regional counsel,
5763 and assistant criminal conflict and civil regional counsel; the
5764 home addresses, telephone numbers, dates of birth, and places of
5765 employment of the spouses and children of such defenders or
5766 counsel; and the names and locations of schools and day care
5767 facilities attended by the children of such defenders or counsel
5768 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5769 Constitution.

5770 k. The home addresses, telephone numbers, and photographs
5771 of current or former investigators or inspectors of the
5772 Department of Business and Professional Regulation; the names,
5773 home addresses, telephone numbers, and places of employment of
5774 the spouses and children of such current or former investigators
5775 and inspectors; and the names and locations of schools and day
5776 care facilities attended by the children of such current or
5777 former investigators and inspectors are exempt from s. 119.07(1)
5778 and s. 24(a), Art. I of the State Constitution if the
5779 investigator or inspector has made reasonable efforts to protect
5780 such information from being accessible through other means
5781 available to the public. This sub-subparagraph is subject to the
5782 Open Government Sunset Review Act in accordance with s. 119.15
5783 and shall stand repealed on October 2, 2017, unless reviewed and
5784 saved from repeal through reenactment by the Legislature.

5785 l. The home addresses and telephone numbers of county tax
5786 collectors; the names, home addresses, telephone numbers, and

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5787 places of employment of the spouses and children of such tax
5788 collectors; and the names and locations of schools and day care
5789 facilities attended by the children of such tax collectors are
5790 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5791 Constitution if the county tax collector has made reasonable
5792 efforts to protect such information from being accessible
5793 through other means available to the public. This sub-
5794 subparagraph is subject to the Open Government Sunset Review Act
5795 in accordance with s. 119.15 and shall stand repealed on October
5796 2, 2017, unless reviewed and saved from repeal through
5797 reenactment by the Legislature.

5798 3. An agency that is the custodian of the information
5799 specified in subparagraph 2. and that is not the employer of the
5800 officer, employee, justice, judge, or other person specified in
5801 subparagraph 2. shall maintain the exempt status of that
5802 information only if the officer, employee, justice, judge, other
5803 person, or employing agency of the designated employee submits a
5804 written request for maintenance of the exemption to the
5805 custodial agency.

5806 4. The exemptions in this paragraph apply to information
5807 held by an agency before, on, or after the effective date of the
5808 exemption.

5809 5. This paragraph is subject to the Open Government Sunset
5810 Review Act in accordance with s. 119.15, and shall stand
5811 repealed on October 2, 2017, unless reviewed and saved from
5812 repeal through reenactment by the Legislature.

5813 Section 100. Subsection (4) of section 120.541, Florida
5814 Statutes, as amended by chapter 2011-222, Laws of Florida, is

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5815 amended to read:

5816 120.541 Statement of estimated regulatory costs.—

5817 (4) Subsection (3) does not apply to the adoption of:

5818 (a) Federal standards pursuant to s. 120.54(6).

5819 (b) Triennial updates of and amendments to the Florida
5820 Building Code which are expressly authorized by s. 553.73.

5821 (c) Triennial updates of and amendments to the Florida
5822 Fire Prevention Code which are expressly authorized by s.

5823 633.202 ~~633.0215~~.

5824 Section 101. Subsection (17) of section 120.80, Florida
5825 Statutes, is amended to read:

5826 120.80 Exceptions and special requirements; agencies.—

5827 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
5828 to the adoption of amendments and the triennial update to the
5829 Florida Fire Prevention Code expressly authorized by s. 633.202
5830 ~~633.0215~~.

5831 Section 102. Paragraph (b) of subsection (3) and paragraph
5832 (a) of subsection (6) of section 121.0515, Florida Statutes, are
5833 amended to read:

5834 121.0515 Special Risk Class.—

5835 (3) CRITERIA.—A member, to be designated as a special risk
5836 member, must meet the following criteria:

5837 (b) Effective October 1, 1978, the member must be employed
5838 as a firefighter and be certified, or required to be certified,
5839 in compliance with s. 633.408 ~~633.35~~ and be employed solely
5840 within the fire department of a local government employer or an
5841 agency of state government with firefighting responsibilities.

5842 In addition, the member's duties and responsibilities must

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5843 include on-the-scene fighting of fires; as of October 1, 2001,
5844 fire prevention or firefighter training; as of October 1, 2001,
5845 direct supervision of firefighting units, fire prevention, or
5846 firefighter training; or as of July 1, 2001, aerial firefighting
5847 surveillance performed by fixed-wing aircraft pilots employed by
5848 the Florida Forest Service of the Department of Agriculture and
5849 Consumer Services; or the member must be the supervisor or
5850 command officer of a member or members who have such
5851 responsibilities. Administrative support personnel, including,
5852 but not limited to, those whose primary duties and
5853 responsibilities are in accounting, purchasing, legal, and
5854 personnel, are not included. All periods of creditable service
5855 in fire prevention or firefighter training, or as the supervisor
5856 or command officer of a member or members who have such
5857 responsibilities, and for which the employer paid the special
5858 risk contribution rate, are included;

5859 (6) CREDIT FOR PAST SERVICE.—A special risk member may
5860 purchase retirement credit in the Special Risk Class based upon
5861 past service, and may upgrade retirement credit for such past
5862 service, to the extent of 2 percent of the member's average
5863 monthly compensation as specified in s. 121.091(1)(a) for such
5864 service as follows:

5865 (a) The member may purchase special risk credit for past
5866 service with a municipality or special district which has
5867 elected to join the Florida Retirement System, or with a
5868 participating agency to which a member's governmental unit was
5869 transferred, merged, or consolidated as provided in s.
5870 121.081(1)(f), if the member was employed with the municipality

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5871 or special district at the time it commenced participating in
5872 the Florida Retirement System or with the governmental unit at
5873 the time of its transfer, merger, or consolidation with the
5874 participating agency. The service must satisfy the criteria set
5875 forth in subsection (3) for Special Risk Class membership as a
5876 law enforcement officer, firefighter, or correctional officer;
5877 however, a certificate or waiver of certificate of compliance
5878 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such
5879 service.

5880 Section 103. Paragraph (d) of subsection (1) of section
5881 125.01, Florida Statutes, is amended to read:

5882 125.01 Powers and duties.—

5883 (1) The legislative and governing body of a county shall
5884 have the power to carry on county government. To the extent not
5885 inconsistent with general or special law, this power includes,
5886 but is not restricted to, the power to:

5887 (d) Provide fire protection, including the enforcement of
5888 the Florida Fire Prevention Code, as provided in ss. 633.206
5889 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local
5890 technical amendments to the Florida Fire Prevention Code as
5891 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

5892 Section 104. Subsection (2) of section 125.01045, Florida
5893 Statutes, is amended to read:

5894 125.01045 Prohibition of fees for first responder
5895 services.—

5896 (2) As used in this section, the term "first responder"
5897 means a law enforcement officer as defined in s. 943.10, a
5898 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency

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5899 medical technician or paramedic as defined in s. 401.23 who is
5900 employed by the state or a local government. A volunteer law
5901 enforcement officer, firefighter, or emergency medical
5902 technician or paramedic engaged by the state or a local
5903 government is also considered a first responder of the state or
5904 local government for purposes of this section.

5905 Section 105. Subsection (1) of section 125.56, Florida
5906 Statutes, is amended to read:

5907 125.56 Enforcement and amendment of the Florida Building
5908 Code and the Florida Fire Prevention Code; inspection fees;
5909 inspectors; etc.—

5910 (1) The board of county commissioners of each of the
5911 several counties of the state is authorized to enforce the
5912 Florida Building Code and the Florida Fire Prevention Code, as
5913 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,
5914 and, at its discretion, to adopt local technical amendments to
5915 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)
5916 and local technical amendments to the Florida Fire Prevention
5917 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe
5918 construction, erection, alteration, repair, securing, and
5919 demolition of any building within its territory outside the
5920 corporate limits of any municipality. Upon a determination to
5921 consider amending the Florida Building Code or the Florida Fire
5922 Prevention Code by a majority of the members of the board of
5923 county commissioners of such county, the board shall call a
5924 public hearing and comply with the public notice requirements of
5925 s. 125.66(2). The board shall hear all interested parties at the
5926 public hearing and may then amend the building code or the fire

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5927 code consistent with the terms and purposes of this act. Upon
5928 adoption, an amendment to the code shall be in full force and
5929 effect throughout the unincorporated area of such county until
5930 otherwise notified by the Florida Building Commission pursuant
5931 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202
5932 ~~633.0215~~. Nothing herein contained shall be construed to prevent
5933 the board of county commissioners from repealing such amendment
5934 to the building code or the fire code at any regular meeting of
5935 such board.

5936 Section 106. Subsection (2) of section 166.0446, Florida
5937 Statutes, is amended to read:

5938 166.0446 Prohibition of fees for first responder
5939 services.—

5940 (2) As used in this section, the term "first responder"
5941 means a law enforcement officer as defined in s. 943.10, a
5942 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5943 medical technician or paramedic as defined in s. 401.23 who is
5944 employed by the state or a local government. A volunteer law
5945 enforcement officer, firefighter, or emergency medical
5946 technician or paramedic engaged by the state or a local
5947 government is also considered a first responder of the state or
5948 local government for purposes of this section.

5949 Section 107. Paragraph (a) of subsection (8) of section
5950 175.032, Florida Statutes, is amended to read:

5951 175.032 Definitions.—For any municipality, special fire
5952 control district, chapter plan, local law municipality, local
5953 law special fire control district, or local law plan under this
5954 chapter, the following words and phrases have the following

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5955 meanings:

5956 (8) (a) "Firefighter" means any person employed solely by a
5957 constituted fire department of any municipality or special fire
5958 control district who is certified as a firefighter as a
5959 condition of employment in accordance with s. 633.408 ~~633.35~~ and
5960 whose duty it is to extinguish fires, to protect life, or to
5961 protect property. The term includes all certified, supervisory,
5962 and command personnel whose duties include, in whole or in part,
5963 the supervision, training, guidance, and management
5964 responsibilities of full-time firefighters, part-time
5965 firefighters, or auxiliary firefighters but does not include
5966 part-time firefighters or auxiliary firefighters. However, for
5967 purposes of this chapter only, the term also includes public
5968 safety officers who are responsible for performing both police
5969 and fire services, who are certified as police officers or
5970 firefighters, and who are certified by their employers to the
5971 Chief Financial Officer as participating in this chapter before
5972 October 1, 1979. Effective October 1, 1979, public safety
5973 officers who have not been certified as participating in this
5974 chapter are considered police officers for retirement purposes
5975 and are eligible to participate in chapter 185. Any plan may
5976 provide that the fire chief has an option to participate, or
5977 not, in that plan.

5978 Section 108. Subsection (3) of section 175.121, Florida
5979 Statutes, is amended to read:

5980 175.121 Department of Revenue and Division of Retirement
5981 to keep accounts of deposits; disbursements.—For any
5982 municipality or special fire control district having a chapter

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5983 or local law plan established pursuant to this chapter:

5984 (3) (a) All moneys not distributed to municipalities and
5985 special fire control districts under this section as a result of
5986 the limitation on disbursement contained in s. 175.122, or as a
5987 result of any municipality or special fire control district not
5988 having qualified in any given year, or portion thereof, shall be
5989 transferred to the Firefighters' Supplemental Compensation Trust
5990 Fund administered by the Department of Revenue, as provided in
5991 s. 633.422 ~~633.382~~.

5992 (b)1. Moneys transferred under paragraph (a) but not
5993 needed to support the supplemental compensation program in a
5994 given year shall be redistributed pro rata to those
5995 participating municipalities and special fire control districts
5996 that transfer any portion of their funds to support the
5997 supplemental compensation program in that year. Such additional
5998 moneys shall be used to cover or offset costs of the retirement
5999 plan.

6000 2. To assist the Department of Revenue, the division shall
6001 identify those municipalities and special fire control districts
6002 that are eligible for redistribution as provided in s.
6003 633.422(3)(c)2. ~~633.382(4)(c)2.~~, by listing the municipalities
6004 and special fire control districts from which funds were
6005 transferred under paragraph (a) and specifying the amount
6006 transferred by each.

6007 Section 109. Paragraph (c) of subsection (6) of section
6008 196.081, Florida Statutes, is amended to read:

6009 196.081 Exemption for certain permanently and totally
6010 disabled veterans and for surviving spouses of veterans;

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6011 exemption for surviving spouses of first responders who die in
6012 the line of duty.-

6013 (6) Any real estate that is owned and used as a homestead
6014 by the surviving spouse of a first responder who died in the
6015 line of duty while employed by the state or any political
6016 subdivision of the state, including authorities and special
6017 districts, and for whom a letter from the state or appropriate
6018 political subdivision of the state, or other authority or
6019 special district, has been issued which legally recognizes and
6020 certifies that the first responder died in the line of duty
6021 while employed as a first responder is exempt from taxation if
6022 the first responder and his or her surviving spouse were
6023 permanent residents of this state on January 1 of the year in
6024 which the first responder died.

6025 (c) As used in this subsection only, and not applicable to
6026 the payment of benefits under s. 112.19 or s. 112.191, the term:

6027 1. "First responder" means a law enforcement officer or
6028 correctional officer as defined in s. 943.10, a firefighter as
6029 defined in s. 633.102 ~~633.30~~, or an emergency medical technician
6030 or paramedic as defined in s. 401.23 who is a full-time paid
6031 employee, part-time paid employee, or unpaid volunteer.

6032 2. "In the line of duty" means:

6033 a. While engaging in law enforcement;

6034 b. While performing an activity relating to fire
6035 suppression and prevention;

6036 c. While responding to a hazardous material emergency;

6037 d. While performing rescue activity;

6038 e. While providing emergency medical services;

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6039 f. While performing disaster relief activity;

6040 g. While otherwise engaging in emergency response
6041 activity; or

6042 h. While engaging in a training exercise related to any of
6043 the events or activities enumerated in this subparagraph if the
6044 training has been authorized by the employing entity.

6045
6046 A heart attack or stroke that causes death or causes an injury
6047 resulting in death must occur within 24 hours after an event or
6048 activity enumerated in this subparagraph and must be directly
6049 and proximately caused by the event or activity in order to be
6050 considered as having occurred in the line of duty.

6051 Section 110. Paragraph (e) of subsection (1) of section
6052 218.23, Florida Statutes, is amended to read:

6053 218.23 Revenue sharing with units of local government.—

6054 (1) To be eligible to participate in revenue sharing
6055 beyond the minimum entitlement in any fiscal year, a unit of
6056 local government is required to have:

6057 (e) Certified that persons in its employ as firefighters,
6058 as defined in s. 633.102(9) ~~633.30(1)~~, meet the qualification
6059 for employment as established by the Division of State Fire
6060 Marshal pursuant to the provisions of ss. 633.412 ~~633.34~~ and
6061 633.408 ~~633.35~~ and that the provisions of s. 633.422 ~~633.382~~
6062 have been met.

6063
6064 Additionally, to receive its share of revenue sharing funds, a
6065 unit of local government shall certify to the Department of
6066 Revenue that the requirements of s. 200.065, if applicable, were

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6067 met. The certification shall be made annually within 30 days of
6068 adoption of an ordinance or resolution establishing a final
6069 property tax levy or, if no property tax is levied, not later
6070 than November 1. The portion of revenue sharing funds which,
6071 pursuant to this part, would otherwise be distributed to a unit
6072 of local government which has not certified compliance or has
6073 otherwise failed to meet the requirements of s. 200.065 shall be
6074 deposited in the General Revenue Fund for the 12 months
6075 following a determination of noncompliance by the department.

6076 Section 111. Paragraph (a) of subsection (3) of section
6077 252.515, Florida Statutes, is amended to read:

6078 252.515 Postdisaster Relief Assistance Act; immunity from
6079 civil liability.-

6080 (3) As used in this section, the term:

6081 (a) "Emergency first responder" means:

- 6082 1. A physician licensed under chapter 458.
- 6083 2. An osteopathic physician licensed under chapter 459.
- 6084 3. A chiropractic physician licensed under chapter 460.
- 6085 4. A podiatric physician licensed under chapter 461.
- 6086 5. A dentist licensed under chapter 466.
- 6087 6. An advanced registered nurse practitioner certified
6088 under s. 464.012.
- 6089 7. A physician assistant licensed under s. 458.347 or s.
6090 459.022.
- 6091 8. A worker employed by a public or private hospital in
6092 the state.
- 6093 9. A paramedic as defined in s. 401.23(17).
- 6094 10. An emergency medical technician as defined in s.

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- 6095 401.23(11).
- 6096 11. A firefighter as defined in s. 633.102 ~~633.30~~.
- 6097 12. A law enforcement officer as defined in s. 943.10.
- 6098 13. A member of the Florida National Guard.
- 6099 14. Any other personnel designated as emergency personnel
- 6100 by the Governor pursuant to a declared emergency.
- 6101 Section 112. Section 255.45, Florida Statutes, is amended
- 6102 to read:
- 6103 255.45 Correction of firesafety violations in certain
- 6104 state-owned property.—The Department of Management Services is
- 6105 responsible for ensuring that firesafety violations that are
- 6106 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~
- 6107 are corrected as soon as practicable for all state-owned
- 6108 property which is leased from the Department of Management
- 6109 Services.
- 6110 Section 113. Subsection (4) of section 258.0145, Florida
- 6111 Statutes, is amended to read:
- 6112 258.0145 Military state park fee discounts.—The Division
- 6113 of Recreation and Parks shall provide the following discounts on
- 6114 park fees to persons who present written documentation
- 6115 satisfactory to the division which evidences their eligibility
- 6116 for the discounts:
- 6117 (4) The surviving spouse and parents of a law enforcement
- 6118 officer, as defined in s. 943.10(1), or a firefighter, as
- 6119 defined in s. 633.102(9) ~~633.30(1)~~, who has died in the line of
- 6120 duty shall receive lifetime family annual entrance passes at no
- 6121 charge.
- 6122 Section 114. Subsection (1) of section 281.02, Florida

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6123 Statutes, is amended to read:

6124 281.02 Powers and duties of the Department of Management
6125 Services with respect to firesafety and security.—The Department
6126 of Management Services has the following powers and duties with
6127 respect to firesafety and security:

6128 (1) To assist the State Fire Marshal in maintaining the
6129 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

6130 Section 115. Subsection (1) of section 384.287, Florida
6131 Statutes, is amended to read:

6132 384.287 Screening for sexually transmissible disease.—

6133 (1) An officer as defined in s. 943.10(14); support
6134 personnel as defined in s. 943.10(11) who are employed by the
6135 Department of Law Enforcement, including, but not limited to,
6136 any crime scene analyst, forensic technologist, or crime lab
6137 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or
6138 ambulance driver, paramedic, or emergency medical technician as
6139 defined in s. 401.23, acting within the scope of employment, who
6140 comes into contact with a person in such a way that significant
6141 exposure, as defined in s. 381.004, has occurred may request
6142 that the person be screened for a sexually transmissible disease
6143 that can be transmitted through a significant exposure.

6144 Section 116. Paragraph (a) of subsection (1) of section
6145 395.0163, Florida Statutes, is amended to read:

6146 395.0163 Construction inspections; plan submission and
6147 approval; fees.—

6148 (1)(a) The design, construction, erection, alteration,
6149 modification, repair, and demolition of all public and private
6150 health care facilities are governed by the Florida Building Code

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6151 and the Florida Fire Prevention Code under ss. 553.73 and
6152 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79
6153 and 553.80, the agency shall review facility plans and survey
6154 the construction of any facility licensed under this chapter.
6155 The agency shall make, or cause to be made, such construction
6156 inspections and investigations as it deems necessary. The agency
6157 may prescribe by rule that any licensee or applicant desiring to
6158 make specified types of alterations or additions to its
6159 facilities or to construct new facilities shall, before
6160 commencing such alteration, addition, or new construction,
6161 submit plans and specifications therefor to the agency for
6162 preliminary inspection and approval or recommendation with
6163 respect to compliance with applicable provisions of the Florida
6164 Building Code or agency rules and standards. The agency shall
6165 approve or disapprove the plans and specifications within 60
6166 days after receipt of the fee for review of plans as required in
6167 subsection (2). The agency may be granted one 15-day extension
6168 for the review period if the director of the agency approves the
6169 extension. If the agency fails to act within the specified time,
6170 it shall be deemed to have approved the plans and
6171 specifications. When the agency disapproves plans and
6172 specifications, it shall set forth in writing the reasons for
6173 its disapproval. Conferences and consultations may be provided
6174 as necessary.

6175 Section 117. Section 400.232, Florida Statutes, is amended
6176 to read:

6177 400.232 Review and approval of plans; fees and costs.—The
6178 design, construction, erection, alteration, modification,

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6179 repair, and demolition of all public and private health care
6180 facilities are governed by the Florida Building Code and the
6181 Florida Fire Prevention Code under ss. 553.73 and 633.206
6182 ~~633.022~~. In addition to the requirements of ss. 553.79 and
6183 553.80, the agency shall review the facility plans and survey
6184 the construction of facilities licensed under this chapter.

6185 (1) The agency shall approve or disapprove the plans and
6186 specifications within 60 days after receipt of the final plans
6187 and specifications. The agency may be granted one 15-day
6188 extension for the review period, if the director of the agency
6189 so approves. If the agency fails to act within the specified
6190 time, it shall be deemed to have approved the plans and
6191 specifications. When the agency disapproves plans and
6192 specifications, it shall set forth in writing the reasons for
6193 disapproval. Conferences and consultations may be provided as
6194 necessary.

6195 (2) The agency is authorized to charge an initial fee of
6196 \$2,000 for review of plans and construction on all projects, no
6197 part of which is refundable. The agency may also collect a fee,
6198 not to exceed 1 percent of the estimated construction cost or
6199 the actual cost of review, whichever is less, for the portion of
6200 the review which encompasses initial review through the initial
6201 revised construction document review. The agency is further
6202 authorized to collect its actual costs on all subsequent
6203 portions of the review and construction inspections. Initial fee
6204 payment shall accompany the initial submission of plans and
6205 specifications. Any subsequent payment that is due is payable
6206 upon receipt of the invoice from the agency. Notwithstanding any

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6207 other provisions of law to the contrary, all money received by
6208 the agency pursuant to the provisions of this section shall be
6209 deemed to be trust funds, to be held and applied solely for the
6210 operations required under this section.

6211 Section 118. Subsection (2) of section 400.915, Florida
6212 Statutes, is amended to read:

6213 400.915 Construction and renovation; requirements.—The
6214 requirements for the construction or renovation of a PPEC center
6215 shall comply with:

6216 (2) The provisions of s. 633.206 ~~633.022~~ and applicable
6217 rules pertaining to physical standards for nonresidential child
6218 care facilities; and

6219 Section 119. Paragraph (a) of subsection (1) of section
6220 429.41, Florida Statutes, is amended to read:

6221 429.41 Rules establishing standards.—

6222 (1) It is the intent of the Legislature that rules
6223 published and enforced pursuant to this section shall include
6224 criteria by which a reasonable and consistent quality of
6225 resident care and quality of life may be ensured and the results
6226 of such resident care may be demonstrated. Such rules shall also
6227 ensure a safe and sanitary environment that is residential and
6228 noninstitutional in design or nature. It is further intended
6229 that reasonable efforts be made to accommodate the needs and
6230 preferences of residents to enhance the quality of life in a
6231 facility. The agency, in consultation with the department, may
6232 adopt rules to administer the requirements of part II of chapter
6233 408. In order to provide safe and sanitary facilities and the
6234 highest quality of resident care accommodating the needs and

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6235 | preferences of residents, the department, in consultation with
6236 | the agency, the Department of Children and Family Services, and
6237 | the Department of Health, shall adopt rules, policies, and
6238 | procedures to administer this part, which must include
6239 | reasonable and fair minimum standards in relation to:

6240 | (a) The requirements for and maintenance of facilities,
6241 | not in conflict with the provisions of chapter 553, relating to
6242 | plumbing, heating, cooling, lighting, ventilation, living space,
6243 | and other housing conditions, which will ensure the health,
6244 | safety, and comfort of residents and protection from fire
6245 | hazard, including adequate provisions for fire alarm and other
6246 | fire protection suitable to the size of the structure. Uniform
6247 | firesafety standards shall be established and enforced by the
6248 | State Fire Marshal in cooperation with the agency, the
6249 | department, and the Department of Health.

6250 | 1. Evacuation capability determination.—

6251 | a. The provisions of the National Fire Protection
6252 | Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
6253 | for determining the ability of the residents, with or without
6254 | staff assistance, to relocate from or within a licensed facility
6255 | to a point of safety as provided in the fire codes adopted
6256 | herein. An evacuation capability evaluation for initial
6257 | licensure shall be conducted within 6 months after the date of
6258 | licensure. For existing licensed facilities that are not
6259 | equipped with an automatic fire sprinkler system, the
6260 | administrator shall evaluate the evacuation capability of
6261 | residents at least annually. The evacuation capability
6262 | evaluation for each facility not equipped with an automatic fire

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6263 sprinkler system shall be validated, without liability, by the
6264 State Fire Marshal, by the local fire marshal, or by the local
6265 authority having jurisdiction over firesafety, before the
6266 license renewal date. If the State Fire Marshal, local fire
6267 marshal, or local authority having jurisdiction over firesafety
6268 has reason to believe that the evacuation capability of a
6269 facility as reported by the administrator may have changed, it
6270 may, with assistance from the facility administrator, reevaluate
6271 the evacuation capability through timed exiting drills.
6272 Translation of timed fire exiting drills to evacuation
6273 capability may be determined:

6274 (I) Three minutes or less: prompt.

6275 (II) More than 3 minutes, but not more than 13 minutes:
6276 slow.

6277 (III) More than 13 minutes: impractical.

6278 b. The Office of the State Fire Marshal shall provide or
6279 cause the provision of training and education on the proper
6280 application of Chapter 5, NFPA 101A, 1995 edition, to its
6281 employees, to staff of the Agency for Health Care Administration
6282 who are responsible for regulating facilities under this part,
6283 and to local governmental inspectors. The Office of the State
6284 Fire Marshal shall provide or cause the provision of this
6285 training within its existing budget, but may charge a fee for
6286 this training to offset its costs. The initial training must be
6287 delivered within 6 months after July 1, 1995, and as needed
6288 thereafter.

6289 c. The Office of the State Fire Marshal, in cooperation
6290 with provider associations, shall provide or cause the provision

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6291 of a training program designed to inform facility operators on
6292 how to properly review bid documents relating to the
6293 installation of automatic fire sprinklers. The Office of the
6294 State Fire Marshal shall provide or cause the provision of this
6295 training within its existing budget, but may charge a fee for
6296 this training to offset its costs. The initial training must be
6297 delivered within 6 months after July 1, 1995, and as needed
6298 thereafter.

6299 d. The administrator of a licensed facility shall sign an
6300 affidavit verifying the number of residents occupying the
6301 facility at the time of the evacuation capability evaluation.

6302 2. Firesafety requirements.-

6303 a. Except for the special applications provided herein,
6304 effective January 1, 1996, the provisions of the National Fire
6305 Protection Association, Life Safety Code, NFPA 101, 1994
6306 edition, Chapter 22 for new facilities and Chapter 23 for
6307 existing facilities shall be the uniform fire code applied by
6308 the State Fire Marshal for assisted living facilities, pursuant
6309 to s. 633.206 ~~633.022~~.

6310 b. Any new facility, regardless of size, that applies for
6311 a license on or after January 1, 1996, must be equipped with an
6312 automatic fire sprinkler system. The exceptions as provided in
6313 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
6314 to any new facility housing eight or fewer residents. On July 1,
6315 1995, local governmental entities responsible for the issuance
6316 of permits for construction shall inform, without liability, any
6317 facility whose permit for construction is obtained prior to
6318 January 1, 1996, of this automatic fire sprinkler requirement.

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6319 As used in this part, the term "a new facility" does not mean an
6320 existing facility that has undergone change of ownership.

6321 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or
6322 of the National Fire Protection Association, NFPA 101A, Chapter
6323 5, 1995 edition, to the contrary, any existing facility housing
6324 eight or fewer residents is not required to install an automatic
6325 fire sprinkler system, nor to comply with any other requirement
6326 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
6327 firesafety requirements of NFPA 101, 1988 edition, that applies
6328 to this size facility, unless the facility has been classified
6329 as impractical to evacuate. Any existing facility housing eight
6330 or fewer residents that is classified as impractical to evacuate
6331 must install an automatic fire sprinkler system within the
6332 timeframes granted in this section.

6333 d. Any existing facility that is required to install an
6334 automatic fire sprinkler system under this paragraph need not
6335 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
6336 edition, which exceed the provisions of NFPA 101, 1988 edition.
6337 The mandate contained in this paragraph which requires certain
6338 facilities to install an automatic fire sprinkler system
6339 supersedes any other requirement.

6340 e. This paragraph does not supersede the exceptions
6341 granted in NFPA 101, 1988 edition or 1994 edition.

6342 f. This paragraph does not exempt facilities from other
6343 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local
6344 building code requirements in effect before July 1, 1995.

6345 g. A local government may charge fees only in an amount
6346 not to exceed the actual expenses incurred by local government

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6347 relating to the installation and maintenance of an automatic
6348 fire sprinkler system in an existing and properly licensed
6349 assisted living facility structure as of January 1, 1996.

6350 h. If a licensed facility undergoes major reconstruction
6351 or addition to an existing building on or after January 1, 1996,
6352 the entire building must be equipped with an automatic fire
6353 sprinkler system. Major reconstruction of a building means
6354 repair or restoration that costs in excess of 50 percent of the
6355 value of the building as reported on the tax rolls, excluding
6356 land, before reconstruction. Multiple reconstruction projects
6357 within a 5-year period the total costs of which exceed 50
6358 percent of the initial value of the building at the time the
6359 first reconstruction project was permitted are to be considered
6360 as major reconstruction. Application for a permit for an
6361 automatic fire sprinkler system is required upon application for
6362 a permit for a reconstruction project that creates costs that go
6363 over the 50-percent threshold.

6364 i. Any facility licensed before January 1, 1996, that is
6365 required to install an automatic fire sprinkler system shall
6366 ensure that the installation is completed within the following
6367 timeframes based upon evacuation capability of the facility as
6368 determined under subparagraph 1.:

6369 (I) Impractical evacuation capability, 24 months.

6370 (II) Slow evacuation capability, 48 months.

6371 (III) Prompt evacuation capability, 60 months.

6372
6373 The beginning date from which the deadline for the automatic
6374 fire sprinkler installation requirement must be calculated is

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6375 upon receipt of written notice from the local fire official that
6376 an automatic fire sprinkler system must be installed. The local
6377 fire official shall send a copy of the document indicating the
6378 requirement of a fire sprinkler system to the Agency for Health
6379 Care Administration.

6380 j. It is recognized that the installation of an automatic
6381 fire sprinkler system may create financial hardship for some
6382 facilities. The appropriate local fire official shall, without
6383 liability, grant two 1-year extensions to the timeframes for
6384 installation established herein, if an automatic fire sprinkler
6385 installation cost estimate and proof of denial from two
6386 financial institutions for a construction loan to install the
6387 automatic fire sprinkler system are submitted. However, for any
6388 facility with a class I or class II, or a history of uncorrected
6389 class III, firesafety deficiencies, an extension must not be
6390 granted. The local fire official shall send a copy of the
6391 document granting the time extension to the Agency for Health
6392 Care Administration.

6393 k. A facility owner whose facility is required to be
6394 equipped with an automatic fire sprinkler system under Chapter
6395 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
6396 any potential buyer of the facility that an installation of an
6397 automatic fire sprinkler requirement exists. The sale of the
6398 facility does not alter the timeframe for the installation of
6399 the automatic fire sprinkler system.

6400 l. Existing facilities required to install an automatic
6401 fire sprinkler system as a result of construction-type
6402 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted

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6403 herein, or evacuation capability requirements shall be notified
6404 by the local fire official in writing of the automatic fire
6405 sprinkler requirement, as well as the appropriate date for final
6406 compliance as provided in this subparagraph. The local fire
6407 official shall send a copy of the document to the Agency for
6408 Health Care Administration.

6409 m. Except in cases of life-threatening fire hazards, if an
6410 existing facility experiences a change in the evacuation
6411 capability, or if the local authority having jurisdiction
6412 identifies a construction-type restriction, such that an
6413 automatic fire sprinkler system is required, it shall be
6414 afforded time for installation as provided in this subparagraph.

6415
6416 Facilities that are fully sprinkled and in compliance with other
6417 firesafety standards are not required to conduct more than one
6418 of the required fire drills between the hours of 11 p.m. and 7
6419 a.m., per year. In lieu of the remaining drills, staff
6420 responsible for residents during such hours may be required to
6421 participate in a mock drill that includes a review of evacuation
6422 procedures. Such standards must be included or referenced in the
6423 rules adopted by the State Fire Marshal. Pursuant to s.

6424 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final
6425 administrative authority for firesafety standards established
6426 and enforced pursuant to this section. All licensed facilities
6427 must have an annual fire inspection conducted by the local fire
6428 marshal or authority having jurisdiction.

6429 3. Resident elopement requirements.—Facilities are
6430 required to conduct a minimum of two resident elopement

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6431 prevention and response drills per year. All administrators and
6432 direct care staff must participate in the drills which shall
6433 include a review of procedures to address resident elopement.
6434 Facilities must document the implementation of the drills and
6435 ensure that the drills are conducted in a manner consistent with
6436 the facility's resident elopement policies and procedures.

6437 Section 120. Subsection (1) of section 429.44, Florida
6438 Statutes, is amended to read:

6439 429.44 Construction and renovation; requirements.—

6440 (1) The requirements for the construction and renovation
6441 of a facility shall comply with the provisions of chapter 553
6442 which pertain to building construction standards, including
6443 plumbing, electrical code, glass, manufactured buildings,
6444 accessibility for persons with disabilities, and the state
6445 minimum building code and with the provisions of s. 633.206
6446 ~~633.022~~, which pertain to uniform firesafety standards.

6447 Section 121. Subsection (2) of section 429.73, Florida
6448 Statutes, is amended to read:

6449 429.73 Rules and standards relating to adult family-care
6450 homes.—

6451 (2) The department shall by rule provide minimum standards
6452 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,
6453 the State Fire Marshal, in consultation with the department and
6454 the agency, shall adopt uniform firesafety standards for adult
6455 family-care homes.

6456 Section 122. Paragraph (b) of subsection (4) of section
6457 447.203, Florida Statutes, is amended to read:

6458 447.203 Definitions.—As used in this part:

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6459 (4) "Managerial employees" are those employees who:
6460 (b) Serve as police chiefs, fire chiefs, or directors of
6461 public safety of any police, fire, or public safety department.
6462 Other police officers, as defined in s. 943.10(1), and
6463 firefighters, as defined in s. 633.102(9) ~~633.30(1)~~, may be
6464 determined by the commission to be managerial employees of such
6465 departments. In making such determinations, the commission shall
6466 consider, in addition to the criteria established in paragraph
6467 (a), the paramilitary organizational structure of the department
6468 involved.

6469
6470 However, in determining whether an individual is a managerial
6471 employee pursuant to either paragraph (a) or paragraph (b),
6472 above, the commission may consider historic relationships of the
6473 employee to the public employer and to coemployees.

6474 Section 123. Subsection (1) of section 468.602, Florida
6475 Statutes, is amended to read:

6476 468.602 Exemptions.—This part does not apply to:

6477 (1) Persons who possess a valid certificate, issued
6478 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety
6479 inspections, when conducting firesafety inspections.

6480 Section 124. Paragraph (c) of subsection (2) of section
6481 468.609, Florida Statutes, is amended to read:

6482 468.609 Administration of this part; standards for
6483 certification; additional categories of certification.—

6484 (2) A person may take the examination for certification as
6485 a building code inspector or plans examiner pursuant to this
6486 part if the person:

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6487 (c) Meets eligibility requirements according to one of the
6488 following criteria:

6489 1. Demonstrates 5 years' combined experience in the field
6490 of construction or a related field, building code inspection, or
6491 plans review corresponding to the certification category sought;

6492 2. Demonstrates a combination of postsecondary education
6493 in the field of construction or a related field and experience
6494 which totals 4 years, with at least 1 year of such total being
6495 experience in construction, building code inspection, or plans
6496 review;

6497 3. Demonstrates a combination of technical education in
6498 the field of construction or a related field and experience
6499 which totals 4 years, with at least 1 year of such total being
6500 experience in construction, building code inspection, or plans
6501 review;

6502 4. Currently holds a standard certificate as issued by the
6503 board, or a fire safety inspector license issued pursuant to
6504 chapter 633, has a minimum of 5 years' verifiable full-time
6505 experience in inspection or plan review, and satisfactorily
6506 completes a building code inspector or plans examiner training
6507 program of not less than 200 hours in the certification category
6508 sought. The board shall establish by rule criteria for the
6509 development and implementation of the training programs; or

6510 5. Demonstrates a combination of the completion of an
6511 approved training program in the field of building code
6512 inspection or plan review and a minimum of 2 years' experience
6513 in the field of building code inspection, plan review, fire code
6514 inspections and fire plans review of new buildings as a

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6515 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or
6516 construction. The approved training portion of this requirement
6517 shall include proof of satisfactory completion of a training
6518 program of not less than 300 hours which is approved by the
6519 board in the chosen category of building code inspection or plan
6520 review in the certification category sought with not less than
6521 20 hours of instruction in state laws, rules, and ethics
6522 relating to professional standards of practice, duties, and
6523 responsibilities of a certificateholder. The board shall
6524 coordinate with the Building Officials Association of Florida,
6525 Inc., to establish by rule the development and implementation of
6526 the training program.

6527 Section 125. Subsection (22) of section 489.103, Florida
6528 Statutes, is amended to read:

6529 489.103 Exemptions.—This part does not apply to:

6530 (22) A person licensed pursuant to s. 633.304(1)(d)
6531 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such
6532 license.

6533 Section 126. Paragraph (n) of subsection (3) of section
6534 489.105, Florida Statutes, is amended to read:

6535 489.105 Definitions.—As used in this part:

6536 (3) "Contractor" means the person who is qualified for,
6537 and is only responsible for, the project contracted for and
6538 means, except as exempted in this part, the person who, for
6539 compensation, undertakes to, submits a bid to, or does himself
6540 or herself or by others construct, repair, alter, remodel, add
6541 to, demolish, subtract from, or improve any building or
6542 structure, including related improvements to real estate, for

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6543 others or for resale to others; and whose job scope is
6544 substantially similar to the job scope described in one of the
6545 paragraphs of this subsection. For the purposes of regulation
6546 under this part, the term "demolish" applies only to demolition
6547 of steel tanks more than 50 feet in height; towers more than 50
6548 feet in height; other structures more than 50 feet in height;
6549 and all buildings or residences. Contractors are subdivided into
6550 two divisions, Division I, consisting of those contractors
6551 defined in paragraphs (a)-(c), and Division II, consisting of
6552 those contractors defined in paragraphs (d)-(q):

6553 (n) "Underground utility and excavation contractor" means
6554 a contractor whose services are limited to the construction,
6555 installation, and repair, on public or private property, whether
6556 accomplished through open excavations or through other means,
6557 including, but not limited to, directional drilling, auger
6558 boring, jacking and boring, trenchless technologies, wet and dry
6559 taps, grouting, and slip lining, of main sanitary sewer
6560 collection systems, main water distribution systems, storm sewer
6561 collection systems, and the continuation of utility lines from
6562 the main systems to a point of termination up to and including
6563 the meter location for the individual occupancy, sewer
6564 collection systems at property line on residential or single-
6565 occupancy commercial properties, or on multioccupancy properties
6566 at manhole or wye lateral extended to an invert elevation as
6567 engineered to accommodate future building sewers, water
6568 distribution systems, or storm sewer collection systems at storm
6569 sewer structures. However, an underground utility and excavation
6570 contractor may install empty underground conduits in rights-of-

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6571 way, easements, platted rights-of-way in new site development,
6572 and sleeves for parking lot crossings no smaller than 2 inches
6573 in diameter if each conduit system installed is designed by a
6574 licensed professional engineer or an authorized employee of a
6575 municipality, county, or public utility and the installation of
6576 such conduit does not include installation of any conductor
6577 wiring or connection to an energized electrical system. An
6578 underground utility and excavation contractor may not install
6579 piping that is an integral part of a fire protection system as
6580 defined in s. 633.102 ~~633.021~~ beginning at the point where the
6581 piping is used exclusively for such system.

6582 Section 127. Subsection (9) of section 496.404, Florida
6583 Statutes, is amended to read:

6584 496.404 Definitions.—As used in ss. 496.401-496.424:

6585 (9) "Emergency service employee" means any employee who is
6586 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance
6587 driver, emergency medical technician, or paramedic, as defined
6588 in s. 401.23.

6589 Section 128. Paragraph (a) of subsection (7) of section
6590 509.032, Florida Statutes, is amended to read:

6591 509.032 Duties.—

6592 (7) PREEMPTION AUTHORITY.—

6593 (a) The regulation of public lodging establishments and
6594 public food service establishments, including, but not limited
6595 to, sanitation standards, inspections, training and testing of
6596 personnel, and matters related to the nutritional content and
6597 marketing of foods offered in such establishments, is preempted
6598 to the state. This paragraph does not preempt the authority of a

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6599 local government or local enforcement district to conduct
6600 inspections of public lodging and public food service
6601 establishments for compliance with the Florida Building Code and
6602 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
6603 633.206 ~~633.022~~.

6604 Section 129. Section 513.05, Florida Statutes, is amended
6605 to read:

6606 513.05 Rules.—The department may adopt rules pertaining to
6607 the location, construction, modification, equipment, and
6608 operation of mobile home parks, lodging parks, recreational
6609 vehicle parks, and recreational camps, except as provided in s.
6610 633.206 ~~633.022~~, as necessary to administer this chapter. Such
6611 rules may include definitions of terms; requirements for plan
6612 reviews of proposed and existing parks and camps; plan reviews
6613 of parks that consolidate space or change space size; water
6614 supply; sewage collection and disposal; plumbing and backflow
6615 prevention; garbage and refuse storage, collection, and
6616 disposal; insect and rodent control; space requirements; heating
6617 facilities; food service; lighting; sanitary facilities;
6618 bedding; an occupancy equivalency to spaces for permits for
6619 recreational camps; sanitary facilities in recreational vehicle
6620 parks; and the owners' responsibilities at recreational vehicle
6621 parks and recreational camps.

6622 Section 130. Paragraph (d) of subsection (1) and paragraph
6623 (f) of subsection (11) of section 553.73, Florida Statutes, are
6624 amended to read:

6625 553.73 Florida Building Code.—

6626 (1)

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6627 (d) Conflicting requirements between the Florida Building
6628 Code and the Florida Fire Prevention Code and Life Safety Code
6629 of the state established pursuant to ss. 633.206 ~~633.022~~ and
6630 633.208 ~~633.025~~ shall be resolved by agreement between the
6631 commission and the State Fire Marshal in favor of the
6632 requirement that offers the greatest degree of lifesafety or
6633 alternatives that would provide an equivalent degree of
6634 lifesafety and an equivalent method of construction. If the
6635 commission and State Fire Marshal are unable to agree on a
6636 resolution, the question shall be referred to a mediator,
6637 mutually agreeable to both parties, to resolve the conflict in
6638 favor of the provision that offers the greatest lifesafety, or
6639 alternatives that would provide an equivalent degree of
6640 lifesafety and an equivalent method of construction.

6641 (11)

6642 (f) All decisions of the local building official and local
6643 fire official and all decisions of the administrative board
6644 shall be in writing and shall be binding upon all persons but
6645 shall not limit the authority of the State Fire Marshal or the
6646 Florida Building Commission pursuant to paragraph (1)(d) and ss.
6647 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of general
6648 application shall be indexed by building and fire code sections
6649 and shall be available for inspection during normal business
6650 hours.

6651 Section 131. Paragraph (e) of subsection (1) of section
6652 553.77, Florida Statutes, is amended to read:

6653 553.77 Specific powers of the commission.—

6654 (1) The commission shall:

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6655 (e) Participate with the Florida Fire Code Advisory
6656 Council created under s. 633.204 ~~633.72~~, to provide assistance
6657 and recommendations relating to firesafety code interpretations.
6658 The administrative staff of the commission shall attend meetings
6659 of the Florida Fire Code Advisory Council and coordinate efforts
6660 to provide consistency between the Florida Building Code and the
6661 Florida Fire Prevention Code and the Life Safety Code.

6662 Section 132. Subsections (2) and (12) of section 553.79,
6663 Florida Statutes, are amended to read:

6664 553.79 Permits; applications; issuance; inspections.-

6665 (2) Except as provided in subsection (6), an enforcing
6666 agency may not issue any permit for construction, erection,
6667 alteration, modification, repair, or demolition of any building
6668 or structure until the local building code administrator or
6669 inspector has reviewed the plans and specifications required by
6670 the Florida Building Code, or local amendment thereto, for such
6671 proposal and found the plans to be in compliance with the
6672 Florida Building Code. If the local building code administrator
6673 or inspector finds that the plans are not in compliance with the
6674 Florida Building Code, the local building code administrator or
6675 inspector shall identify the specific plan features that do not
6676 comply with the applicable codes, identify the specific code
6677 chapters and sections upon which the finding is based, and
6678 provide this information to the local enforcing agency. The
6679 local enforcing agency shall provide this information to the
6680 permit applicant. In addition, an enforcing agency may not issue
6681 any permit for construction, erection, alteration, modification,
6682 repair, or demolition of any building until the appropriate

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6683 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~
6684 has reviewed the plans and specifications required by the
6685 Florida Building Code, or local amendment thereto, for such
6686 proposal and found that the plans comply with the Florida Fire
6687 Prevention Code and the Life Safety Code. Any building or
6688 structure which is not subject to a firesafety code shall not be
6689 required to have its plans reviewed by the firesafety inspector.
6690 Any building or structure that is exempt from the local building
6691 permit process may not be required to have its plans reviewed by
6692 the local building code administrator. Industrial construction
6693 on sites where design, construction, and firesafety are
6694 supervised by appropriate design and inspection professionals
6695 and which contain adequate in-house fire departments and rescue
6696 squads is exempt, subject to local government option, from
6697 review of plans and inspections, providing owners certify that
6698 applicable codes and standards have been met and supply
6699 appropriate approved drawings to local building and firesafety
6700 inspectors. The enforcing agency shall issue a permit to
6701 construct, erect, alter, modify, repair, or demolish any
6702 building or structure when the plans and specifications for such
6703 proposal comply with the provisions of the Florida Building Code
6704 and the Florida Fire Prevention Code and the Life Safety Code as
6705 determined by the local authority in accordance with this
6706 chapter and chapter 633.

6707 (12) One-family and two-family detached residential
6708 dwelling units are not subject to plan review by the local fire
6709 official as described in this section or inspection by the local
6710 fire official as described in s. 633.216 ~~633.081~~, unless

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6711 expressly made subject to said plan review or inspection by
6712 local ordinance.

6713 Section 133. Paragraph (d) of subsection (1) of section
6714 590.02, Florida Statutes, is amended to read:

6715 590.02 Florida Forest Service; powers, authority, and
6716 duties; liability; building structures; Florida Center for
6717 Wildfire and Forest Resources Management Training.—

6718 (1) The Florida Forest Service has the following powers,
6719 authority, and duties:

6720 (d) To appoint center managers, forest area supervisors,
6721 forestry program administrators, a forest protection bureau
6722 chief, a forest protection assistant bureau chief, a field
6723 operations bureau chief, deputy chiefs of field operations,
6724 district managers, forest operations administrators, senior
6725 forest rangers, investigators, forest rangers, firefighter
6726 rotorcraft pilots, and other employees who may, at the Florida
6727 Forest Service's discretion, be certified as forestry
6728 firefighters pursuant to s. 633.408(7) ~~633.35(4)~~. Other
6729 provisions of law notwithstanding, center managers, district
6730 managers, forest protection assistant bureau chief, and deputy
6731 chiefs of field operations shall have Selected Exempt Service
6732 status in the state personnel designation;

6733 Section 134. Subsection (10) of section 893.13, Florida
6734 Statutes, is amended to read:

6735 893.13 Prohibited acts; penalties.—

6736 (10) If a person violates any provision of this chapter
6737 and the violation results in a serious injury to a state or
6738 local law enforcement officer as defined in s. 943.10,

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6739 firefighter as defined in s. 633.102 ~~633.30~~, emergency medical
6740 technician as defined in s. 401.23, paramedic as defined in s.
6741 401.23, employee of a public utility or an electric utility as
6742 defined in s. 366.02, animal control officer as defined in s.
6743 828.27, volunteer firefighter engaged by state or local
6744 government, law enforcement officer employed by the Federal
6745 Government, or any other local, state, or Federal Government
6746 employee injured during the course and scope of his or her
6747 employment, the person commits a felony of the third degree,
6748 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
6749 If the injury sustained results in death or great bodily harm,
6750 the person commits a felony of the second degree, punishable as
6751 provided in s. 775.082, s. 775.083, or s. 775.084.

6752 Section 135. Paragraph (g) of subsection (2) of section
6753 934.03, Florida Statutes, is amended to read:

6754 934.03 Interception and disclosure of wire, oral, or
6755 electronic communications prohibited.-

6756 (2)

6757 (g) It is lawful under ss. 934.03-934.09 for an employee
6758 of:

6759 1. An ambulance service licensed pursuant to s. 401.25, a
6760 fire station employing firefighters as defined by s. 633.102
6761 ~~633.30~~, a public utility, a law enforcement agency as defined by
6762 s. 934.02(10), or any other entity with published emergency
6763 telephone numbers;

6764 2. An agency operating an emergency telephone number "911"
6765 system established pursuant to s. 365.171; or

6766 3. The central abuse hotline operated pursuant to s.

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6767 39.201

6768

6769 to intercept and record incoming wire communications; however,
6770 such employee may intercept and record incoming wire
6771 communications on designated "911" telephone numbers and
6772 published nonemergency telephone numbers staffed by trained
6773 dispatchers at public safety answering points only. It is also
6774 lawful for such employee to intercept and record outgoing wire
6775 communications to the numbers from which such incoming wire
6776 communications were placed when necessary to obtain information
6777 required to provide the emergency services being requested. For
6778 the purpose of this paragraph, the term "public utility" has the
6779 same meaning as provided in s. 366.02 and includes a person,
6780 partnership, association, or corporation now or hereafter owning
6781 or operating equipment or facilities in the state for conveying
6782 or transmitting messages or communications by telephone or
6783 telegraph to the public for compensation.

6784 Section 136. Paragraph (b) of subsection (4) of section
6785 943.61, Florida Statutes, is amended to read:

6786 943.61 Powers and duties of the Capitol Police.—

6787 (4) The Capitol Police shall have the following
6788 responsibilities, powers, and duties:

6789 (b) To provide and maintain the security of all property
6790 located in the Capitol Complex in a manner consistent with the
6791 security plans developed and approved under paragraph (a) and,
6792 in consultation with the State Fire Marshal, to provide for
6793 evacuations, information, and training required for firesafety
6794 on such property in a manner consistent with s. 633.218 ~~633.085~~.

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6795 Section 137. Paragraph (b) of subsection (18) of section
6796 1002.33, Florida Statutes, is amended to read:

6797 1002.33 Charter schools.—

6798 (18) FACILITIES.—

6799 (b) A charter school shall utilize facilities that comply
6800 with the Florida Fire Prevention Code, pursuant to s. 633.208
6801 ~~633.025~~, as adopted by the authority in whose jurisdiction the
6802 facility is located as provided in paragraph (a).

6803 Section 138. Subsection (9) of section 1002.34, Florida
6804 Statutes, is amended to read:

6805 1002.34 Charter technical career centers.—

6806 (9) FACILITIES.—A center may be located in any suitable
6807 location, including part of an existing public school or Florida
6808 College System institution building, space provided on a public
6809 worksite, or a public building. A center's facilities must
6810 comply with the State Uniform Building Code for Public
6811 Educational Facilities Construction adopted pursuant to s.
6812 1013.37, or with applicable state minimum building codes
6813 pursuant to chapter 553, and state minimum fire protection codes
6814 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in
6815 whose jurisdiction the facility is located. If K-12 public
6816 school funds are used for construction, the facility must remain
6817 on the local school district's Florida Inventory of School
6818 Houses (FISH) school building inventory of the district school
6819 board and must revert to the district school board if the
6820 consortium dissolves and the program is discontinued. If Florida
6821 College System institution public school funds are used for
6822 construction, the facility must remain on the local Florida

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6823 College System institution's facilities inventory and must
6824 revert to the local Florida College System institution board of
6825 trustees if the consortium dissolves and the program is
6826 discontinued. The additional student capacity created by the
6827 addition of the center to the local school district's FISH may
6828 not be calculated in the permanent student capacity for the
6829 purpose of determining need or eligibility for state capital
6830 outlay funds while the facility is used as a center. If the
6831 construction of the center is funded jointly by K-12 public
6832 school funds and Florida College System institution funds, the
6833 sponsoring entities must agree, before granting the charter, on
6834 the appropriate owner and terms of transfer of the facility if
6835 the charter is dissolved.

6836 Section 139. Subsection (1), paragraph (c) of subsection
6837 (2), paragraphs (a) and (c) of subsection (6), and subsection
6838 (8) of section 1013.12, Florida Statutes, are amended to read:

6839 1013.12 Casualty, safety, sanitation, and firesafety
6840 standards and inspection of property.-

6841 (1) FIRESAFETY.-The State Board of Education shall adopt
6842 and administer rules prescribing standards for the safety and
6843 health of occupants of educational and ancillary plants as a
6844 part of State Requirements for Educational Facilities or the
6845 Florida Building Code for educational facilities construction as
6846 provided in s. 1013.37, except that the State Fire Marshal in
6847 consultation with the Department of Education shall adopt
6848 uniform firesafety standards for educational and ancillary
6849 plants and educational facilities, as provided in s.

6850 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system

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6851 to be used as an alternate firesafety inspection standard for
6852 existing educational and ancillary plants and educational
6853 facilities. The uniform firesafety standards and the alternate
6854 firesafety evaluation system shall be administered and enforced
6855 by fire officials certified by the State Fire Marshal under s.
6856 633.216 ~~633.081~~. These standards must be used by all public
6857 agencies when inspecting public educational and ancillary
6858 plants, and the firesafety standards must be used by county,
6859 municipal, or independent special fire control district
6860 inspectors when performing firesafety inspections of public
6861 educational and ancillary plants and educational facilities. In
6862 accordance with such standards, each board shall prescribe
6863 policies and procedures establishing a comprehensive program of
6864 safety and sanitation for the protection of occupants of public
6865 educational and ancillary plants. Such policies must contain
6866 procedures for periodic inspections as prescribed in this
6867 section or chapter 633 and for withdrawal of any educational and
6868 ancillary plant, or portion thereof, from use until unsafe or
6869 unsanitary conditions are corrected or removed.

6870 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6871 BOARDS.—

6872 (c) Under the direction of the fire official appointed by
6873 the board under s. 1013.371(2), firesafety inspections of each
6874 educational and ancillary plant located on property owned or
6875 leased by the board, or other educational facilities operated by
6876 the board, must be made no sooner than 1 year after issuance of
6877 a certificate of occupancy and annually thereafter. Such
6878 inspections shall be made by persons certified by the Division

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6879 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct
6880 firesafety inspections in public educational and ancillary
6881 plants. The board shall submit a copy of the firesafety
6882 inspection report to the county, municipality, or independent
6883 special fire control district providing fire protection services
6884 to the school facility within 10 business days after the date of
6885 the inspection. Alternate schedules for delivery of reports may
6886 be agreed upon between the school district and the county,
6887 municipality, or independent special fire control district
6888 providing fire protection services to the site in cases in which
6889 delivery is impossible due to hurricanes or other natural
6890 disasters. Regardless, if immediate life-threatening
6891 deficiencies are noted in the report, the report shall be
6892 delivered immediately. In addition, the board and any other
6893 authority conducting the fire safety inspection shall certify to
6894 the State Fire Marshal that the annual inspection has been
6895 completed. The certification shall be made electronically or by
6896 such other means as directed by the State Fire Marshal.

6897 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
6898 FACILITIES.—

6899 (a) Firesafety inspections of public college facilities,
6900 including charter schools located on board-owned or board-leased
6901 facilities or otherwise operated by public college boards, shall
6902 be made in accordance with the Florida Fire Prevention Code, as
6903 adopted by the State Fire Marshal. Notwithstanding s. 633.202
6904 ~~633.0215~~, provisions of the code relating to inspections of such
6905 facilities are not subject to any local amendments as provided
6906 by s. 1013.371. Each public college facility shall be inspected

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6907 annually by persons certified under s. 633.216 ~~633.081~~.

6908 (c) Firesafety inspections of state universities shall
6909 comply with the Florida Fire Prevention Code, as adopted by the
6910 State Fire Marshal under s. 633.202 ~~633.0215~~.

6911 (8) ADDITIONAL STANDARDS.—In addition to any other rules
6912 adopted under this section or s. 633.206 ~~633.022~~, the State Fire
6913 Marshal in consultation with the Department of Education shall
6914 adopt and administer rules prescribing the following standards
6915 for the safety and health of occupants of educational and
6916 ancillary plants:

6917 (a) The designation of serious life-safety hazards,
6918 including, but not limited to, nonfunctional fire alarm systems,
6919 nonfunctional fire sprinkler systems, doors with padlocks or
6920 other locks or devices that preclude egress at any time,
6921 inadequate exits, hazardous electrical system conditions,
6922 potential structural failure, and storage conditions that create
6923 a fire hazard.

6924 (b) The proper placement of functional smoke and heat
6925 detectors and accessible, unexpired fire extinguishers.

6926 (c) The maintenance of fire doors without doorstops or
6927 wedges improperly holding them open.

6928 Section 140. Paragraphs (a), (b), and (d) of subsection
6929 (2) and paragraph (a) of subsection (4) of section 1013.38,
6930 Florida Statutes, are amended to read:

6931 1013.38 Boards to ensure that facilities comply with
6932 building codes and life safety codes.—

6933 (2) In addition to the submission of site plans, boards
6934 may provide compliance as follows:

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6935 (a) Boards or consortia may individually or cooperatively
6936 provide review services under the insurance risk management
6937 oversight through the use of board employees or consortia
6938 employees registered pursuant to chapter 471, chapter 481, or
6939 part XII of chapter 468 and firesafety inspectors certified
6940 under s. 633.216 ~~633.081~~.

6941 (b) Boards may elect to review construction documents
6942 using their own employees registered pursuant to chapter 471,
6943 chapter 481, or part XII of chapter 468 and firesafety
6944 inspectors certified under s. 633.216 ~~633.081~~.

6945 (d) Boards or consortia may contract for plan review
6946 services directly with engineers and architects registered
6947 pursuant to chapter 471 or chapter 481 and firesafety inspectors
6948 certified under s. 633.216 ~~633.081~~.

6949 (4) (a) Before the commencement of any new construction,
6950 renovation, or remodeling, the board shall:

6951 1. Approve or cause to be approved the construction
6952 documents and evaluate such documents for compliance with the
6953 Florida Building Code and the Florida Fire Prevention Code.

6954 2. Ensure compliance with all applicable firesafety codes
6955 and standards by contracting with a firesafety inspector
6956 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

6957 Section 141. This act shall take effect July 1, 2013.

6958

6959

6960

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

6961

Remove everything before the enacting clause and insert:

6962

A bill to be entitled

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6963 An act relating to fire safety and prevention;
6964 amending s. 112.011, F.S.; removing provisions that
6965 exclude from employment for a specified period an
6966 applicant for employment with any fire department who
6967 has a prior felony conviction; reenacting and amending
6968 s. 112.191, F.S.; revising provisions relating to
6969 adjustments in payments of accidental death benefits
6970 for firefighters; creating part I of chapter 633,
6971 F.S., entitled "General Provisions"; transferring,
6972 renumbering, and amending s. 633.021, F.S.; revising
6973 and providing definitions; transferring, renumbering,
6974 and amending ss. 633.01 and 633.517, F.S.;

6975 consolidating and revising provisions relating to the
6976 authority of the State Fire Marshal; removing
6977 references to the Life Safety Code; revising the
6978 renewal period for firesafety inspector requirements
6979 for certification; conforming cross-references;
6980 removing provisions relating to rulemaking,
6981 application fees for certification, and deposit of
6982 moneys collected by the State Fire Marshal that are
6983 relocated within ch. 633; transferring, renumbering,
6984 and amending ss. 633.163 and 633.167, F.S.;

6985 consolidating provisions which prescribe disciplinary
6986 authority of the State Fire Marshal; transferring and
6987 renumbering s. 633.15, F.S., relating to the force and
6988 effect of ch. 633, F.S., and rules promulgated by the
6989 State Fire Marshal on municipalities, counties, and
6990 special districts having firesafety responsibilities;

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6991 transferring, renumbering, and amending ss. 633.101,
6992 633.18, 633.03, and 633.111, F.S.; consolidating
6993 provisions relating to hearings, investigations, and
6994 recordkeeping duties and the authority of the State
6995 Fire Marshal; including explosions within such
6996 investigatory and recordkeeping authority;
6997 transferring, renumbering, and amending ss. 633.02 and
6998 633.13, F.S.; consolidating provisions relating to the
6999 authority, duties, and compensation of agents of the
7000 State Fire Marshal; transferring and renumbering s.
7001 633.14, F.S., relating to the powers of agents of the
7002 State Fire Marshal to make arrests, conduct searches
7003 and seizures, serve summonses, and carry firearms;
7004 transferring, renumbering, and amending s. 633.121,
7005 F.S., relating to persons authorized to enforce laws
7006 and rules of the State Fire Marshal; revising
7007 terminology; making an editorial change; transferring,
7008 renumbering, and amending s. 633.151, F.S.; clarifying
7009 provisions relating to impersonating the State Fire
7010 Marshal, a firefighter, or firesafety inspector, or
7011 volunteer firefighter, for which a criminal penalty is
7012 provided; transferring, renumbering, and amending s.
7013 633.171, F.S.; providing penalties for rendering a
7014 fire protection system required by statute or by rule
7015 inoperative; providing penalties for using the
7016 certificate of another person, holding a license or
7017 certificate and allowing another person to use the
7018 license or certificate, and using or allowing the use

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7019 of any certificate or permit by any individual or
7020 organization other than the individual to whom the
7021 certificate or permit is issued; correcting a cross-
7022 reference, to conform; transferring, renumbering, and
7023 amending s. 633.175, F.S., relating to investigation
7024 of fraudulent insurance claims and crimes and immunity
7025 of insurance companies supplying information relative
7026 thereto; defining the term "consultant"; revising
7027 provisions to include investigation of explosions in
7028 fraudulent insurance claim investigations; authorizing
7029 the State Fire Marshal to adopt rules to implement
7030 provisions relating to an insurance company's
7031 investigation of a suspected fire or explosion by
7032 intentional means; transferring, renumbering, and
7033 amending s. 633.45, F.S.; clarifying and revising the
7034 powers and duties of the Division of State Fire
7035 Marshal; requiring the division to establish by rule
7036 uniform minimum standards for the employment and
7037 training of firefighters and volunteer firefighters;
7038 requiring the division to establish by rule minimum
7039 curriculum requirements and criteria for the approval
7040 of education or training providers; requiring the
7041 division to specify by rule standards for the
7042 approval, denial of approval, probation, suspension,
7043 and revocation of approval of education or training
7044 providers and facilities for training firefighters and
7045 volunteer firefighters; requiring the division to
7046 specify by rule standards for the certification,

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7047 denial of certification, probation, and revocation of
7048 certification for instructors; requiring the division
7049 to establish by rule minimum training qualifications
7050 for persons serving as specified firesafety
7051 coordinators; requiring the division to issue
7052 specified licenses, certificates, and permits;
7053 conforming cross-references; creating s. 633.132,
7054 F.S.; establishing fees to be collected by the
7055 division; providing for the appropriation and deposit
7056 of all funds collected by the State Fire Marshal
7057 pursuant to ch. 633, F.S.; transferring and
7058 renumbering s. 633.39, F.S., relating to acceptance by
7059 the division of donations of property and grants of
7060 money; transferring, renumbering, and amending s.
7061 633.115, F.S., relating to the Fire and Emergency
7062 Incident Information Reporting Program; making
7063 editorial changes; conforming a cross-reference;
7064 creating s. 633.138, F.S.; providing requirements with
7065 respect to notice of change of address of record for,
7066 and notice of felony actions against, a licensee,
7067 permittee, or certificateholder; transferring,
7068 renumbering, and amending ss. 633.042 and 633.0421,
7069 F.S.; consolidating the "Reduced Cigarette Ignition
7070 Propensity Standard and Firefighter Protection Act"
7071 and specified preemption provisions; creating part II
7072 of chapter 633, F.S., entitled "Fire Safety and
7073 Prevention"; transferring, renumbering, and amending
7074 s. 633.0215, F.S., the Florida Fire Prevention Code;

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7075 | authorizing the State Fire Marshal to adopt rules;
7076 | conforming cross-references; deleting an obsolete
7077 | provision; transferring, renumbering, and amending s.
7078 | 633.72, F.S., relating to the Florida Fire Code
7079 | Advisory Council; revising membership of the council;
7080 | providing for semiannual meetings of the council;
7081 | authorizing the council to review proposed changes to
7082 | the Florida Fire Prevention Code and specified uniform
7083 | fire safety standards; conforming cross-references;
7084 | transferring, renumbering, and amending s. 633.022,
7085 | F.S., relating to uniform firesafety standards;
7086 | revising applicability of uniform firesafety
7087 | standards; removing obsolete provisions; transferring,
7088 | renumbering, and amending s. 633.025, F.S., relating
7089 | to minimum firesafety standards; eliminating
7090 | references to the Life Safety Code; revising
7091 | references to firesafety code and fire official, to
7092 | conform; conforming a cross-reference; transferring,
7093 | renumbering, and amending s. 633.026, F.S., relating
7094 | to informal interpretations of the Florida Fire
7095 | Prevention Code and legislative intent with respect
7096 | thereto; making editorial changes; conforming cross-
7097 | references; revising terminology to provide for
7098 | declaratory statements rather than formal
7099 | interpretations in nonbinding interpretations of
7100 | Florida Fire Prevention Code provisions; transferring,
7101 | renumbering, and amending s. 633.052, F.S., relating
7102 | to ordinances relating to firesafety and penalties for

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7103 violation; conforming terminology; providing that a
7104 special district may enact any ordinance relating to
7105 firesafety codes that is identical to ch. 633, F.S.,
7106 or any state law, except as to penalty; transferring,
7107 renumbering, and amending s. 633.081, F.S.; clarifying
7108 persons authorized to inspect buildings and structures
7109 subject to the requirements of ch. 633, F.S., or s.
7110 509.215, F.S.; conforming cross-references; revising
7111 requirements of persons conducting firesafety
7112 inspections; revising period of validity of, and
7113 continuing education requirements for, firesafety
7114 inspector certificates; requiring repeat training for
7115 certified fire safety inspectors whose certification
7116 has lapsed for a specified period; revising grounds
7117 for denial, refusal to renew, suspension, or
7118 revocation of a firesafety inspector certificate;
7119 requiring the department to provide by rule for the
7120 certification of Fire Code Administrators;
7121 transferring, renumbering, and amending s. 633.085,
7122 F.S.; defining the terms "high-hazard occupancy" and
7123 "state-owned building"; providing for identification
7124 of state-owned buildings or state-leased buildings or
7125 space; authorizing, rather than requiring, the State
7126 Fire Marshal or agents thereof to conduct performance
7127 tests on any electronic fire warning and smoke
7128 detection system, and any pressurized air-handling
7129 unit, in any state-owned building or state-leased
7130 building or space on a recurring basis; requiring the

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7131 State Fire Marshal or agents thereof to ensure that
7132 fire drills are conducted in all high-hazard state-
7133 owned buildings or high-hazard state-leased
7134 occupancies at least annually; requiring that all new
7135 construction or renovation, alteration, or change of
7136 occupancy of any existing, state-owned building or
7137 state-leased building or space comply with uniform
7138 firesafety standards; authorizing the division to
7139 inspect state-owned buildings and spaces and state-
7140 leased buildings and spaces as necessary prior to
7141 occupancy or during construction, renovation, or
7142 alteration to ascertain compliance with uniform
7143 firesafety standards; requiring the division to issue
7144 orders to cease construction, renovation, or
7145 alteration, or to preclude occupancy, of a state-owned
7146 or state-leased building or space for noncompliance;
7147 transferring, renumbering, and amending s. 633.027,
7148 F.S., relating to buildings with light-frame truss-
7149 type construction; conforming cross-references;
7150 transferring, renumbering, and amending s. 633.60,
7151 F.S., relating to automatic fire sprinkler systems for
7152 one-family dwellings, two-family dwellings, and mobile
7153 homes; conforming a cross-reference; transferring and
7154 renumbering s. 633.557, F.S., which provides for
7155 nonapplicability of the act to owners of property who
7156 are building or improving farm outbuildings and
7157 standpipe systems installed by plumbing contractors;
7158 transferring, renumbering, and amending s. 633.161,

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7159 F.S., relating to violations and enforcement of ch.
7160 633, F.S., orders resulting from violations, and
7161 penalties for violation; conforming cross-references;
7162 creating part III of chapter 633, F.S., entitled "Fire
7163 Protection and Suppression"; transferring and
7164 renumbering ss. 633.511 and 633.514, F.S.;
7165 consolidating provisions relating to the Florida Fire
7166 Safety Board; making editorial changes; conforming
7167 cross-references; transferring, renumbering, and
7168 amending s. 633.061, F.S., relating to licensure to
7169 install or maintain fire suppression equipment;
7170 removing the fee schedule from such provisions;
7171 revising provisions relating to fire equipment dealers
7172 who wish to withdraw a previously filed halon
7173 equipment exemption affidavit; providing conditions
7174 that an applicant for a license of any class who has
7175 facilities located outside the state must meet in
7176 order to obtain a required equipment inspection;
7177 providing for the adoption of rules with respect to
7178 the establishment and calculation of inspection costs;
7179 revising and clarifying provisions which exclude from
7180 licensure for a specified period applicants having a
7181 previous criminal conviction; defining the term
7182 "convicted"; providing conditions under which a
7183 licensed fire equipment dealer may apply to convert
7184 the license currently held to a lower licensing
7185 category; providing procedure for an applicant who
7186 passes an examination for licensure or permit but

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7187 fails to meet remaining qualifications within 1 year
7188 after the application date; transferring,
7189 renumbering, and amending s. 633.065, F.S.; conforming
7190 a cross-reference; transferring, renumbering, and
7191 amending s. 633.071, F.S., relating to standard
7192 service tags required on all fire extinguishers and
7193 preengineered systems; conforming a cross-reference;
7194 transferring, renumbering, and amending s. 633.082,
7195 F.S., relating to inspection of fire control systems,
7196 fire hydrants, and fire protection systems; conforming
7197 a cross-reference; making an editorial change;
7198 transferring, renumbering, and amending s. 633.083,
7199 F.S., relating to the prohibited sale or use of
7200 certain types of fire extinguishers and penalty
7201 therefor; transferring, renumbering, and amending s.
7202 633.162, F.S., relating to fire suppression system
7203 contractors and disciplinary actions with respect
7204 thereto; conforming cross-references; clarifying
7205 provisions; transferring, renumbering, and amending
7206 s. 633.521, F.S., relating to certification as fire
7207 protection system contractor; clarifying provisions
7208 and making editorial changes; conforming cross-
7209 references; transferring, renumbering, and amending s.
7210 633.551, F.S., relating to county and municipal powers
7211 and the effect of ch. 75-240, Laws of Florida; making
7212 editorial changes; transferring and renumbering s.
7213 633.527, F.S., relating to records concerning
7214 applicant and the extent of confidentiality;

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7215 transferring and renumbering s. 633.531, F.S.,
7216 relating to statewide effectiveness and
7217 nontransferability of certificates; transferring,
7218 renumbering, and amending s. 633.534, F.S., relating
7219 to the issuance of certificates to individuals and
7220 business organizations; conforming a reference;
7221 transferring, renumbering, and amending s. 633.537,
7222 F.S., relating to renewal and expiration of
7223 certificates; removing an obsolete provision; removing
7224 a provision which prescribes the biennial renewal fee
7225 for an inactive status certificate; making editorial
7226 changes; transferring, renumbering, and amending s.
7227 633.539, F.S., relating to requirements for
7228 installation, inspection, and maintenance of fire
7229 protection systems; correcting a cross-reference;
7230 conforming a reference; clarifying provisions relating
7231 to specified installation of a cross-connection
7232 backflow prevention device; transferring, renumbering,
7233 and amending s. 633.541, F.S., relating to the
7234 prohibition against contracting as a fire protection
7235 contractor without a certificate and penalty for
7236 violation thereof; conforming cross-references;
7237 transferring, renumbering, and amending s. 633.547,
7238 F.S.; revising provisions which authorize the State
7239 Fire Marshal to suspend a fire protection system
7240 contractor's or permittee's certificate; removing
7241 provisions authorizing revocation of a certificate for
7242 a specified period; conforming a cross-reference;

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7243 transferring, renumbering, and amending s. 633.549,
7244 F.S., relating to violations that are subject to
7245 injunction; making an editorial change; transferring
7246 and renumbering s. 633.554, F.S., relating to
7247 application of ch. 633, F.S., regulating contracting
7248 and contractors; transferring, renumbering, and
7249 amending s. 633.70, F.S., relating to jurisdiction of
7250 the State Fire Marshal over alarm system contractors
7251 and certified unlimited electrical contractors;
7252 conforming a cross-reference; transferring and
7253 renumbering s. 633.701, F.S., relating to requirements
7254 for fire alarm system equipment; transferring,
7255 renumbering, and amending s. 633.702, F.S., relating
7256 to prohibited acts regarding alarm system contractors
7257 or certified unlimited electrical contractors and
7258 penalties for violations; making editorial changes;
7259 creating part IV of chapter 633, F.S., entitled "Fire
7260 Standards and Training"; transferring, renumbering,
7261 and amending ss. 633.31 and 633.33, F.S., and
7262 transferring and renumbering s. 633.32, F.S.;
7263 consolidating provisions relating to the Firefighters
7264 Employment, Standards, and Training Council; providing
7265 for an additional member of the council; revising
7266 special powers of the council in connection with the
7267 employment and training of firefighters; transferring,
7268 renumbering, and amending s. 633.42, F.S., relating to
7269 authority of fire service providers to establish
7270 qualifications and standards for hiring, training, or

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7271 promoting firefighters that exceed the minimum set by
7272 the department; conforming terminology; creating s.
7273 633.406, F.S.; specifying classes of certification
7274 awarded by the division; authorizing the division to
7275 establish specified additional certificates by rule;
7276 transferring, renumbering, and amending ss. 633.35 and
7277 633.37 F.S.; consolidating and revising provisions
7278 relating to firefighter and volunteer firefighter
7279 training and certification; requiring the division to
7280 establish by rule specified courses and course
7281 examinations; providing that courses may only be
7282 administered by specified education or training
7283 providers and taught by certified instructors;
7284 revising provisions with respect to payment of
7285 training costs and payment of tuition for attendance
7286 at approved courses; providing requirements for
7287 issuance by the division of a firefighter certificate
7288 of compliance; providing requirements for issuance by
7289 the division of a Volunteer Firefighter Certificate of
7290 Completion; authorizing the division to issue a
7291 Special Certificate of Compliance; providing
7292 requirements and limitations with respect thereto;
7293 providing procedures and requirements for
7294 reexamination subsequent to failure of an examination;
7295 increasing the required number of hours of the
7296 structural fire training program; providing for a
7297 Forestry Certificate of Compliance and prescribing the
7298 rights, privileges, and benefits thereof;

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7299 transferring, renumbering, and amending s. 633.34,
7300 F.S.; revising and reorganizing provisions relating to
7301 qualifications for certification as a firefighter;
7302 providing requirements of the division with respect to
7303 suspension or revocation of a certificate;
7304 transferring, renumbering, and amending s. 633.352,
7305 F.S.; revising provisions relating to retention of
7306 certification as a firefighter; defining the term
7307 "active"; transferring, renumbering, and amending s.
7308 633.41, F.S.; prohibiting a fire service provider from
7309 employing an individual as a firefighter or supervisor
7310 of firefighters and from retaining the services of an
7311 individual volunteering as a firefighter or a
7312 supervisor of firefighters without required
7313 certification; requiring a fire service provider to
7314 make a diligent effort to determine possession of
7315 required certification prior to employing or retaining
7316 an individual for specified services; defining the
7317 term "diligent effort"; requiring a fire service
7318 provider to notify the division of specified hirings,
7319 retentions, terminations, decisions not to retain a
7320 firefighter, and determinations of failure to meet
7321 certain requirements; authorizing the division to
7322 conduct site visits to fire departments to monitor
7323 compliance; defining the term "employ"; conforming
7324 cross-references; transferring, renumbering, and
7325 amending s. 633.38, F.S., relating to curricula and
7326 standards for advanced and specialized training

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7327 prescribed by the division; revising terminology to
7328 conform; conforming cross-references; transferring,
7329 renumbering, and amending s. 633.382, F.S.; revising
7330 provisions relating to supplemental compensation for
7331 firefighters who pursue specified higher educational
7332 opportunities; removing definitions; requiring the
7333 State Fire Marshal to determine course work or degrees
7334 that represent the best practices toward supplemental
7335 compensation goals; authorizing the adoption of rules;
7336 specifying that supplemental compensation shall be
7337 paid to qualifying full-time employees of a fire
7338 service provider; conforming terminology; clarifying
7339 provisions; specifying that policy guidelines be
7340 adopted by rule; classifying the division as a fire
7341 service provider responsible for the payment of
7342 supplemental compensation to full-time firefighters
7343 employed by the division; transferring, renumbering,
7344 and amending s. 633.353, F.S.; clarifying provisions
7345 which provide a penalty for falsification of
7346 qualifications provided to the Bureau of Fire
7347 Standards and Training of the division; transferring,
7348 renumbering, and amending s. 633.351, F.S.; providing
7349 definitions; providing conditions for ineligibility to
7350 apply for certification under ch. 633, F.S.; providing
7351 conditions for permanent revocation of certification,
7352 prospective application of such provisions, and
7353 retroactive application with respect to specified
7354 convictions; revising provisions relating to

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7355 revocation of certification; providing division
7356 procedure with respect to an individual's conviction
7357 of a felony or specified misdemeanor subsequent to
7358 certification; authorizing the division to charge a
7359 fingerprint processing fee; transferring, renumbering,
7360 and amending s. 633.43, F.S., relating to the
7361 establishment of the Florida State Fire College;
7362 conforming a reference; transferring, renumbering,
7363 and amending s. 633.44, F.S.; expanding the purposes
7364 of the Florida State Fire College and pt. IV of ch.
7365 633, F.S.; conforming a cross-reference; transferring,
7366 renumbering, and amending s. 633.48, F.S., relating to
7367 the superintendent of the Florida State Fire College;
7368 correcting a cross-reference, to conform;
7369 transferring, renumbering, and amending s. 633.461,
7370 F.S.; revising uses of funds received by the Florida
7371 State Fire College from the Insurance Regulatory Trust
7372 Fund; transferring and renumbering s. 633.46, F.S.,
7373 relating to fees charged for training; transferring
7374 and renumbering s. 633.47, F.S., relating to procedure
7375 for making expenditures on behalf of the Florida State
7376 Fire College; transferring, renumbering, and amending
7377 s. 633.49, F.S., relating to the use of buildings,
7378 equipment, and other facilities of the fire college;
7379 conforming a cross-reference; transferring,
7380 renumbering, and amending s. 633.50, F.S.; providing
7381 additional duties of the division of State Fire
7382 Marshal related to the Florida State Fire College;

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7383 conforming cross-references; creating part V of ch.
7384 633, F.S., entitled "Florida Firefighters Occupational
7385 Safety and Health Act"; transferring, renumbering, and
7386 amending s. 633.801, F.S., which provides a short
7387 title; transferring, renumbering, and amending s.
7388 633.802, F.S.; revising definitions of "firefighter
7389 employee," "firefighter employer," and "firefighter
7390 place of employment"; transferring, renumbering, and
7391 amending s. 633.803, F.S., relating to legislative
7392 intent to enhance firefighter occupational safety and
7393 health in the state; clarifying provisions; conforming
7394 references; transferring, renumbering, and amending
7395 ss. 633.821 and 633.808, F.S.; revising provisions
7396 relating to assistance by the division in facilitating
7397 firefighter employee workplace safety; revising
7398 references to publications; removing obsolete
7399 provisions; revising requirements of the division;
7400 transferring, renumbering, and amending s. 633.817,
7401 F.S., relating to remedies available to the division
7402 for noncompliance with pt. V of ch. 633, F.S., the
7403 Florida Firefighters Occupational Safety and Health
7404 Act; transferring and renumbering s. 633.805, F.S.,
7405 relating to a required study by the division of
7406 firefighter employee occupational diseases;
7407 transferring, renumbering, and amending ss. 633.806
7408 and 633.815, F.S.; revising and consolidating
7409 provisions which require the division to make studies,
7410 investigations, inspections, and inquiries with

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7411 respect to compliance with pt. V of ch. 633, F.S., or
7412 rules authorized thereunder, and the causes of
7413 firefighter employee injuries, illnesses, safety-based
7414 complaints, or line-of-duty deaths in firefighter
7415 employee places of employment; authorizing the
7416 division to adopt by rule procedures for conducting
7417 inspections and inquiries of firefighter employers
7418 under pt. V of ch. 633, F.S.; conforming references;
7419 transferring, renumbering, and amending s. 633.807,
7420 F.S., relating to safety responsibilities of
7421 firefighter employers; revising definition of the
7422 terms "safe" and "safety"; transferring, renumbering,
7423 and amending ss. 633.809, 633.810, and 633.813, F.S.;
7424 consolidating and revising provisions relating to
7425 firefighter employers with a high frequency of
7426 firefighter employee work-related injuries, corrective
7427 plans for noncompliance issues, and workplace safety
7428 committees and coordinators; revising provisions
7429 relating to required safety inspections; clarifying
7430 that the division may not assess penalties as a result
7431 of such inspections; requiring firefighter employers
7432 to submit a plan for the correction of any
7433 noncompliance issues to the division for approval in
7434 accordance with division rule; providing procedures if
7435 a plan is not submitted, does not provide corrective
7436 actions, is incomplete, or is not implemented;
7437 transferring, renumbering, and amending s. 633.811,
7438 F.S.; prescribing additional administrative penalties

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7439 for firefighter employers for violation of, or refusal
7440 to comply with, pt. V of ch. 633, F.S.; providing for
7441 location of hearings; transferring, renumbering, and
7442 amending s. 633.812, F.S. relating to specified
7443 cooperation by the division with the Federal
7444 Government; clarifying requirements from which private
7445 firefighter employers are exempt; eliminating a
7446 prerequisite to exemption for specified firefighter
7447 employers; requiring reinspection subsequent to
7448 specified noncompliance; transferring, renumbering,
7449 and amending s. 633.816, F.S., relating to firefighter
7450 employee rights and responsibilities; conforming
7451 references; transferring, renumbering, and amending
7452 ss. 633.818 and 633.819, F.S.; consolidating
7453 provisions relating to penalties for prohibited false,
7454 fictitious, or fraudulent acts, statements, and
7455 representations and the statute of limitations
7456 thereon; conforming a cross-reference; transferring,
7457 renumbering, and amending s. 633.814, F.S., relating
7458 to disbursement of expenses to administer pt. V of ch.
7459 633, F.S.; conforming a cross-reference; amending s.
7460 554.103, F.S.; revising provisions of the State Boiler
7461 Code; establishing construction standards for new
7462 boilers installed or imported into this state;
7463 requiring the installer, rather than the owner, of a
7464 boiler placed in use after a specified date to submit
7465 a data report prior to operation; amending s.
7466 627.4107, F.S.; providing that a life or health

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7467 insurer may not cancel or fail or refuse to renew a
7468 life or health insurance policy or certificate of
7469 insurance that provides coverage to a volunteer
7470 firefighter based on specified circumstances;
7471 amending s. 791.012, F.S., relating to minimum
7472 fireworks safety standards; updating a reference;
7473 amending s. 791.015, F.S.; authorizing seasonal
7474 retailers of sparklers to submit one registration form
7475 for multiple locations; requiring each seasonal
7476 retailer of sparklers to pay an annual registration
7477 fee for each retail location registered; repealing s.
7478 633.024, F.S., relating to legislative findings and
7479 intent with respect to ensuring effective fire
7480 protection of vulnerable nursing home residents, the
7481 expedited retrofit of existing nursing homes through a
7482 limited state loan guarantee, and funding thereof;
7483 repealing s. 633.0245, F.S., relating to the State
7484 Fire Marshal Nursing Home Fire Protection Loan
7485 Guarantee Program; repealing s. 633.30, F.S., relating
7486 to definitions with respect to standards for
7487 firefighting; repealing s. 633.445, F.S., relating to
7488 the State Fire Marshal Scholarship Grant Program;
7489 repealing s. 633.524, F.S., relating to certificate
7490 and permit fees assessed under ch. 633, F.S., and the
7491 use and deposit thereof; repealing s. 633.804, F.S.,
7492 which requires the division to adopt rules governing
7493 firefighter employer and firefighter employee safety
7494 inspections and consultations; repealing s. 633.820,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 883 (2013)

Amendment No. 1

7495 F.S., relating to the applicability of specified
7496 sections of ch. 633, F.S., to volunteer firefighters
7497 and volunteer fire departments; amending ss. 112.1815,
7498 112.191, 112.81, 119.071, 120.541, 120.80, 121.0515,
7499 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121,
7500 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02,
7501 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44,
7502 429.73, 447.203, 468.602, 468.609, 489.103, 489.105,
7503 496.404, 509.032, 513.05, 553.73, 553.77, 553.79,
7504 590.02, 893.13, 934.03, 943.61, 1002.33, 1002.34,
7505 1013.12, and 1013.38, F.S.; correcting cross-
7506 references, to conform; providing an effective date.