

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/SB 1410 — Fire Safety and Prevention

by Community Affairs Committee; Banking and Insurance Committee; and Senator Simmons

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

- Revises provisions relating to the authority of the State Fire Marshal.
- Revises the renewal period for firesafety inspector certification from 3 years to 4.
- Revises provisions relating to the disciplinary authority of the State Fire Marshal.
- Authorizes the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons, and provides terms and conditions of probation.
- Revises provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal.
- Requires the State Fire Marshal to investigate an fire or explosion resulting in property damage and to keep records from such investigations.
- Revises provisions relating to the authority of agents of the State Fire Marshal.
- Clarifies provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided.
- Provides penalties for rendering a fire protection system inoperative and provides penalties for using a certificate issued to another person.
- Revises provisions to include investigation of explosions in fraudulent insurance claim investigations.
- Authorizes the State Fire Marshal to adopt rules to implement provisions relating to an insurance company's investigation of a suspected explosion by intentional means.
- Requires the division to establish by rule:
 - o uniform minimum standards for the employment and training of firefighters and volunteer firefighters;
 - o minimum curriculum requirements and criteria for the approval of education or training providers;
 - o standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters;
 - o standards for the certification, denial of certification, probation, and revocation of certification for instructors; and,
 - o minimum training qualifications for persons serving as specified firesafety coordinators.
- Requires the division to issue specified licenses, certificates, and permits.
- Requires notification of any felony actions against a licensee, permittee, or certificateholder.
- Revises terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations by the division regarding the Florida Fire Prevention Code.

- Provides that a special district may enact any ordinance relating to firesafety codes that is identical to ch. 633, F.S., or any state law, except as to penalties.
- Clarifies persons authorized to inspect buildings and structures.
- Revises requirements of persons conducting firesafety inspections.
- Increases from 3 to 4 the number of years a fire safety inspector certificate is valid.
- Increases the continuing educations requirements for a fire safety inspector certificate from 40 hours to 54 hours.
- Requires the department to provide by rule for the certification of Fire Code Administrators.
- Authorizes, rather than requires, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis.
- Requires the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually.
- Authorizes the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy or during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards.
- Authorizes the Florida Fire Safety Board to review complaints and make recommendations, and, provides for the election of officers, quorum, and compensation of the board and requires the board to adopt a seal.
- Provides conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection.
- Provides for the adoption of rules with respect to the establishment and calculation of inspection costs.
- Revises and clarifies provisions that exclude from licensure for a specified period applicants having a previous criminal conviction and defines the term “convicted.”
- Revises provisions that authorize the State Fire Marshal to suspend a fire protection system contractor’s or permittee’s certificate.
- Provides for an additional member of the Firefighters Employment, Standards, and Training council to be added from the Florida Forest Service; provides for organization of the council and its meetings, and compensation; and provides for special powers of the council in connection with the employment and training of firefighters.
- Specifies classes of certification awarded by the division and authorizes the division to establish specified additional certificates by rule, and:
 - o Revises provisions relating to firefighter and volunteer firefighter training and certification.
 - o Requires the division to establish by rule specified courses and course examinations.
 - o Provides that courses may only be administered by specified education or training providers and taught by certified instructors.
 - o Revises provisions with respect to payment of training costs and payment of tuition for attendance at approved courses.

- o Provides requirements for issuance by the division of a firefighter and volunteer firefighter certificate of compliance.
- o Authorizes the division to issue a Special Certificate of Compliance and provides requirements and limitations with respect thereto.
- o Increases the required number of hours of the structural fire training program from 40 to 54 hours.
- o Provides for a Forestry Certificate of Compliance and prescribes the rights, privileges, and benefits thereof.
- o Revises provisions relating to disqualifying offenses and provides requirements of the division with respect to suspension or revocation of a firefighter certificate.
- Prohibits a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification.
- Requires a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements.
- Authorizes the division to conduct site visits to fire departments to monitor compliance.
- Requires the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals, and:
 - o Specifies that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider.
 - o Specifies that policy guidelines be adopted by rule, classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division.
- Revises provisions relating to revocation of certification.
- Provides requirements with respect to application for certification.
- Revises provisions that require the division to make studies, investigations, inspections, and inquiries with respect to firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment.
- Authorizes the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers and further authorizes the division to enter the premises to investigate compliance; provides criminal penalties; requires firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule; and provides the procedure if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented.
- Provides for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining; provides for compensation of the workplace safety committee; and authorizes the cancellation of an insurance plan due to noncompliance.
- Prescribes additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S., and provides for location of hearings.
- Clarifies requirements from which private firefighter employers are exempt.
- Requires reinspection after specified noncompliance.

- Removes provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction.
- Revises provisions relating to adjustments in payments of accidental death benefits for firefighters.
- Repeals the retrofit of existing nursing homes through the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.
- Repeals the State Fire Marshal Scholarship Grant Program.
- Specifies that independent special fire control districts may levy non-ad valorem assessments for emergency medical services and emergency transport services, and provides that if a district levies a non-ad valorem assessment for emergency medical services or emergency transport services, that district must cease charging an ad valorem tax for that service.
- Recognizes that the provision of emergency medical services and emergency transport services constitutes a benefit to real property.
- Provides that a district can levy non-ad valorem assessments on lands within the district (current law has allowed these assessments on “benefitted property”) for the exercise of the Independent Special Fire Control District Act, and removes the current law that had required that these assessments must be based on the specific benefit accruing to the benefitted property.

If approved by the Governor, these provisions take effect July 1, 2013

Vote: Senate 37-0; House 117-0