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1 A bill to be entitled
2 An act relating to fire safety and prevention;
3 providing a directive to the Division of Law Revision
4 and Information to create part I of ch. 633, F.S.,
5 entitled "General Provisions"; transferring,
6 renumbering, and amending s. 633.021, F.S.; revising
7 and providing definitions; transferring, renumbering,
8 and amending s. 633.01, F.S.; revising provisions
9 relating to the authority of the State Fire Marshal;
10 removing references to the Life Safety Code; revising
11 the renewal period for firesafety inspector
12 requirements for certification; conforming cross-
13 references; authorizing the State Fire Marshal to
14 administer oaths and take testimony; authorizing the
15 State Fire Marshal to enter into contracts with
16 private entities for the administration of
17 examinations; transferring, renumbering, and amending
18 s. 633.163, F.S.; revising provisions relating to the
19 disciplinary authority of the State Fire Marshal;
20 authorizing the State Fire Marshal to deny, suspend,
21 or revoke the licenses of certain persons; providing
22 terms and conditions of probation; transferring and
23 renumbering s. 633.15, F.S., relating to the force and
24 effect of ch. 633, F.S., and rules adopted by the
25 State Fire Marshal on municipalities, counties, and
26 special districts having fire safety responsibilities;
27 transferring, renumbering, and amending s. 633.101,
28 F.S.; revising provisions relating to hearings,
29 investigations, and recordkeeping duties and the

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30 authority of the State Fire Marshal; authorizing the
31 State Fire Marshal to designate an agent for various
32 purposes related to hearings; providing for the
33 issuance of subpoenas; requiring the State Fire
34 Marshal to investigate certain fires and explosions
35 under certain circumstances; transferring,
36 renumbering, and amending s. 633.111, F.S.; requiring
37 the State Fire Marshal to keep records of all fires
38 and explosions; transferring, renumbering, and
39 amending s. 633.02, F.S.; revising provisions relating
40 to the authority of agents of the State Fire Marshal;
41 transferring and renumbering s. 633.14, F.S., relating
42 to the powers of agents of the State Fire Marshal to
43 make arrests, conduct searches and seizures, serve
44 summonses, and carry firearms; transferring,
45 renumbering, and amending s. 633.121, F.S., relating
46 to persons authorized to enforce laws and rules of the
47 State Fire Marshal; revising terminology;
48 transferring, renumbering, and amending s. 633.151,
49 F.S.; clarifying provisions relating to impersonating
50 the State Fire Marshal, a firefighter, a firesafety
51 inspector, or a volunteer firefighter, for which a
52 criminal penalty is provided; transferring,
53 renumbering, and amending s. 633.171, F.S.; providing
54 penalties for rendering a fire protection system
55 required by statute or by rule inoperative; providing
56 penalties for using the certificate of another person,
57 holding a license or certificate and allowing another
58 person to use the license or certificate, and using or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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552 F.S., relating to the authority of State Fire Marshal
553 agents; repealing s. 633.167, F.S., relating to the
554 authority of the State Fire Marshal to place certain
555 persons on probation; repealing s. 633.18, F.S.,
556 relating to hearings and investigations by the State
557 Fire Marshal; repealing s. 633.30, F.S., relating to
558 definitions with respect to standards for
559 firefighting; repealing s. 633.32, F.S., relating to
560 organization, meetings, quorum, compensation, and seal
561 of the Firefighters Employment, Standards, and
562 Training Council; repealing s. 633.33, F.S., relating
563 to special powers of the Firefighters Employment,
564 Standards, and Training Council in connection with the
565 employment and training of firefighters; repealing s.
566 633.37, F.S., relating to payment of tuition at
567 approved training programs by the employing agency;
568 repealing s. 633.445, F.S., relating to the State Fire
569 Marshal Scholarship Grant Program; repealing s.
570 633.514, F.S., relating to Florida Fire Safety Board
571 duties, meetings, officers, quorum, and compensation;
572 repealing s. 633.517, F.S.; relating to the authority
573 of the State Fire Marshal to adopt rules, administer
574 oaths, and take testimony; repealing s. 633.524, F.S.,
575 relating to certificate and permit fees assessed under
576 ch. 633, F.S., and the use and deposit thereof;
577 repealing s. 633.804, F.S., relating to the adoption
578 of rules governing firefighter employer and
579 firefighter employee safety inspections and
580 consultations; repealing s. 633.808, F.S., relating to

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581 division authority; repealing s. 633.810, F.S.,
582 relating to workplace safety committees and safety
583 coordinators; repealing s. 633.813, F.S., relating to
584 cancellation of an insurance policy for failure to
585 implement a safety and health program; repealing s.
586 633.815, F.S., relating to penalties for refusing
587 entry to a firefighter place of employment for the
588 purposes of investigations or inspections by the
589 division; repealing s. 633.819, F.S., relating to
590 matters within the jurisdiction of the division and
591 fraudulent acts, penalties, and statute of
592 limitations; repealing s. 633.820, F.S., relating to
593 the applicability of specified sections of ch. 633,
594 F.S., to volunteer firefighters and volunteer fire
595 departments; amending ss. 112.1815, 112.191, 112.81,
596 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56,
597 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45,
598 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915,
599 429.41, 429.44, 429.73, 447.203, 468.602, 468.609,
600 489.103, 489.105, 496.404, 509.032, 513.05, 553.73,
601 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03,
602 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.;;
603 conforming cross-references; updating terminology;
604 amending s. 191.009, F.S.; clarifying provisions that
605 authorize a district to levy non-ad valorem
606 assessments to construct, operate, and maintain
607 specified district facilities and services; providing
608 that if a district levies non-ad valorem assessments
609 for certain services, the district must cease to levy

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610 ad valorem assessments for those services; amending s.
611 191.011, F.S.; revising provisions relating to
612 district authority to provide for the levy of non-ad
613 valorem assessments on lands within the district
614 rather than benefited real property; eliminating
615 provisions relating to rate of assessment for
616 benefited real property; providing an effective date.

617

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

619

620 Section 1. The Division of Law Revision and Information is
621 directed to create part I of chapter 633, Florida Statutes,
622 consisting of sections 633.102, 633.104, 633.106, 633.108,
623 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,
624 633.128, 633.132, 633.134, 633.136, and 633.138, Florida
625 Statutes, to be entitled "General Provisions."

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

629 633.102 ~~633.021~~ Definitions.—As used in this chapter, the
630 term:

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

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

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

636 (2)(4) "Contracting" means engaging in business as a
637 contractor.

638 (3)(5) (a) "Contractor I" means a contractor whose business

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639 includes the execution of contracts requiring the ability to lay
640 out, fabricate, install, inspect, alter, repair, and service all
641 types of fire protection systems, excluding preengineered
642 systems.

643 (b) "Contractor II" means a contractor whose business is
644 limited to the execution of contracts requiring the ability to
645 lay out, fabricate, install, inspect, alter, repair, and service
646 water sprinkler systems, water spray systems, foam-water
647 sprinkler systems, foam-water spray systems, standpipes,
648 combination standpipes and sprinkler risers, all piping that is
649 an integral part of the system beginning at the point of service
650 as defined in this section, sprinkler tank heaters, air lines,
651 thermal systems used in connection with sprinklers, and tanks
652 and pumps connected thereto, excluding preengineered systems.

653 (c) "Contractor III" means a contractor whose business is
654 limited to the execution of contracts requiring the ability to
655 fabricate, install, inspect, alter, repair, and service carbon
656 dioxide CO_2 systems, foam extinguishing systems, dry chemical
657 systems, and Halon and other chemical systems, excluding
658 preengineered systems.

659 (d) "Contractor IV" means a contractor whose business is
660 limited to the execution of contracts requiring the ability to
661 lay out, fabricate, install, inspect, alter, repair, and service
662 automatic fire sprinkler systems for detached one-family
663 dwellings, detached two-family dwellings, and mobile homes,
664 excluding preengineered systems and excluding single-family
665 homes in cluster units, such as apartments, condominiums, and
666 assisted living facilities or any building that is connected to
667 other dwellings. A Contractor IV is limited to the scope of

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668 practice specified in NFPA 13D.

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

676

677 The definitions in this subsection may ~~must~~ not be construed to
678 include ~~fire protection~~ engineers or architects and do not limit
679 or prohibit a licensed fire protection engineer or architect
680 with fire protection design experience from designing any type
681 of fire protection system. A distinction is made between system
682 design concepts prepared by the design professional and system
683 layout as defined in this section and typically prepared by the
684 contractor. However, a person ~~persons~~ certified as a Contractor
685 I, Contractor II, or Contractor IV under this chapter may design
686 fire protection systems of 49 or fewer sprinklers, and may
687 design the alteration of an existing fire sprinkler system if
688 the alteration consists of the relocation, addition, or deletion
689 of not more than 49 sprinklers, notwithstanding the size of the
690 existing fire sprinkler system. A person certified as a
691 Contractor I, Contractor II, or Contractor IV may design a fire
692 protection system the scope of which complies with NFPA 13D,
693 Standard for the Installation of Sprinkler Systems in One- and
694 Two-Family Dwellings and Manufactured Homes, as adopted by the
695 State Fire Marshal, notwithstanding the number of fire
696 sprinklers. Contractor-developed plans may not be required by

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697 any local permitting authority to be sealed by a registered
698 professional engineer.

699 (4) "Department" means the Department of Financial
700 Services.

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

703 (6) "Explosives" means any chemical compound or mixture
704 that has the property of yielding readily to combustion or
705 oxidation upon the application of heat, flame, or shock and is
706 capable of producing an explosion and is commonly used for that
707 purpose, including but not limited to dynamite, nitroglycerin,
708 trinitrotoluene, ammonium nitrate when combined with other
709 ingredients to form an explosive mixture, blasting caps, and
710 detonators; but the term does not include cartridges for
711 firearms or fireworks as defined in chapter 791.

712 (7) (a) "Fire equipment dealer Class A" means a licensed
713 fire equipment dealer whose business is limited to servicing,
714 recharging, repairing, installing, or inspecting all types of
715 fire extinguishers and conducting hydrostatic tests on all types
716 of fire extinguishers.

717 (b) "Fire equipment dealer Class B" means a licensed fire
718 equipment dealer whose business is limited to servicing,
719 recharging, repairing, installing, or inspecting all types of
720 fire extinguishers, including recharging carbon dioxide units
721 and conducting hydrostatic tests on all types of fire
722 extinguishers, except carbon dioxide units.

723 (c) "Fire equipment dealer Class C" means a licensed fire
724 equipment dealer whose business is limited to servicing,
725 recharging, repairing, installing, or inspecting all types of

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726 fire extinguishers, except recharging carbon dioxide units, and
727 conducting hydrostatic tests on all types of fire extinguishers,
728 except carbon dioxide units.

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

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

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

735 (b) Is manually operated.

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

738 (d) Is rechargeable or nonrechargeable.

739 (e) Is installed, serviced, repaired, recharged, inspected,
740 and hydrotested according to applicable procedures of the
741 manufacturer, standards of the National Fire Protection
742 Association, and the Code of Federal Regulations.

743 (f) Is listed by a nationally recognized testing
744 laboratory.

745 (9) "Firefighter" means an individual who holds a current
746 and valid Firefighter Certificate of Compliance or Special
747 Certificate of Compliance issued by the division under s.
748 633.408.

749 (10)~~(9)~~ ~~A~~ "Fire hydrant" means ~~is~~ a connection to a water
750 main, elevated water tank, or other source of water for the
751 purpose of supplying water to a fire hose or other fire
752 protection apparatus for fire suppression operations. The term
753 does not include a fire protection system.

754 (11)~~(10)~~ ~~A~~ "Fire protection system" means ~~is~~ a system

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755 individually designed to protect the interior or exterior of a
756 specific building or buildings, structure, or other special
757 hazard from fire. Such systems include, but are not limited to,
758 water sprinkler systems, water spray systems, foam-water
759 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~
760 systems, foam extinguishing systems, dry chemical systems, and
761 Halon and other chemical systems used for fire protection use.
762 Such systems also include any overhead and underground fire
763 mains, fire hydrants and hydrant mains, standpipes and hoses
764 connected to sprinkler systems, sprinkler tank heaters, air
765 lines, thermal systems used in connection with fire sprinkler
766 systems, and tanks and pumps connected to fire sprinkler
767 systems.

768 (12) ~~(11)~~ A "Firesafety inspector" means ~~is~~ an individual
769 who holds a current and valid Fire Safety Inspector Certificate
770 of Compliance issued ~~certified~~ by the division ~~State Fire~~
771 ~~Marshal~~ under s. 633.216 ~~s. 633.081~~ who is officially assigned
772 the duties of conducting firesafety inspections of buildings and
773 facilities on a recurring or regular basis on behalf of the
774 state or any county, municipality, or special district with fire
775 safety responsibilities.

776 (13) "Fire service provider" means a municipality or
777 county, the state, or any political subdivision of the state,
778 including authorities and special districts, employing
779 firefighters or utilizing volunteer firefighters to provide fire
780 extinguishment or fire prevention services for the protection of
781 life and property. The term includes any organization under
782 contract or other agreement with such entity to provide such
783 services.

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784 (14) "Fire service support personnel" means an individual
785 who does not hold a current and valid certificate issued by the
786 division and who may only perform support services.

787 (15)~~(12)~~ "Handling" means touching, holding, taking up,
788 moving, controlling, or otherwise affecting with the hand or by
789 any other agency.

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

792 ~~1. That contains combustible or explosive matter or~~
793 ~~flammable conditions dangerous to the safety of life or~~
794 ~~property.~~

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

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

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

798

799 ~~Such buildings or structures include, but are not limited to,~~
800 ~~all hospitals and residential health care facilities, nursing~~
801 ~~homes and other adult care facilities, correctional or detention~~
802 ~~facilities, public schools, public lodging establishments,~~
803 ~~migrant labor camps, residential child care facilities, and~~
804 ~~self-service gasoline stations.~~

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

810 (16)~~(14)~~ "Highway" means every way or place of whatever
811 nature within the state open to the use of the public, as a
812 matter of right, for purposes of vehicular traffic and includes

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813 public streets, alleys, roadways, or driveways upon grounds of
814 colleges, universities, and institutions and other ways open to
815 travel by the public, notwithstanding that the same have been
816 temporarily closed for the purpose of construction,
817 reconstruction, maintenance, or repair. The term does not
818 include a roadway or driveway upon grounds owned by a private
819 person.

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

823 (18)~~(15)~~ "Keeping" means possessing, holding, retaining,
824 maintaining, or having habitually in stock for sale.

825 (19)~~(16)~~ "Layout" ~~as used in this chapter~~ means the layout
826 of risers, cross mains, branch lines, sprinkler heads, sizing of
827 pipe, hanger locations, and hydraulic calculations in accordance
828 with the design concepts established through ~~the provisions of~~
829 the Responsibility Rules adopted by the Board of Professional
830 Engineers.

831 (20)~~(17)~~ "Manufacture" means the compounding, combining,
832 producing, or making of anything or the working of anything by
833 hand, by machinery, or by any other agency into forms suitable
834 for use.

835 (21)~~(18)~~ A "Minimum firesafety standard" means ~~is~~ a
836 requirement or group of requirements adopted pursuant to s.
837 633.208 ~~633.025~~ by a county, municipality, or special district
838 with firesafety responsibilities, or by the State Fire Marshal
839 pursuant to s. 394.879, for the protection of life and property
840 from loss by fire which shall be met, as a minimum, by every
841 occupancy, facility, building, structure, premises, device, or

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842 activity to which it applies.

843 (22) "Minimum Standards Course" means training of at least
844 360 hours as prescribed by rule adopted by the division which is
845 required to obtain a Firefighter Certificate of Compliance under
846 s. 633.408.

847 (23)~~(19)~~ "Motor vehicle" means any device propelled by
848 power other than muscular power in, upon, or by which any
849 individual ~~person~~ or property is or may be transported or drawn
850 upon a highway, except a device moved or used exclusively upon
851 stationary rails or tracks.

852 (24)~~(20)~~ "Point-of-service" means the point at which the
853 underground piping for a fire protection system as defined in
854 this section using water as the extinguishing agent becomes used
855 exclusively for the fire protection system.

856 (25)~~(21)~~(a) A "Preengineered system" means ~~is~~ a fire
857 suppression system which:

- 858 1. Uses any of a variety of extinguishing agents.
- 859 2. Is designed to protect specific hazards.
- 860 3. Must be installed according to pretested limitations and
861 configurations specified by the manufacturer and applicable
862 National Fire Protection Association (NFPA) standards. Only
863 those chapters within the National Fire Protection Association
864 standards which ~~that~~ pertain to servicing, recharging,
865 repairing, installing, hydrotesting, or inspecting any type of
866 preengineered fire extinguishing system may be used.
- 867 4. Must be installed using components specified by the
868 manufacturer or components that are listed as equal parts by a
869 nationally recognized testing laboratory such as Underwriters
870 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

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

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

879 (26)~~(22)~~ "Private carrier" means a ~~any~~ motor vehicle,
880 aircraft, or vessel operating intrastate in which there is
881 identity of ownership between freight and carrier.

882 (27)~~(23)~~ "Sale" means the act of selling; the act whereby
883 the ownership of property is transferred from one person to
884 another for a sum of money or, loosely, for any consideration.
885 The term includes the delivery of merchandise with or without
886 consideration.

887 (28)~~(24)~~ "Special state firesafety inspector" means an
888 individual officially assigned to the duties of conducting
889 firesafety inspections required by law on behalf of or by an
890 agency of the state having authority for inspections other than
891 the division ~~of State Fire Marshal~~.

892 (29)~~(25)~~ A "Sprinkler system" means is a type of fire
893 protection system, ~~either~~ manual or automatic, using water as an
894 extinguishing agent and installed in accordance with applicable
895 National Fire Protection Association standards.

896 (30)~~(26)~~ "Storing" means accumulating, laying away, or
897 depositing for preservation or as a reserve fund in a store,
898 warehouse, or other source from which supplies may be drawn or
899 within which they may be deposited. The term is limited in

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900 meaning and application to storage having a direct relationship
901 to transportation.

902 (31) "Support services" means those activities that a fire
903 service provider has trained an individual to perform safely
904 outside the hot zone of an emergency scene, including pulling
905 hoses, opening and closing fire hydrants, driving and operating
906 apparatus, carrying tools, carrying or moving equipment,
907 directing traffic, manning a resource pool, or similar
908 activities.

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

911 (33)~~(27)~~ "Transportation" means the conveying or carrying
912 of property from one place to another by motor vehicle (except a
913 motor vehicle subject to ~~the provisions of~~ s. 316.302),
914 aircraft, or vessel, subject to such limitations as are set
915 forth in s. 552.12, in which only the motor vehicles, aircraft,
916 or vessels of the Armed Forces and other federal agencies are
917 specifically exempted.

918 (34)~~(28)~~ A "Uniform firesafety standard" means ~~is~~ a
919 requirement or group of requirements for the protection of life
920 and property from loss by fire which shall be met by every
921 building and structure specified in s. 633.206 ~~633.022(1)~~, and
922 is not ~~neither~~ weakened or ~~not~~ exceeded by law, rule, or
923 ordinance of any other state agency or political subdivision or
924 county, municipality, or special district with firesafety
925 responsibilities.

926 (35)~~(29)~~ "Use" means application, employment; that
927 enjoyment of property which consists of its employment,
928 occupation, exercise, or practice.

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

932 Section 3. Section 633.01, Florida Statutes, is transferred
933 and renumbered as section 633.104, Florida Statutes, subsections
934 (1), (3), (5), (6), and (7) of that section are amended, and
935 subsections (8) and (9) are added to that section, to read:

936 633.104 ~~633.01~~ State Fire Marshal; authority; ~~powers and~~
937 ~~duties; rules.-~~

938 (1) The Chief Financial Officer is designated as "State
939 Fire Marshal." The State Fire Marshal has authority to adopt
940 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
941 ~~provisions of this chapter conferring powers or duties upon the~~
942 ~~department.~~ Rules must ~~shall~~ be in substantial conformity with
943 generally accepted standards of firesafety; must ~~shall~~ take into
944 consideration the direct supervision of children in
945 nonresidential child care facilities; and must ~~shall~~ balance and
946 temper the need of the State Fire Marshal to protect all
947 Floridians from fire hazards with the social and economic
948 inconveniences that may be caused or created by the rules. The
949 department shall adopt the Florida Fire Prevention Code ~~and the~~
950 ~~Life Safety Code.~~

951 (3) The State Fire Marshal shall establish by rule
952 guidelines and procedures for quadrennial ~~triennial~~ renewal of
953 firesafety inspector requirements for certification.

954 (5) It is the intent of the Legislature that there are to
955 be no conflicting requirements between the Florida Fire
956 Prevention Code ~~and the Life Safety Code authorized by this~~
957 ~~chapter and the provisions of the Florida Building Code or~~

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958 conflicts in their enforcement and interpretation. Potential
959 conflicts shall be resolved through coordination and cooperation
960 of the State Fire Marshal and the Florida Building Commission as
961 provided by this chapter and part IV of chapter 553.

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

967 (7) The State Fire Marshal, in consultation with the
968 Department of Education, shall adopt and administer rules
969 prescribing standards for the safety and health of occupants of
970 educational and ancillary facilities pursuant to ss. 633.206
971 ~~633.022~~, 1013.12, 1013.37, and 1013.371. In addition, in any
972 county, municipality, or special district that does not employ
973 or appoint a firesafety inspector certified under s. 633.216
974 ~~633.081~~, the State Fire Marshal shall assume the duties of the
975 local county, municipality, or independent special fire control
976 district as defined in s. 191.003 with respect to firesafety
977 inspections of educational property required under s.
978 1013.12(3)(b), and the State Fire Marshal may take necessary
979 corrective action as authorized under s. 1013.12(7).

980 (8) The State Fire Marshal or her or his duly appointed
981 hearing officer may administer oaths and take testimony about
982 all matters within the jurisdiction of this chapter. Chapter 120
983 governs hearings conducted by or on behalf of the State Fire
984 Marshal.

985 (9) The State Fire Marshal may contract with any qualified
986 public entity or private company in accordance with chapter 287

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987 to provide examinations for any applicant for any examination
988 administered under the jurisdiction of the State Fire Marshal.
989 The State Fire Marshal may direct payments from each applicant
990 for each examination directly to such contracted entity or
991 company.

992 Section 4. Section 633.163, Florida Statutes, is
993 transferred, renumbered as section 633.106, Florida Statutes,
994 and amended to read:

995 633.106 ~~633.163~~ State Fire Marshal; disciplinary authority;
996 administrative fine and probation in lieu of suspension,
997 revocation, or refusal to issue a license, permit, or
998 certificate.-

999 (1) The State Fire Marshal may deny, suspend, or revoke the
1000 license, certificate, or permit of any individual who does not
1001 meet the qualifications established by, or who violates any
1002 provision under, this chapter or any rule authorized by this
1003 chapter.

1004 (2) ~~(1)~~ If the State Fire Marshal finds that one or more
1005 grounds exist for the suspension, revocation, or refusal to
1006 issue, renew, or continue any license, certificate, or permit
1007 issued under this chapter, the State Fire Marshal may, in its
1008 discretion, in lieu of the suspension, revocation, or refusal to
1009 issue, renew, or continue, and, except on a second offense or
1010 when the suspension, revocation, or refusal to issue, renew, or
1011 continue is mandatory, impose upon the licensee,
1012 certificateholder, or permittee one or more of the following:

1013 (a) An administrative fine not to exceed \$1,000 for each
1014 violation, and not to exceed a total of \$10,000 in any one
1015 proceeding.

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1016 (b) Probation for a period not to exceed 2 years, as
1017 specified by the State Fire Marshal in her or his order.

1018 (3)~~(2)~~ The State Fire Marshal may allow the licensee,
1019 certificateholder, or permittee a reasonable period, not to
1020 exceed 30 days, within which to pay to the State Fire Marshal
1021 the amount of the fine. If the licensee, certificateholder, or
1022 permittee fails to pay the administrative fine in its entirety
1023 to the State Fire Marshal within such period, the license,
1024 permit, or certificate shall stand suspended until payment of
1025 the administrative fine.

1026 (4) As a condition to probation or in connection therewith,
1027 the State Fire Marshal may specify in her or his order
1028 reasonable terms and conditions to be fulfilled by the
1029 probationer during the probation period. If during the probation
1030 period the State Fire Marshal has good cause to believe that the
1031 probationer has violated any of the terms and conditions, she or
1032 he shall suspend, revoke, or refuse to issue, renew, or continue
1033 the license, certificate, or permit of the probationer, as upon
1034 the original ground or grounds referred to in subsection (2).

1035 Section 5. Section 633.15, Florida Statutes, is transferred
1036 and renumbered as section 633.108, Florida Statutes.

1037 Section 6. Section 633.101, Florida Statutes, is
1038 transferred, renumbered as section 633.112, Florida Statutes,
1039 and amended to read:

1040 633.112 ~~633.101~~ State Fire Marshal; hearings;
1041 investigations; recordkeeping and reports; subpoenas of
1042 witnesses; orders of circuit court investigatory powers of State
1043 Fire Marshal; ~~costs of service and witness fees.~~

1044 (1) The State Fire Marshal may in his or her discretion

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1045 take or cause to be taken the testimony on oath of a person ~~all~~
1046 ~~persons~~ whom he or she believes to be cognizant of any facts in
1047 relation to matters under investigation.

1048 (2) If the State Fire Marshal is ~~shall be~~ of the opinion
1049 that there is sufficient evidence to charge a ~~any~~ person with an
1050 offense, he or she must ~~shall~~ cause the arrest of such person
1051 and must ~~shall~~ furnish to the prosecuting officer of any court
1052 having jurisdiction of the ~~said~~ offense all information obtained
1053 by him or her, including a copy of all pertinent and material
1054 testimony taken, together with the names and addresses of all
1055 witnesses. In the conduct of such investigations, the State Fire
1056 Marshal may request such assistance as may reasonably be given
1057 by such prosecuting officers and other local officials.

1058 (3) The State Fire Marshal may summon and compel the
1059 attendance of witnesses before him or her to testify in relation
1060 to any matter ~~manner~~ which is, by ~~the provisions of~~ this
1061 chapter, a subject of inquiry and investigation, and he or she
1062 may require the production of any book, paper, or document
1063 deemed pertinent thereto by him or her, and may seize furniture
1064 and other personal property to be held for evidence.

1065 (4) A person ~~All persons~~ so summoned and so testifying
1066 shall be entitled to the same witness fees and mileage as
1067 provided for witnesses testifying in the circuit courts of this
1068 state, and officers serving subpoenas or orders of the State
1069 Fire Marshal shall be paid in like manner for like services in
1070 such courts, from the funds herein provided.

1071 (5) Any agent designated by the State Fire Marshal for such
1072 purposes may hold hearings, sign and issue subpoenas, administer
1073 oaths, examine witnesses, receive evidence, and require by

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1074 subpoena the attendance and testimony of witnesses and the
1075 production of such accounts, records, memoranda, or other
1076 evidence, as may be material for the determination of any
1077 complaint or conducting any inquiry or investigation under this
1078 chapter. In the case of disobedience to a subpoena, the State
1079 Fire Marshal or her or his agent may invoke the aid of any court
1080 of competent jurisdiction in requiring the attendance and
1081 testimony of witnesses and the production of accounts, records,
1082 memoranda, or other evidence and any such court may in case of
1083 refusal to obey a subpoena issued to a person, issue an order
1084 requiring the person to appear before the State Fire Marshal's
1085 agent or produce accounts, records, memoranda, or other
1086 evidence, as so ordered, or to give evidence touching any matter
1087 pertinent to any complaint or the subject of any inquiry or
1088 investigation, and any failure to obey such order of the court
1089 shall be punished by the court as contempt.

1090 (6) Upon request, the State Fire Marshal shall investigate
1091 the cause, origin, and circumstances of fires and explosions
1092 occurring in this state wherein property has been damaged or
1093 destroyed and there is probable cause to believe that the fire
1094 or explosion was the result of carelessness or design.

1095 (a) Any time a fire or explosion has occurred which results
1096 in property damage or destruction in any municipality, county,
1097 or special district having an organized fire department, any
1098 local fire official whose intent is to request the State Fire
1099 Marshal to perform an investigation shall make or shall cause to
1100 be made an initial investigation of the circumstances
1101 surrounding the cause and origin of the fire or explosion. Law
1102 enforcement officers may conduct such initial investigation.

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1103 (b) If the fire or explosion occurs in a municipality,
1104 county, or special district that does not have an organized fire
1105 department or designated arson investigations unit within its
1106 law enforcement providers, the municipality, county, or special
1107 district may request the State Fire Marshal to conduct the
1108 initial investigation.

1109 (c) The division shall adopt rules to assist local fire
1110 officials and law enforcement officers in determining the
1111 established responsibilities with respect to the initial or
1112 preliminary assessment of fire and explosion scenes, and the
1113 determination of whether probable cause exists to refer such
1114 scenes to the State Fire Marshal for an investigation.

1115 Section 7. Section 633.111, Florida Statutes, is
1116 transferred, renumbered as subsections (7) and (8) of section
1117 633.112, Florida Statutes, and amended to read:

1118 633.112 State Fire Marshal; hearings; investigations;
1119 recordkeeping and reports; subpoenas of witnesses; orders of
1120 circuit court investigatory powers of State Fire Marshal; costs
1121 of service and witness fees.-

1122 (7) The State Fire Marshal shall keep in her or his office
1123 a record of all fires and explosions occurring in this state
1124 upon which she or he had caused an investigation to be made and
1125 all facts concerning the same. These records, obtained or
1126 prepared by the State Fire Marshal pursuant to her or his
1127 investigation, include documents, papers, letters, maps,
1128 diagrams, tapes, photographs, films, sound recordings, and
1129 evidence. These records are confidential and exempt from the
1130 provisions of s. 119.07(1) until the investigation is completed
1131 or ceases to be active. For purposes of this section, an

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1132 investigation is considered "active" while such investigation is
1133 being conducted by the department with a reasonable, good faith
1134 belief that it may lead to the filing of administrative, civil,
1135 or criminal proceedings. An investigation does not cease to be
1136 active if the department is proceeding with reasonable dispatch,
1137 and there is a good faith belief that action may be initiated by
1138 the department or other administrative or law enforcement
1139 agency. Further, these documents, papers, letters, maps,
1140 diagrams, tapes, photographs, films, sound recordings, and
1141 evidence relative to the subject of an investigation shall not
1142 be subject to subpoena until the investigation is completed or
1143 ceases to be active, unless the State Fire Marshal consents.
1144 These records shall be made daily from the reports furnished the
1145 State Fire Marshal by her or his agents or others.

1146 (8) Whenever the State Fire Marshal releases an
1147 investigative report, any person requesting a copy of the report
1148 shall pay in advance, and the State Fire Marshal shall collect
1149 in advance, notwithstanding the provisions of s. 624.501(19)(a)
1150 and (b), a fee of \$10 for the copy of the report, which fee
1151 shall be deposited into the Insurance Regulatory Trust Fund. The
1152 State Fire Marshal may release the report without charge to any
1153 state attorney or to any law enforcement agency or fire
1154 department assisting in the investigation.

1155 Section 8. Section 633.02, Florida Statutes, is
1156 transferred, renumbered as section 633.114, Florida Statutes,
1157 and amended to read:

1158 633.114 ~~633.02~~ State Fire Marshal agents ~~Agents; authority;~~
1159 ~~powers and~~ duties; compensation.-

1160 (1) The State Fire Marshal shall appoint such agents as may

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1161 be necessary to carry out effectively ~~the provisions of this~~
1162 chapter, who shall be reimbursed for travel expenses as provided
1163 in s. 112.061, in addition to their salary, when traveling or
1164 making investigations in the performance of their duties. Such
1165 agents shall be at all times under the direction and control of
1166 the State Fire Marshal, who shall fix their compensation, and
1167 all orders shall be issued in the State Fire Marshal's name and
1168 by her or his authority.

1169 (2) The authority given the State Fire Marshal under this
1170 chapter may be exercised by her or his agents, individually or
1171 in conjunction with any other state or local official charged
1172 with similar responsibilities.

1173 Section 9. Section 633.14, Florida Statutes, is transferred
1174 and renumbered as section 633.116, Florida Statutes.

1175 Section 10. Section 633.121, Florida Statutes, is
1176 transferred, renumbered as section 633.118, Florida Statutes,
1177 and amended to read:

1178 633.118 ~~633.121~~ Persons authorized to enforce laws and
1179 rules of State Fire Marshal.—The chiefs of county, municipal,
1180 and special-district fire service providers ~~departments~~; other
1181 fire service provider ~~department~~ personnel designated by their
1182 respective chiefs; and personnel designated by local governments
1183 having no organized fire service providers ~~departments~~ are
1184 authorized to enforce this chapter law and all rules prescribed
1185 by the State Fire Marshal within their respective jurisdictions.
1186 Such personnel acting under the authority of this section shall
1187 be ~~deemed to be~~ agents of their respective jurisdictions, not
1188 agents of the State Fire Marshal.

1189 Section 11. Section 633.151, Florida Statutes, is

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1190 transferred, renumbered as section 633.122, Florida Statutes,
1191 and amended to read:

1192 633.122 ~~633.151~~ Impersonating State Fire Marshal,
1193 firefighter ~~firefighters~~, volunteer firefighter, or firesafety
1194 inspector; criminal penalties.—A person who falsely assumes or
1195 pretends to be the State Fire Marshal, an agent of the division
1196 ~~of State Fire Marshal~~, a firefighter as defined in s. 112.81, a
1197 volunteer firefighter, or a firesafety inspector by identifying
1198 herself or himself as the State Fire Marshal, an agent of the
1199 division, a firefighter, a volunteer firefighter, or a
1200 firesafety inspector by wearing a uniform or presenting or
1201 displaying a badge as credentials that would cause a reasonable
1202 person to believe that she or he is a State Fire Marshal, an
1203 agent of the division, a firefighter, a volunteer firefighter,
1204 or firesafety inspector commits ~~and who acts as such to require~~
1205 ~~a person to aid or assist him or her in any matter relating to~~
1206 ~~the duties of the State Fire Marshal, an agent of the division,~~
1207 ~~a firefighter, or a firesafety inspector is guilty of a felony~~
1208 of the third degree, punishable as provided in ss. 775.082 and
1209 775.083 or, if the impersonation occurs during the commission of
1210 a separate felony by that person, commits ~~is guilty of~~ a felony
1211 of the first degree, punishable as provided in ss. 775.082 and
1212 775.083.

1213 Section 12. Section 633.171, Florida Statutes, is
1214 transferred and renumbered as section 633.124, Florida Statutes,
1215 and subsections (1) and (2) and paragraph (b) of subsection (3)
1216 of that section are amended, to read:

1217 633.124 ~~633.171~~ Penalty for violation of law, rule, or
1218 order to cease and desist or for failure to comply with

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1219 corrective order.—

1220 (1) A ~~Any~~ person who violates any provision of this chapter
1221 ~~law~~, any order or rule of the State Fire Marshal, or any order
1222 to cease and desist or to correct conditions issued under this
1223 chapter commits a misdemeanor of the second degree, punishable
1224 as provided in s. 775.082 or s. 775.083.

1225 (2) It is a misdemeanor of the first degree, punishable as
1226 provided in s. 775.082 or s. 775.083, to intentionally or
1227 willfully:

1228 (a) Render a fire protection system, fire extinguisher, or
1229 preengineered system required by statute or by rule inoperative
1230 except while ~~during such time as~~ the fire protection system,
1231 fire extinguisher, or preengineered system is being serviced,
1232 hydrottested, tested, repaired, or recharged, except pursuant to
1233 court order.

1234 (b) Obliterate the serial number on a fire extinguisher for
1235 purposes of falsifying service records.

1236 (c) Improperly service, recharge, repair, hydrottest, test,
1237 or inspect a fire extinguisher or preengineered system.

1238 (d) Use the license, certificate, or permit ~~number~~ of
1239 another person.

1240 (e) Hold a license, certificate, or permit and allow
1241 another person to use the license, certificate, or ~~said~~ permit
1242 ~~number~~.

1243 (f) Use, or allow ~~permit~~ the use of, any license,
1244 certificate, or permit by any individual or organization other
1245 than the one to whom the license, certificate, or permit is
1246 issued.

1247 (3)

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1248 (b) A person who initiates a pyrotechnic display within any
1249 structure commits a felony of the third degree, punishable as
1250 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1251 1. The structure has a fire protection system installed in
1252 compliance with s. 633.334 ~~633.065~~.

1253 2. The owner of the structure has authorized in writing the
1254 pyrotechnic display.

1255 3. If the local jurisdiction requires a permit for the use
1256 of a pyrotechnic display in an occupied structure, such permit
1257 has been obtained and all conditions of the permit complied with
1258 or, if the local jurisdiction does not require a permit for the
1259 use of a pyrotechnic display in an occupied structure, the
1260 person initiating the display has complied with National Fire
1261 Protection Association, Inc., Standard 1126, 2001 Edition,
1262 Standard for the Use of Pyrotechnics before a Proximate
1263 Audience.

1264 Section 13. Section 633.175, Florida Statutes, is
1265 transferred and renumbered as section 633.126, Florida Statutes,
1266 and subsections (1), (2), (3), (6), and (9) of that section are
1267 amended, to read:

1268 633.126 ~~633.175~~ Investigation of fraudulent insurance
1269 claims and crimes; immunity of insurance companies supplying
1270 information.—

1271 (1)(a) As used in this section, the term "consultant" means
1272 any individual or entity, or employee of the individual or
1273 entity, retained by an insurer to assist in the investigation of
1274 a fire, explosion, or suspected fraudulent insurance act.

1275 (b) The State Fire Marshal or an agent appointed pursuant
1276 to s. 633.114 ~~633.02~~, any law enforcement officer as defined in

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1277 s. 111.065, any law enforcement officer of a federal agency, or
1278 any fire service provider ~~department~~ official who is engaged in
1279 the investigation of a fire or explosion loss may request any
1280 insurance company or its agent, adjuster, employee, or attorney,
1281 investigating a claim under an insurance policy or contract with
1282 respect to a fire or explosion to release any information
1283 whatsoever in the possession of the insurance company or its
1284 agent, adjuster, employee, or attorney relative to a loss from
1285 that fire or explosion. The insurance company shall release the
1286 available information to and cooperate with any official
1287 authorized to request such information pursuant to this section.
1288 The information shall include, but shall not be limited to:

1289 1.~~(a)~~ Any insurance policy relevant to a loss under
1290 investigation and any application for such a policy.

1291 2.~~(b)~~ Any policy premium payment records.

1292 3.~~(c)~~ The records, reports, and all material pertaining to
1293 any previous claims made by the insured with the reporting
1294 company.

1295 4.~~(d)~~ Material relating to the investigation of the loss,
1296 including statements of a ~~any~~ person, proof of loss, and other
1297 relevant evidence.

1298 5.~~(e)~~ Memoranda, notes, and correspondence relating to the
1299 investigation of the loss in the possession of the insurance
1300 company or its agents, adjusters, employees, or attorneys.

1301 (2) If an insurance company has reason to suspect that a
1302 fire or explosion loss to its insured's real or personal
1303 property was caused by intentional ~~incendiary~~ means, the company
1304 shall notify the State Fire Marshal and shall furnish her or him
1305 with all material acquired by the company during ~~the course of~~

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1306 its investigation. The State Fire Marshal may adopt rules to
1307 implement this subsection.

1308 (3) In the absence of fraud, bad faith, or malice, a ~~ne~~
1309 representative of or consultant to an insurance company or of
1310 the National Insurance Crime Bureau employed to adjust or
1311 investigate losses caused by fire or explosion is not ~~shall be~~
1312 liable for damages in a civil action for furnishing information
1313 concerning fires or explosion suspected to be other than
1314 accidental to investigators employed by other insurance
1315 companies or the National Insurance Crime Bureau.

1316 (6) The actions of an insurance company or of its agents,
1317 employees, adjusters, consultants, or attorneys, in complying
1318 with the statutory obligation of this section may not ~~shall in~~
1319 ~~no way~~ be construed by a court as a waiver or abandonment of any
1320 privilege or confidentiality of attorney work product, attorney-
1321 client communication, or such other privilege or immunity as is
1322 provided by law.

1323 (9) A ~~Any~~ person who willfully violates ~~the provisions of~~
1324 this section commits ~~is guilty of~~ a misdemeanor of the first
1325 degree, punishable as provided in s. 775.082 or s. 775.083.

1326 Section 14. Section 633.45, Florida Statutes, is
1327 transferred, renumbered as section 633.128, Florida Statutes,
1328 and amended to read:

1329 633.128 ~~633.45~~ Division of State Fire Marshal; powers,
1330 duties.—

1331 (1) The division shall:

1332 (a) Establish, by rule, uniform minimum standards for the
1333 ~~employment and training of firefighters~~ and volunteer
1334 firefighters.

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1335 (b) Establish, by rule, minimum curriculum requirements and
1336 criteria used to approve education or training providers,
1337 including for schools operated by or for any fire service
1338 provider, employing agency for the specific purpose of training
1339 individuals seeking to become a firefighter recruits or
1340 volunteer firefighter firefighters.

1341 (c) Specify, by rule, standards for the approval, denial of
1342 approval, probation, suspension, and revocation of approval of
1343 education or training providers and facilities for training
1344 firefighters and volunteer firefighters ~~Approve institutions,~~
1345 ~~instructors, and facilities for school operation by or for any~~
1346 ~~employing agency for the specific purpose of training~~
1347 ~~firefighters and firefighter recruits.~~

1348 (d) Specify, by rule, standards for the certification,
1349 denial of certification, probation, and revocation of
1350 certification for instructors, approval, denial of approval,
1351 ~~probation, and revocation of approval of institutions,~~
1352 ~~instructors, and facilities for training firefighters and~~
1353 ~~firefighter recruits;~~ including a rule requiring each ~~that an~~
1354 instructor to must complete 40 hours of continuing education
1355 every 4 ~~3~~ years in order to maintain her or his certification
1356 ~~the approval of the department.~~

1357 (e) Issue certificates of competency to persons who, by
1358 reason of experience and completion of basic inservice training,
1359 advanced education, or specialized training, are especially
1360 qualified for particular aspects or classes of firefighting
1361 ~~firefighter~~ duties.

1362 (f) Establish, by rule, minimum training qualifications for
1363 persons serving as firesafety coordinators for their respective

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1364 departments of state government and certify ~~all~~ persons who
1365 satisfy such qualifications.

1366 (g) Establish a uniform lesson plan to be followed by
1367 firesafety instructors in the training of state employees in
1368 firesafety and emergency evacuation procedures.

1369 (h) Have complete jurisdiction over, and complete
1370 management and control of, the Florida State Fire College and be
1371 invested with full power and authority to make all rules ~~and~~
1372 ~~regulations~~ necessary for the governance of the said
1373 institution.

1374 (i) Appoint a superintendent of the Florida State Fire
1375 College and such other instructors, experimental helpers, and
1376 laborers as may be necessary and remove the same as in the
1377 division's ~~its~~ judgment and discretion may be best, fix their
1378 compensation, and provide for their payment.

1379 (j) Have full management, possession, and control of the
1380 lands, buildings, structures, and property belonging to the
1381 Florida State Fire College.

1382 (k) Provide for the courses of study and curriculum of the
1383 Florida State Fire College.

1384 (l) Make rules ~~and regulations~~ for the admission of
1385 trainees to the Florida State Fire College.

1386 (m) Visit and inspect the Florida State Fire College ~~and~~
1387 ~~every department thereof~~ and provide for the proper keeping of
1388 accounts and records thereof.

1389 (n) Make and prepare all necessary budgets of expenditures
1390 for the enlargement, proper furnishing, maintenance, support,
1391 and conduct of the Florida State Fire College.

1392 (o) Select and purchase all property, furniture, fixtures,

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1393 and paraphernalia necessary for the Florida State Fire College.

1394 (p) Build, construct, change, enlarge, repair, and maintain
1395 any and all buildings or structures of the Florida State Fire
1396 College that may at any time be necessary for the said
1397 institution and purchase and acquire all lands and property
1398 necessary for same, of every nature and description whatsoever.

1399 (q) Care for and maintain the Florida State Fire College
1400 and do and perform every other matter or thing requisite to the
1401 proper management, maintenance, support, and control of the said
1402 institution, necessary or requisite to carry out fully the
1403 purpose of this chapter ~~act~~ and for raising it to, and
1404 maintaining it at, the proper efficiency and standard as
1405 required in and by part IV ~~the provisions of ss. 633.43-633.49.~~

1406 (r) Issue a license, certificate, or permit of a specific
1407 class to an individual who successfully completes the training,
1408 education, and examination required under this chapter or by
1409 rule for such class of license, certificate, or permit.

1410 (2) The division, subject to the limitations and
1411 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1412 (a) Adopt rules ~~and regulations~~ for the administration of
1413 this chapter ~~ss. 633.30-633.49~~ pursuant to chapter 120.

1414 (b) Adopt a seal and alter the same at its pleasure.

1415 (c) Sue and be sued.

1416 (d) Acquire any real or personal property by purchase,
1417 gift, or donation, and have water rights.

1418 (e) Exercise the right of eminent domain to acquire any
1419 property and lands necessary to the establishment, operation,
1420 and expansion of the Florida State Fire College.

1421 (f) Make contracts and execute necessary or convenient

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1422 instruments.

1423 (g) Undertake by contract or contracts, or by its own agent
1424 and employees, and otherwise than by contract, any project or
1425 projects, and operate and maintain such projects.

1426 (h) Accept grants of money, materials, or property of any
1427 kind from a federal agency, private agency, county,
1428 municipality, city, town, corporation, partnership, or
1429 individual upon such terms and conditions as the grantor may
1430 impose.

1431 (i) Perform all acts and do all things necessary or
1432 convenient to carry out the powers granted herein and the
1433 purposes of this chapter ~~ss. 633.30-633.49~~.

1434 (3) The title to all property referred to in part IV ~~ss.~~
1435 ~~633.43-633.49~~, however acquired, shall be vested in the
1436 department and shall only be transferred and conveyed by it.

1437 Section 15. Section 633.132, Florida Statutes, is created
1438 to read:

1439 633.132 Fees.—

1440 (1) The division shall collect in advance the following
1441 fees that it deems necessary to be charged:

1442 (a) Pursuant to part III of this chapter:

1443 1. Contractor certificate initial application: \$300 for
1444 each class of certificate.

1445 2. Contractor biennial renewal fee: \$150 for each class of
1446 certificate.

1447 3. Contractor permit initial application fee: \$100 for each
1448 class of permit.

1449 4. Contractor permit biennial renewal fee: \$50 for each
1450 class of permit.

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- 1451 5. Contractor examination or reexamination fee: \$100 for
1452 each class of certificate.
- 1453 6. Fire equipment dealer license:
- 1454 a. Class A: \$250.
- 1455 b. Class B: \$150.
- 1456 c. Class C: \$150.
- 1457 d. Class D: \$200.
- 1458 7. Fire equipment dealer or contractor application and
1459 renewal fee for an inactive license: \$75.
- 1460 8. Fire equipment dealer license or permit exam or
1461 reexamination: \$50.
- 1462 9. Reinspection fee for a dealer equipment inspection
1463 conducted by the State Fire Marshal under s. 633.304(1): \$50 for
1464 each reinspection.
- 1465 10. Permit for a portable fire extinguisher
1466 installer/repairer/inspector: \$90.
- 1467 11. Permit for a preengineered fire extinguishing system
1468 installer/repairer/inspector: \$120.
- 1469 12. Conversion of a fire equipment dealer's license to a
1470 different category: \$10 for each permit and license.
- 1471 (b) Pursuant to part IV of this chapter:
- 1472 1. Certificate of compliance: \$30.
- 1473 2. Certificate of competency: \$30.
- 1474 3. Renewal fee for a certificate of compliance, competency,
1475 or instruction: \$15.
- 1476 (c) Duplicate or change of address for any license, permit,
1477 or certificate: \$10.
- 1478 (2) All moneys collected by the State Fire Marshal pursuant
1479 to this chapter shall be deposited into the Insurance Regulatory

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1480 Trust Fund.

1481 Section 16. Section 633.39, Florida Statutes, is
1482 transferred and renumbered as section 633.134, Florida Statutes.

1483 Section 17. Section 633.115, Florida Statutes, is
1484 transferred, renumbered as section 633.136, Florida Statutes,
1485 and amended to read:

1486 633.136 ~~633.115~~ Fire and Emergency Incident Information
1487 Reporting Program; duties; fire reports.—

1488 (1) (a) The Fire and Emergency Incident Information
1489 Reporting Program is created within the division ~~of State Fire~~
1490 ~~Marshal~~. The program shall:

1491 1. Establish and maintain an electronic communication
1492 system capable of transmitting fire and emergency incident
1493 information to and between fire protection agencies.

1494 2. Initiate a Fire and Emergency Incident Information
1495 Reporting System that shall be responsible for:

1496 a. Receiving fire and emergency incident information from
1497 fire protection agencies.

1498 b. Preparing and disseminating annual reports to the
1499 Governor, the President of the Senate, the Speaker of the House
1500 of Representatives, fire protection agencies, and, upon request,
1501 the public. Each report shall include, but not be limited to,
1502 the information listed in the National Fire Incident Reporting
1503 System.

1504 c. Upon request, providing other states and federal
1505 agencies with fire and emergency incident data of this state.

1506 3. Adopt rules to effectively and efficiently implement,
1507 administer, manage, maintain, and use the Fire and Emergency
1508 Incident Information Reporting Program. The rules shall be

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1509 considered minimum requirements and shall not preclude a fire
1510 protection agency from implementing its own requirements which
1511 may ~~shall~~ not conflict with the rules of the division ~~of State~~
1512 ~~Fire Marshal~~.

1513 4. By rule, establish procedures and a format for each fire
1514 protection agency to voluntarily monitor its records and submit
1515 reports to the program.

1516 5. Establish an electronic information database that ~~which~~
1517 is accessible and searchable by fire protection agencies.

1518 (b) The division ~~of State Fire Marshal~~ shall consult with
1519 the Florida Forest Service of the Department of Agriculture and
1520 Consumer Services and the State Surgeon General of the
1521 Department of Health to coordinate data, ensure accuracy of the
1522 data, and limit duplication of efforts in data collection,
1523 analysis, and reporting.

1524 (2) The Fire and Emergency Incident Information System
1525 Technical Advisory Panel is created within the division ~~of State~~
1526 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
1527 the State Fire Marshal with respect to the requirements of this
1528 section. The membership of the panel shall consist of the
1529 following 15 members:

1530 (a) The current 13 members of the Firefighters Employment,
1531 Standards, and Training Council as established in s. 633.402
1532 ~~633.31~~.

1533 (b) One member from the Florida Forest Service of the
1534 Department of Agriculture and Consumer Services, appointed by
1535 the director of the Florida Forest Service.

1536 (c) One member from the Department of Health, appointed by
1537 the State Surgeon General.

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1538 (3) For the purpose of this section, the term "fire
1539 protection agency" shall be defined by rule by the division ~~of~~
1540 ~~State Fire Marshal~~.

1541 Section 18. Section 633.138, Florida Statutes, is created
1542 to read:

1543 633.138 Notice of change of address of record; notice of
1544 felony actions.-

1545 (1) Any individual issued a license, permit, or certificate
1546 under this chapter shall notify the division in writing of any
1547 changes to her or his current mailing address, e-mail address,
1548 and place of practice as specified in rule adopted by the
1549 division.

1550 (2) Notwithstanding any other provision of law, delivery by
1551 regular mail or e-mail to a licensee, permittee, or
1552 certificateholder, using the last known mailing address or e-
1553 mail address on record with the division, constitutes adequate
1554 and sufficient notice to the licensee, permittee, or
1555 certificateholder of any official communication by the division.

1556 (3) Any individual issued a license, permit, or certificate
1557 under this chapter shall notify the division in writing within
1558 30 days after pleading guilty or nolo contendere to, or being
1559 convicted or found guilty of, any felony or a crime punishable
1560 by imprisonment of 1 year or more under the law of the United
1561 States or of any state thereof, or under the law of any other
1562 country, without regard to whether a judgment of conviction has
1563 been entered by the court having jurisdiction of the case.

1564 Section 19. Section 633.042, Florida Statutes, is
1565 transferred and renumbered as section 633.142, Florida Statutes,
1566 and subsection (11) of that section is amended, to read:

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1567 633.142 ~~633.042~~ Reduced Cigarette Ignition Propensity
1568 Standard and Firefighter Protection Act; preemption.—

1569 (11) PREEMPTION.—

1570 (a) This section shall be repealed if a federal reduced
1571 cigarette ignition propensity standard that preempts this
1572 section is adopted and becomes effective.

1573 (b) Notwithstanding any other provision of law, local
1574 governmental units of this state may not enact or enforce any
1575 ordinance or other local law or rule conflicting with, or
1576 preempted by, any provision of this act or any policy of this
1577 state expressed by this act, whether that policy be expressed by
1578 inclusion of a provision in this act or by exclusion of that
1579 subject from this act.

1580 Section 20. The Division of Law Revision and Information is
1581 requested to create part II of chapter 633, Florida Statutes,
1582 consisting of sections 633.202, 633.204, 633.206, 633.208,
1583 633.212, 633.214, 633.216, 633.218, 633.222, 633.224, 633.226,
1584 and 633.228, Florida Statutes, to be entitled "Fire Safety and
1585 Prevention."

1586 Section 21. Section 633.0215, Florida Statutes, is
1587 transferred and renumbered as section 633.202, Florida Statutes,
1588 and subsections (2), (4), (7), (9), (10), and (12) through (15)
1589 of that section are amended, to read:

1590 633.202 ~~633.0215~~ Florida Fire Prevention Code.—

1591 (2) The State Fire Marshal shall adopt the current edition
1592 of the National Fire Protection Association's Standard 1, Fire
1593 Prevention Code but may ~~shall~~ not adopt a building, mechanical,
1594 or plumbing code. The State Fire Marshal shall adopt the current
1595 edition of the Life Safety Code, NFPA Pamphlet 101, current

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1596 editions, by reference. The State Fire Marshal may modify the
1597 selected codes and standards as needed to accommodate the
1598 specific needs of the state. Standards or criteria in the
1599 selected codes shall be similarly incorporated by reference. The
1600 State Fire Marshal shall incorporate within sections of the
1601 Florida Fire Prevention Code provisions that address uniform
1602 firesafety standards as established in s. 633.206 ~~633.022~~. The
1603 State Fire Marshal shall incorporate within sections of the
1604 Florida Fire Prevention Code provisions addressing regional and
1605 local concerns and variations.

1606 (4) The State Fire Marshal shall update, by rule adopted
1607 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
1608 Prevention Code every 3 years. Once initially adopted and
1609 subsequently updated, the Florida Fire Prevention Code ~~and the~~
1610 ~~Life Safety Code~~ shall be adopted for use statewide without
1611 adoptions by local governments. When updating the Florida Fire
1612 Prevention Code ~~and the most recent edition of the Life Safety~~
1613 ~~Code~~, the State Fire Marshal shall consider changes made by the
1614 national model fire codes incorporated into the Florida Fire
1615 Prevention Code, the State Fire Marshal's own interpretations,
1616 declaratory statements, appellate decisions, and approved
1617 statewide and local technical amendments.

1618 (7) Any local amendment adopted by a local government must
1619 strengthen the Fire Prevention Code requirements of the minimum
1620 firesafety code.

1621 (9) The State Fire Marshal shall make rules that implement
1622 this section and ss. 633.104 and 633.208 ~~633.01~~ and ~~633.025~~ for
1623 the purpose of accomplishing the objectives set forth in those
1624 sections.

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1625 (10) Notwithstanding other provisions of this chapter, if a
1626 county or a municipality within that county adopts an ordinance
1627 providing for a local amendment to the Florida Fire Prevention
1628 Code and that amendment provides a higher level of protection to
1629 the public than the level specified in the Florida Fire
1630 Prevention Code, the local amendment becomes effective without
1631 approval of the State Fire Marshal and is not rescinded pursuant
1632 to ~~the provisions of~~ this section, provided that the ordinance
1633 meets one or more of the following criteria:

1634 (a) The local authority has adopted, by ordinance, a fire
1635 service facilities and operation plan that outlines goals and
1636 objectives for related equipment, personnel, and capital
1637 improvement needs of the local authority related to the specific
1638 amendment for the next 5 years;

1639 (b) The local authority has adopted, by ordinance, a
1640 provision requiring proportionate reduction in, or rebate or
1641 waivers of, impact or other fees or assessments levied on
1642 buildings that are built or modified in compliance with the more
1643 stringent firesafety standards required by the local amendment;
1644 or

1645 (c) The local authority has adopted, by ordinance, a growth
1646 management plan that requires buildings and structures to be
1647 equipped with more stringent firesafety requirements required by
1648 the local amendment when these firesafety requirements are used
1649 as the basis for planning infrastructure development, uses, or
1650 housing densities.

1651
1652 Except as provided in s. 633.206 ~~633.022~~, the local appeals
1653 process shall be the venue if there is a dispute between parties

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1654 affected by the provisions of the more stringent local
1655 firesafety amendment adopted as part of the Florida Fire
1656 Prevention Code pursuant to the authority in this subsection.
1657 Local amendments adopted pursuant to this subsection shall be
1658 deemed local or regional variations and published as such in the
1659 Florida Fire Prevention Code. The act of publishing locally
1660 adopted firesafety amendments to the Florida Fire Prevention
1661 Code may ~~shall~~ not be construed to mean that the State Fire
1662 Marshal approves or denies the authenticity or appropriateness
1663 of the locally adopted firesafety provision, and the burden of
1664 protecting the local firesafety amendment remains solely with
1665 the adopting local governmental authority.

1666 ~~(12) Notwithstanding other provisions of this section, the~~
1667 ~~State Fire Marshal shall study the use of managed, facilities-~~
1668 ~~based, voice-over-Internet-protocol telephone service for~~
1669 ~~monitoring fire alarm signals. If the study determines that~~
1670 ~~voice-over-Internet-protocol telephone service technology~~
1671 ~~provides a level of protection equivalent to that required by~~
1672 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
1673 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
1674 ~~December 1, 2008, to allow the use of this technology as an~~
1675 ~~additional method of monitoring fire alarm systems.~~

1676 (12) ~~(13)~~ (a) The State Fire Marshal shall issue an expedited
1677 declaratory statement relating to interpretations of provisions
1678 ~~of~~ the Florida Fire Prevention Code according to the following
1679 guidelines:

1680 1. The declaratory statement shall be rendered in
1681 accordance with s. 120.565, except that a final decision must be
1682 issued by the State Fire Marshal within 45 days after the

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1683 division's receipt of a petition seeking an expedited
1684 declaratory statement. The State Fire Marshal shall give notice
1685 of the petition and the expedited declaratory statement or the
1686 denial of the petition in the next available issue of the
1687 Florida Administrative Register ~~Weekly~~ after the petition is
1688 filed and after the statement or denial is rendered.

1689 2. The petitioner must be the owner of the disputed project
1690 or the owner's representative.

1691 3. The petition for an expedited declaratory statement must
1692 be:

1693 a. Related to an active project that is under construction
1694 or must have been submitted for a permit.

1695 b. The subject of a written notice citing a specific
1696 provision of the Florida Fire Prevention Code which is in
1697 dispute.

1698 c. Limited to a single question that is capable of being
1699 answered with a "yes" or "no" response.

1700 (b) A petition for a declaratory statement which does not
1701 meet all of the requirements of this subsection must be denied
1702 without prejudice. This subsection does not affect the right of
1703 the petitioner as a substantially affected person to seek a
1704 declaratory statement under s. 633.104(6) ~~633.01(6)~~.

1705 (13) ~~(14)~~ A condominium, cooperative, or multifamily
1706 residential building that is less than four stories in height
1707 and has an exterior corridor providing a means of egress is
1708 exempt from installing a manual fire alarm system as required in
1709 s. 9.6 of the most recent edition of the Life Safety Code
1710 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
1711 ~~clarify existing law.~~

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1712 ~~(14)~~~~(15)~~ The Legislature finds that the electronic filing
1713 of construction plans will increase governmental efficiency,
1714 reduce costs, and increase timeliness of processing permits. If
1715 the fire code administrator or fire official provides for
1716 electronic filing, any construction plans, drawings,
1717 specifications, reports, final documents, or documents prepared
1718 or issued by a licensee may be dated and electronically signed
1719 and sealed by the licensee in accordance with part I of chapter
1720 668, and may be transmitted electronically to the fire code
1721 administrator or fire official for approval.

1722 Section 22. Section 633.72, Florida Statutes, is
1723 transferred, renumbered as section 633.204, Florida Statutes,
1724 and amended to read:

1725 633.204 ~~633.72~~ Florida Fire Code Advisory Council.—

1726 (1) There is created within the department the Florida Fire
1727 Code Advisory Council with 11 members appointed by the State
1728 Fire Marshal. The council shall advise and recommend to the
1729 State Fire Marshal changes to and interpretation of the uniform
1730 firesafety standards adopted under s. 633.206 ~~633.022~~, the
1731 Florida Fire Prevention Code, and those portions of the Florida
1732 Fire Prevention Code that have the effect of conflicting with
1733 building construction standards that are adopted pursuant to ss.
1734 633.202 and 633.206 ~~633.0215~~ and ~~633.022~~. The members of the
1735 council shall represent the following groups and professions:

1736 (a) One member shall be the State Fire Marshal, or his or
1737 her designated appointee who shall be an administrative employee
1738 of the marshal.†

1739 (b) One member shall be an administrative officer from a
1740 fire department representing a municipality, ~~or~~ a county, or a

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1741 special district selected from a list of persons submitted by
1742 the Florida Fire Chiefs Association.†

1743 (c) One member shall be an architect licensed in the state
1744 selected from a list of persons submitted by the Florida
1745 Association/American Institute of Architects.†

1746 (d) One member shall be an engineer with fire protection
1747 design experience registered to practice in the state selected
1748 from a list of persons submitted by the Florida Engineering
1749 Society.†

1750 (e) One member shall be an administrative officer from a
1751 building department of a county or municipality selected from a
1752 list of persons submitted by the Building Officials Association
1753 of Florida.†

1754 (f) One member shall be a contractor licensed in the state
1755 selected from a list submitted by the Florida Home Builders
1756 Association.†

1757 (g) One member shall be a Florida ~~certified~~ firefighter
1758 selected from a list submitted by the Florida Professional
1759 Firefighters' Association.†

1760 (h) One member shall be a Florida certified firesafety
1761 ~~municipal fire~~ inspector selected from a list submitted by the
1762 Florida Fire Marshals' and Inspectors' ~~Marshal's~~ Association.†

1763 (i) One member shall be selected from a list submitted by
1764 the Department of Education.†

1765 (j) One member shall be selected from a list submitted by
1766 the Chancellor of the State University System.† ~~and~~

1767 (k) One member shall be representative of the general
1768 public.

1769 (2) The State Fire Marshal and the Florida Building

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1770 Commission shall coordinate efforts to provide consistency
1771 between the Florida Building Code and the Florida Fire
1772 Prevention Code ~~and the Life Safety Code.~~

1773 (3) The council shall meet at least semiannually to advise
1774 the State Fire Marshal's Office on matters subject to this
1775 section.

1776 (4) The council may review proposed changes to the Florida
1777 Fire Prevention Code and the uniform firesafety standards
1778 pursuant to s. 633.202(4).

1779 (5)~~(3)~~ The council and Florida Building Commission shall
1780 cooperate through joint representation and coordination of codes
1781 and standards to resolve conflicts in their development,
1782 updating, and interpretation.

1783 (6)~~(4)~~ Each appointee shall serve a 4-year term. No member
1784 shall serve more than two consecutive terms. A ~~No~~ member of the
1785 council may not shall be paid a salary as such member, but each
1786 shall receive travel and expense reimbursement as provided in s.
1787 112.061.

1788 Section 23. Section 633.022, Florida Statutes, is
1789 transferred and renumbered as section 633.206, Florida Statutes,
1790 and subsection (1) and paragraph (a) of subsection (4) of that
1791 section are amended, to read:

1792 633.206 ~~633.022~~ Uniform firesafety standards.—The
1793 Legislature hereby determines that to protect the public health,
1794 safety, and welfare it is necessary to provide for firesafety
1795 standards governing the construction and utilization of certain
1796 buildings and structures. The Legislature further determines
1797 that certain buildings or structures, due to their specialized
1798 use or to the special characteristics of the person utilizing or

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1799 occupying these buildings or structures, should be subject to
1800 firesafety standards reflecting these special needs as may be
1801 appropriate.

1802 (1) The department shall establish uniform firesafety
1803 standards that apply to:

1804 (a) All new, existing, and proposed state-owned and state-
1805 leased buildings.

1806 (b) All new, existing, and proposed hospitals, nursing
1807 homes, assisted living facilities, adult family-care homes,
1808 correctional facilities, public schools, transient public
1809 lodging establishments, public food service establishments,
1810 elevators, migrant labor camps, mobile home parks, lodging
1811 parks, recreational vehicle parks, recreational camps,
1812 residential and nonresidential child care facilities, facilities
1813 for the developmentally disabled, motion picture and television
1814 special effects productions, tunnels, and self-service gasoline
1815 stations, of which standards the State Fire Marshal is the final
1816 administrative interpreting authority.

1817
1818 In the event there is a dispute between the owners of the
1819 buildings specified in paragraph (b) and a local authority
1820 requiring a more stringent uniform firesafety standard for
1821 sprinkler systems, the State Fire Marshal shall be the final
1822 administrative interpreting authority and the State Fire
1823 Marshal's interpretation regarding the uniform firesafety
1824 standards shall be considered final agency action.

1825 (4) (a) Notwithstanding any provision of law to the
1826 contrary, each nursing home licensed under part II of chapter
1827 400 shall be protected throughout by an approved, supervised

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1828 automatic sprinkler system in accordance with s. 9 of National
1829 Fire Protection Association, Inc., Life Safety Code, no later
1830 than December 31, 2010. ~~A nursing home licensee shall submit~~
1831 ~~complete sprinkler construction documents to the Agency for~~
1832 ~~Health Care Administration for review by December 31, 2008, and~~
1833 ~~the licensee must gain final approval to start construction from~~
1834 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~
1835 ~~extension to a nursing home licensee if the completion and~~
1836 ~~submission of the sprinkler construction documents are~~
1837 ~~contingent upon the approval of the application for the loan~~
1838 ~~guarantee program authorized under s. 633.0245. In such case,~~
1839 ~~the agency may extend the deadline for final approval to begin~~
1840 ~~construction beyond June 30, 2009, but the deadline may not be~~
1841 ~~extended beyond December 31, 2009.~~

1842 Section 24. Section 633.025, Florida Statutes, is
1843 transferred, renumbered as section 633.208, Florida Statutes,
1844 and amended to read:

1845 633.208 ~~633.025~~ Minimum firesafety standards.—

1846 (1) The Florida Fire Prevention Code ~~and the Life Safety~~
1847 ~~Code~~ adopted by the State Fire Marshal, which shall operate in
1848 conjunction with the Florida Building Code, shall be deemed
1849 adopted by each municipality, county, and special district with
1850 firesafety responsibilities. The minimum firesafety codes do
1851 ~~shall~~ not apply to buildings and structures subject to the
1852 uniform firesafety standards under s. 633.206 ~~633.022~~ and
1853 buildings and structures subject to the minimum firesafety
1854 standards adopted pursuant to s. 394.879.

1855 (2) Pursuant to subsection (1), each municipality, county,
1856 and special district with firesafety responsibilities shall

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1857 enforce the Florida Fire Prevention Code ~~and the Life Safety~~
1858 ~~Code~~ as the minimum firesafety code required by this section.

1859 ~~(3) The most current edition of the National Fire~~
1860 ~~Protection Association (NFPA) 101, Life Safety Code, adopted by~~
1861 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
1862 ~~municipality, county, and special district with firesafety~~
1863 ~~responsibilities as part of the minimum firesafety code.~~

1864 ~~(3)~~(4) Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
1865 municipality, county, or special district with firesafety
1866 responsibilities may adopt more stringent firesafety standards,
1867 subject to the requirements of this subsection. Such county,
1868 municipality, or special district may establish alternative
1869 requirements to those requirements which are required under the
1870 minimum firesafety standards on a case-by-case basis, in order
1871 to meet special situations arising from historic, geographic, or
1872 unusual conditions, if the alternative requirements result in a
1873 level of protection to life, safety, or property equal to or
1874 greater than the applicable minimum firesafety standards. For
1875 the purpose of this subsection, the term "historic" means that
1876 the building or structure is listed on the National Register of
1877 Historic Places of the United States Department of the Interior.

1878 (a) The local governing body shall determine, following a
1879 public hearing which has been advertised in a newspaper of
1880 general circulation at least 10 days before the hearing, if
1881 there is a need to strengthen the requirements of the minimum
1882 firesafety code adopted by such governing body. The
1883 determination must be based upon a review of local conditions by
1884 the local governing body, which review demonstrates that local
1885 conditions justify more stringent requirements than those

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1886 specified in the minimum firesafety code for the protection of
1887 life and property or justify requirements that meet special
1888 situations arising from historic, geographic, or unusual
1889 conditions.

1890 (b) Such additional requirements may ~~shall~~ not be
1891 discriminatory as to materials, products, or construction
1892 techniques of demonstrated capabilities.

1893 (c) Paragraphs (a) and (b) apply solely to the local
1894 enforcing agency's adoption of requirements more stringent than
1895 those specified in the Florida Fire Prevention Code and the Life
1896 Safety Code that have the effect of amending building
1897 construction standards. Upon request, the enforcing agency must
1898 ~~shall~~ provide a person making application for a building permit,
1899 or any state agency or board with construction-related
1900 regulation responsibilities, a listing of all such requirements
1901 and codes.

1902 (d) A local government which adopts amendments to the
1903 minimum firesafety code must provide a procedure by which the
1904 validity of such amendments may be challenged by any
1905 substantially affected party to test the amendment's compliance
1906 with ~~the provisions of~~ this section.

1907 1. Unless the local government agrees to stay enforcement
1908 of the amendment, or other good cause is shown, the challenging
1909 party shall be entitled to a hearing on the challenge within 45
1910 days.

1911 2. For purposes of such challenge, the burden of proof
1912 shall be on the challenging party, but the amendment may ~~shall~~
1913 not be presumed to be valid or invalid.

1914

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1915 This subsection gives local government the authority to
1916 establish firesafety codes that exceed the Florida Fire
1917 Prevention Code ~~minimum firesafety codes and standards~~ adopted
1918 by the State Fire Marshal. The Legislature intends that local
1919 government give proper public notice and hold public hearings
1920 before adopting more stringent firesafety codes ~~and standards~~. A
1921 substantially affected person may appeal, to the department, the
1922 local government's resolution of the challenge, and the
1923 department shall determine if the amendment complies with this
1924 section. Actions of the department are subject to judicial
1925 review pursuant to s. 120.68. The department shall consider
1926 reports of the Florida Building Commission, pursuant to part IV
1927 of chapter 553, when evaluating building code enforcement.

1928 (4)~~(5)~~ The new building or structure provisions enumerated
1929 within the Florida Fire Prevention Code ~~firesafety code~~ adopted
1930 pursuant to this section shall apply only to buildings or
1931 structures for which the building permit is issued on or after
1932 the effective date of the current edition of the Florida Fire
1933 Prevention Code ~~this act~~. Subject to ~~the provisions of~~
1934 subsection (5) ~~(6)~~, the existing building or structure
1935 provisions enumerated within the firesafety code adopted
1936 pursuant to this section shall apply to buildings or structures
1937 for which the building permit was issued or the building or
1938 structure was constructed before ~~prior to~~ the effective date of
1939 this act.

1940 (5)~~(6)~~ With regard to existing buildings, the Legislature
1941 recognizes that it is not always practical to apply any or all
1942 of the provisions of the Florida Fire Prevention Code ~~minimum~~
1943 ~~firesafety code~~ and that physical limitations may require

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1944 disproportionate effort or expense with little increase in fire
1945 or life safety ~~lifesafety~~. Prior to applying the minimum
1946 firesafety code to an existing building, the local fire official
1947 shall determine that a threat to lifesafety or property exists.
1948 If a threat to lifesafety or property exists, the fire official
1949 shall apply the applicable firesafety code for existing
1950 buildings to the extent practical to assure a reasonable degree
1951 of lifesafety and safety of property or the fire official shall
1952 fashion a reasonable alternative which affords an equivalent
1953 degree of lifesafety and safety of property. The decision of the
1954 local fire official may be appealed to the local administrative
1955 board described in s. 553.73.

1956 (6) ~~(7)~~ Nothing herein shall preclude a municipality,
1957 county, or special district from requiring a structure to be
1958 maintained in accordance with the Florida Fire Prevention Code
1959 ~~applicable firesafety code~~.

1960 (7) ~~(8)~~ Electrically operated single station smoke detectors
1961 required for residential buildings are not required to be
1962 interconnected within individual living units in all buildings
1963 having direct access to the outside from each living unit and
1964 having three stories or less. This subsection does not apply to
1965 any residential building required to have a manual or an
1966 automatic fire alarm system.

1967 (8) ~~(9)~~ The provisions of the Life Safety Code, as contained
1968 in the Florida Fire Prevention Code, do ~~shall~~ not apply to newly
1969 constructed one-family and two-family dwellings. However, fire
1970 sprinkler protection may be permitted by local government in
1971 lieu of other fire protection-related development requirements
1972 for such structures. While local governments may adopt fire

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1973 sprinkler requirements for one- and two-family dwellings under
1974 this subsection, it is the intent of the Legislature that the
1975 economic consequences of the fire sprinkler mandate on home
1976 owners be studied before the enactment of such a requirement.
1977 After the effective date of this act, any local government that
1978 desires to adopt a fire sprinkler requirement on one- or two-
1979 family dwellings must prepare an economic cost and benefit
1980 report that analyzes the application of fire sprinklers to one-
1981 or two-family dwellings or any proposed residential subdivision.
1982 The report must consider the tradeoffs and specific cost savings
1983 and benefits of fire sprinklers for future owners of property.
1984 The report must include an assessment of the cost savings from
1985 any reduced or eliminated impact fees if applicable, the
1986 reduction in special fire district tax, insurance fees, and
1987 other taxes or fees imposed, and the waiver of certain
1988 infrastructure requirements including the reduction of roadway
1989 widths, the reduction of water line sizes, increased fire
1990 hydrant spacing, increased dead-end roadway length and a
1991 reduction in cul-de-sac sizes relative to the costs from fire
1992 sprinkling. A failure to prepare an economic report shall result
1993 in the invalidation of the fire sprinkler requirement to any
1994 one- or two-family dwelling or any proposed subdivision. In
1995 addition, a local jurisdiction or utility may not charge any
1996 additional fee, above what is charged to a non-fire sprinklered
1997 dwelling, on the basis that a one- or two-family dwelling unit
1998 is protected by a fire sprinkler system.

1999 (9)~~(10)~~ Before imposing a fire sprinkler requirement on any
2000 one- or two-family dwelling, a local government must provide the
2001 owner of any one- or two-family dwelling a letter documenting

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2002 specific infrastructure or other tax or fee allowances and
2003 waivers that are listed in but not limited to those described in
2004 subsection (8) ~~(9)~~ for the dwelling. The documentation must show
2005 that the cost savings reasonably approximate the cost of the
2006 purchase and installation of a fire protection system.

2007 (10) ~~(11)~~ Notwithstanding ~~the provisions of~~ subsection (8)
2008 ~~(9)~~, a property owner may ~~shall~~ not be required to install fire
2009 sprinklers in any residential property based upon the use of
2010 such property as a rental property or any change in or
2011 reclassification of the property's primary use to a rental
2012 property.

2013 Section 25. Section 633.026, Florida Statutes, is
2014 transferred, renumbered as section 633.212, Florida Statutes,
2015 and amended to read:

2016 633.212 ~~633.026~~ Legislative intent; informal
2017 interpretations of the Florida Fire Prevention Code.—It is the
2018 intent of the Legislature that the Florida Fire Prevention Code
2019 be interpreted by fire officials and local enforcement agencies
2020 in a manner that reasonably and cost-effectively protects the
2021 public safety, health, and welfare; ensures uniform
2022 interpretations throughout this state; and provides just and
2023 expeditious processes for resolving disputes regarding such
2024 interpretations. It is the further intent of the Legislature
2025 that such processes provide for the expeditious resolution of
2026 the issues presented and that the resulting interpretation of
2027 such issues be published on the website of the division ~~of State~~
2028 ~~Fire Marshal~~.

2029 (1) The division ~~of State Fire Marshal~~ shall by rule
2030 establish an informal process of rendering nonbinding

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2031 interpretations of the Florida Fire Prevention Code. The
2032 division ~~of State Fire Marshal~~ may contract with and refer
2033 interpretive issues to a third party, selected based upon cost
2034 effectiveness, quality of services to be performed, and other
2035 performance-based criteria, which has experience in interpreting
2036 and enforcing the Florida Fire Prevention Code. It is the intent
2037 of the Legislature that the division ~~of State Fire Marshal~~
2038 establish a Fire Code Interpretation Committee composed of seven
2039 persons and seven alternates, equally representing each area of
2040 the state, to which a party can pose questions regarding the
2041 interpretation of the Florida Fire Prevention Code provisions.
2042 The alternate member may respond to a nonbinding interpretation
2043 if the member notifies the Fire Code Interpretation Committee
2044 that he or she is unable to respond.

2045 (2) Each member and alternate member of the Fire Code
2046 Interpretation Committee must be certified as a firesafety
2047 inspector pursuant to s. 633.216(2) ~~633.081(2)~~ and must have a
2048 minimum of 5 years of experience interpreting and enforcing the
2049 Florida Fire Prevention Code ~~and the Life Safety Code~~. Each
2050 member and alternate member must be approved by the division ~~of~~
2051 ~~State Fire Marshal~~ and deemed by the division to have met these
2052 requirements for at least 30 days before participating in a
2053 review of a nonbinding interpretation.

2054 (3) Each nonbinding interpretation of code provisions must
2055 be provided within 15 ~~10~~ business days after receipt of a
2056 request for interpretation. The response period established in
2057 this subsection may be waived only with the written consent of
2058 the party requesting the nonbinding interpretation and the
2059 division ~~of State Fire Marshal~~. Nonbinding interpretations shall

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2060 be advisory only and nonbinding on the parties or the State Fire
2061 Marshal.

2062 (4) In order to administer this section, the division ~~of~~
2063 ~~State Fire Marshal~~ shall charge a fee for nonbinding
2064 interpretations. The fee may not exceed \$150 for each request
2065 for a review or interpretation. The division may authorize
2066 payment of fees directly to the nonprofit organization under
2067 contract pursuant to subsection (1).

2068 (5) A party requesting a nonbinding interpretation who
2069 disagrees with the interpretation issued under this section may
2070 apply for a declaratory statement ~~formal interpretation~~ from the
2071 State Fire Marshal pursuant to s. 633.104(6) ~~633.01(6)~~.

2072 (6) The division ~~of State Fire Marshal~~ shall issue or cause
2073 to be issued a nonbinding interpretation of the Florida Fire
2074 Prevention Code pursuant to this section when requested to do so
2075 upon submission of a petition by a fire official or by the owner
2076 or owner's representative or the contractor or contractor's
2077 representative of a project in dispute. The division shall adopt
2078 a petition form by rule, and the petition form must be published
2079 on the State Fire Marshal's website. The form must ~~shall~~, at a
2080 minimum, require:

2081 (a) The name and address of the local fire official,
2082 including the address of the county, municipality, or special
2083 district.

2084 (b) The name and address of the owner or owner's
2085 representative or the contractor or contractor's representative.

2086 (c) A statement of the specific sections of the Florida
2087 Fire Prevention Code being interpreted by the local fire
2088 official.

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2089 (d) An explanation of how the petitioner's substantial
2090 interests are being affected by the local interpretation of the
2091 Florida Fire Prevention Code.

2092 (e) A statement of the interpretation of the specific
2093 sections of the Florida Fire Prevention Code by the local fire
2094 official.

2095 (f) A statement of the interpretation that the petitioner
2096 contends should be given to the specific sections of the Florida
2097 Fire Prevention Code and a statement supporting the petitioner's
2098 interpretation.

2099 (g) A single question that is capable of being answered
2100 with a "yes" or "no" response.

2101 (7) Upon receipt of a petition that meets the requirements
2102 of subsection (6), the division ~~of State Fire Marshal~~ shall
2103 immediately provide copies of the petition to the Fire Code
2104 Interpretation Committee, and shall publish the petition and any
2105 response submitted by the local fire official on the State Fire
2106 Marshal's website.

2107 (8) The committee shall conduct proceedings as necessary to
2108 resolve the issues and give due regard to the petition, the
2109 facts of the matter at issue, specific code sections cited, and
2110 any statutory implications affecting the Florida Fire Prevention
2111 Code. The committee shall issue an interpretation regarding the
2112 provisions of the Florida Fire Prevention Code within 15 ~~10~~ days
2113 after the filing of a petition. The committee shall issue an
2114 interpretation based upon the Florida Fire Prevention Code or,
2115 if the code is ambiguous, the intent of the code. The
2116 committee's interpretation shall be provided to the petitioner
2117 and shall include a notice that if the petitioner disagrees with

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2118 the interpretation, the petitioner may file a request for a
2119 declaratory statement ~~formal interpretation~~ by the State Fire
2120 Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's
2121 interpretation shall be provided to the State Fire Marshal, and
2122 the division shall publish the declaratory statement
2123 ~~interpretation~~ on the State Fire Marshal's website and in the
2124 Florida Administrative Register ~~Weekly~~.

2125 Section 26. Section 633.052, Florida Statutes, is
2126 transferred and renumbered as section 633.214, Florida Statutes,
2127 and paragraphs (a) and (b) of subsection (1), paragraph (d) of
2128 subsection (2), and subsections (3) and (4) of that section are
2129 amended, to read:

2130 633.214 ~~633.052~~ Ordinances relating to firesafety;
2131 definitions; penalties.-

2132 (1) As used in this section:

2133 (a) A "firesafety inspector" is an individual certified by
2134 the division ~~of State Fire Marshal~~, officially assigned the
2135 duties of conducting firesafety inspections of buildings and
2136 facilities on a recurring or regular basis, investigating civil
2137 infractions relating to firesafety, and issuing citations
2138 pursuant to this section on behalf of the state or any county,
2139 municipality, or special district with firesafety
2140 responsibilities.

2141 (b) "Citation" means a written notice, issued only after a
2142 written warning has been previously issued and a minimum time
2143 period of 45 days, except for major structural changes, which
2144 may be corrected within an extended adequate period of time,
2145 from the date of the issuance of the warning whereby the party
2146 warned may correct the alleged violation, issued to a person by

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2147 a firesafety inspector, that the firesafety inspector has
2148 probable cause to believe that the person has committed a civil
2149 infraction in violation of a duly enacted ordinance and that the
2150 county court will hear the charge. The citation must ~~shall~~
2151 contain:

- 2152 1. The date and time of issuance.
- 2153 2. The name and address of the person.
- 2154 3. The date and time the civil infraction was committed.
- 2155 4. The facts constituting probable cause.
- 2156 5. The Florida Fire Prevention Code ordinance violated.
- 2157 6. The name and authority of the firesafety inspector
2158 ~~officer~~.
- 2159 7. The procedure for the person to follow in order to pay
2160 the civil penalty or to contest the citation.
- 2161 8. The applicable civil penalty if the person elects to
2162 contest the citation.
- 2163 9. The applicable civil penalty if the person elects not to
2164 contest the citation.
- 2165 10. A conspicuous statement that if the person fails to pay
2166 the civil penalty within the time allowed or fails to appear in
2167 court to contest the citation, then she or he shall be deemed to
2168 have waived her or his right to contest the citation and that,
2169 in such case, judgment may be entered against the person for an
2170 amount up to the maximum civil penalty.

2171 (2) A county or municipality that has created a code
2172 enforcement board or special magistrate system pursuant to
2173 chapter 162 may enforce firesafety code violations as provided
2174 in chapter 162. The governing body of a county or municipality
2175 which has not created a code enforcement board or special

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2176 magistrate system for firesafety under chapter 162 may ~~is~~
2177 ~~authorized to~~ enact ordinances relating to firesafety codes,
2178 which ordinances shall provide:

2179 (d) For the issuance of a citation by an officer who has
2180 probable cause to believe that a person has committed a
2181 violation of an ordinance relating to firesafety or the Florida
2182 Fire Prevention Code.

2183 (3) A person ~~Any person~~ who willfully refuses to sign and
2184 accept a citation issued by a firesafety inspector commits ~~shall~~
2185 ~~be guilty of~~ a misdemeanor of the second degree, punishable as
2186 provided in s. 775.082 or s. 775.083.

2187 (4) ~~Nothing contained in~~ This section does not ~~shall~~
2188 prevent any county, ~~or~~ municipality, or special district from
2189 enacting any ordinance relating to firesafety codes which is
2190 identical to ~~the provisions of~~ this chapter or any state law,
2191 except as to penalty; however, a ~~no~~ county, ~~or~~ municipal, or
2192 special district ordinance relating to firesafety codes may not
2193 ~~shall~~ conflict with ~~the provisions of~~ this chapter or any other
2194 state law.

2195 Section 27. Section 633.081, Florida Statutes, is
2196 transferred, renumbered as section 633.216, Florida Statutes,
2197 and amended to read:

2198 633.216 ~~633.081~~ Inspection of buildings and equipment;
2199 orders; firesafety inspection training requirements;
2200 certification; disciplinary action.—The State Fire Marshal and
2201 her or his agents or persons authorized to enforce laws and
2202 rules of the State Fire Marshal shall, at any reasonable hour,
2203 when the State Fire Marshal has reasonable cause to believe that
2204 a violation of this chapter or s. 509.215, or a rule adopted

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2205 ~~promulgated~~ thereunder, or a minimum firesafety code adopted by
2206 the State Fire Marshal or a local authority, may exist, inspect
2207 any and all buildings and structures which are subject to the
2208 requirements of this chapter or s. 509.215 and rules adopted
2209 ~~promulgated~~ thereunder. The authority to inspect shall extend to
2210 all equipment, vehicles, and chemicals which are located on or
2211 within the premises of any such building or structure.

2212 (1) Each county, municipality, and special district that
2213 has firesafety enforcement responsibilities shall employ or
2214 contract with a firesafety inspector. Except as provided in s.
2215 633.312(2) and (3) ~~633.082(2)~~, the firesafety inspector must
2216 conduct all firesafety inspections that are required by law. The
2217 governing body of a county, municipality, or special district
2218 that has firesafety enforcement responsibilities may provide a
2219 schedule of fees to pay only the costs of inspections conducted
2220 pursuant to this subsection and related administrative expenses.
2221 Two or more counties, municipalities, or special districts that
2222 have firesafety enforcement responsibilities may jointly employ
2223 or contract with a firesafety inspector.

2224 (2) Except as provided in s. 633.312(2) ~~633.082(2)~~, every
2225 firesafety inspection conducted pursuant to state or local
2226 firesafety requirements shall be by a person certified as having
2227 met the inspection training requirements set by the State Fire
2228 Marshal. Such person shall meet the requirements of s.
2229 633.412(1)(a)-(d), and:

2230 (a) ~~Be a high school graduate or the equivalent as~~
2231 ~~determined by the department;~~

2232 (b) ~~Not have been found guilty of, or having pleaded guilty~~
2233 ~~or nolo contendere to, a felony or a crime punishable by~~

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2234 ~~imprisonment of 1 year or more under the law of the United~~
2235 ~~States, or of any state thereof, which involves moral turpitude,~~
2236 ~~without regard to whether a judgment of conviction has been~~
2237 ~~entered by the court having jurisdiction of such cases;~~

2238 ~~(c) Have her or his fingerprints on file with the~~
2239 ~~department or with an agency designated by the department;~~

2240 ~~(d) Have good moral character as determined by the~~
2241 ~~department;~~

2242 ~~(e) Be at least 18 years of age;~~

2243 ~~(f) Have satisfactorily completed the firesafety inspector~~
2244 ~~certification examination as prescribed by division rule ~~the~~~~
2245 ~~department; and~~

2246 ~~(b) ~~(g)~~1. Have satisfactorily completed, as determined by~~
2247 ~~division rule ~~the department~~, a firesafety inspector training~~
2248 ~~program of at least ~~not less than~~ 200 hours established by the~~
2249 ~~department and administered by education or training providers~~
2250 ~~agencies and institutions approved by the department for the~~
2251 ~~purpose of providing basic certification training for firesafety~~
2252 ~~inspectors; or~~

2253 ~~2. Have received ~~in another state~~ training in another state~~
2254 ~~which is determined by the division ~~department~~ to be at least~~
2255 ~~equivalent to that required by the department for approved~~
2256 ~~firesafety inspector education and training programs in this~~
2257 ~~state.~~

2258 (3) (a) 1. Effective July 1, 2013, the classification of
2259 special state firesafety inspector is abolished, and all special
2260 state firesafety inspector certifications ~~shall~~ expire at
2261 midnight June 30, 2013.

2262 2. Any person who is a special state firesafety inspector

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2263 on June 30, 2013, and who has failed to comply with paragraph
2264 (b) or paragraph (c) may not perform any firesafety inspection
2265 required by law.

2266 3. A special state firesafety inspector certificate may not
2267 be issued after June 30, 2011.

2268 (b)1. Any person who is a special state firesafety
2269 inspector on July 1, 2011, and who has at least 5 years of
2270 experience as a special state firesafety inspector as of July 1,
2271 2011, may take the firesafety inspection examination as provided
2272 in paragraph (2) (a) ~~(2) (f)~~ for firesafety inspectors before July
2273 1, 2013, to be certified as a firesafety inspector under this
2274 section.

2275 2. Upon passing the examination, the person shall be
2276 certified as a firesafety inspector as provided in this section.

2277 3. A person who fails to become certified must comply with
2278 paragraph (c) to be certified as a firesafety inspector under
2279 this section.

2280 (c)1. To be certified as a firesafety inspector under this
2281 section, a ~~any~~ person who:

2282 a. Is a special state firesafety inspector on July 1, 2011,
2283 and who does not have 5 years of experience as a special state
2284 firesafety inspector as of July 1, 2011; or

2285 b. Has 5 years of experience as a special state firesafety
2286 inspector but has failed the examination taken as provided in
2287 paragraph (2) (a) ~~(2) (f)~~,

2288
2289 must take an additional 80 hours of the courses described in
2290 paragraph (2) (b) ~~(2) (g)~~.

2291 2. After successfully completing the courses described in

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2292 this paragraph, such person may take the firesafety inspection
2293 examination as provided in paragraph (2) (a) ~~(2) (f)~~, if such
2294 examination is taken before July 1, 2013.

2295 3. Upon passing the examination, the person shall be
2296 certified as a firesafety inspector as provided in this section.

2297 4. A person who fails the course of study or the
2298 examination described in this paragraph may not perform any
2299 firesafety inspection required by law on or after July 1, 2013.

2300 (4) A firefighter certified pursuant to s. 633.408 ~~633.35~~
2301 may conduct firesafety inspections, under the supervision of a
2302 certified firesafety inspector, while on duty as a member of a
2303 fire department company conducting inservice firesafety
2304 inspections without being certified as a firesafety inspector,
2305 if such firefighter has satisfactorily completed an inservice
2306 fire department company inspector training program of at least
2307 24 hours' duration as provided by rule of the department.

2308 (5) Every firesafety inspector certificate is valid for a
2309 period of 4 ~~3~~ years from the date of issuance. Renewal of
2310 certification is subject to the affected person's completing
2311 proper application for renewal and meeting all of the
2312 requirements for renewal as established under this chapter or by
2313 rule adopted under this chapter, which must ~~shall~~ include
2314 completion of at least 54 ~~40~~ hours during the preceding 4-year
2315 ~~3-year~~ period of continuing education as required by the rule of
2316 the department or, in lieu thereof, successful passage of an
2317 examination as established by the department.

2318 (6) A previously certified firesafety inspector whose
2319 certification has lapsed for 8 years or more must repeat the
2320 fire safety inspector training as specified by the division.

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2321 (7)~~(6)~~ The State Fire Marshal may deny, refuse to renew,
2322 suspend, or revoke the certificate of a firesafety inspector if
2323 the State Fire Marshal finds that any of the following grounds
2324 exist:

2325 (a) Any cause for which issuance of a certificate could
2326 have been refused had it then existed and been known to the
2327 division ~~State Fire Marshal~~.

2328 (b) Violation of this chapter or any rule or order of the
2329 State Fire Marshal.

2330 (c) Falsification of records relating to the certificate.

2331 ~~(d) Having been found guilty of or having pleaded guilty or~~
2332 ~~nolo contendere to a felony, whether or not a judgment of~~
2333 ~~conviction has been entered.~~

2334 (d)~~(e)~~ Failure to meet any of the renewal requirements.

2335 ~~(f) Having been convicted of a crime in any jurisdiction~~
2336 ~~which directly relates to the practice of fire code inspection,~~
2337 ~~plan review, or administration.~~

2338 (e)~~(g)~~ Making or filing a report or record that the
2339 certificateholder knows to be false, or knowingly inducing
2340 another to file a false report or record, or knowingly failing
2341 to file a report or record required by state or local law, or
2342 knowingly impeding or obstructing such filing, or knowingly
2343 inducing another person to impede or obstruct such filing.

2344 (f)~~(h)~~ Failing to properly enforce applicable fire codes or
2345 permit requirements within this state which the
2346 certificateholder knows are applicable by committing willful
2347 misconduct, gross negligence, gross misconduct, repeated
2348 negligence, or negligence resulting in a significant danger to
2349 life or property.

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2350 (g)~~(i)~~ Accepting labor, services, or materials at no charge
2351 or at a noncompetitive rate from a ~~any~~ person who performs work
2352 that is under the enforcement authority of the certificateholder
2353 and who is not an immediate family member of the
2354 certificateholder. For the purpose of this paragraph, the term
2355 "immediate family member" means a spouse, child, parent,
2356 sibling, grandparent, aunt, uncle, or first cousin of the person
2357 or the person's spouse or a ~~any~~ person who resides in the
2358 primary residence of the certificateholder.

2359 (8)~~(7)~~ The division ~~of State Fire Marshal~~ and the Florida
2360 Building Code Administrators and Inspectors Board, established
2361 pursuant to s. 468.605, shall enter into a reciprocity agreement
2362 to facilitate joint recognition of continuing education
2363 recertification hours for certificateholders licensed under s.
2364 468.609 and firesafety inspectors certified under subsection
2365 (2).

2366 (9)~~(8)~~ The State Fire Marshal shall develop by rule an
2367 advanced training and certification program for firesafety
2368 inspectors having fire code management responsibilities. The
2369 program must be consistent with the appropriate provisions of
2370 NFPA 1037, or similar standards adopted by the division, and
2371 establish minimum training, education, and experience levels for
2372 firesafety inspectors having fire code management
2373 responsibilities.

2374 (10)~~(9)~~ The department shall provide by rule for the
2375 certification of firesafety inspectors and Fire Code
2376 Administrators.

2377 Section 28. Section 633.085, Florida Statutes, is
2378 transferred and renumbered as section 633.218, Florida Statutes,

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2379 paragraph (a) of subsection (1) and subsections (2) through (5)
2380 of that section are amended, and paragraphs (e) and (f) are
2381 added to subsection (1) of that section, to read:

2382 633.218 ~~633.085~~ Inspections of state buildings and
2383 premises; tests of firesafety equipment; building plans to be
2384 approved.—

2385 (1) (a) It is the duty of the State Fire Marshal and her or
2386 his agents to inspect, or cause to be inspected, each state-
2387 owned building on a recurring basis established by rule, and to
2388 ensure that high-hazard occupancies are inspected at least
2389 annually, for the purpose of ascertaining and causing to be
2390 corrected any conditions liable to cause fire or endanger life
2391 from fire and any violation of the firesafety standards for
2392 state-owned buildings, ~~the provisions of this chapter, or the~~
2393 ~~rules or regulations adopted and promulgated~~ pursuant hereto.
2394 The State Fire Marshal shall, within 7 days following an
2395 inspection, submit a report of such inspection to the head of
2396 the ~~department of state agency government~~ responsible for the
2397 building.

2398 (e) For purposes of this section:

2399 1.a. The term "high-hazard occupancy" means any building or
2400 structure:

2401 (I) That contains combustible or explosive matter or
2402 flammable conditions dangerous to the safety of life or
2403 property;

2404 (II) At which persons receive educational instruction;

2405 (III) At which persons reside, excluding private dwellings;

2406 or

2407 (IV) Containing three or more floor levels.

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2408 b. As used in this subparagraph, the phrase "building or
2409 structure":

2410 (I) Includes, but is not limited to, all hospitals and
2411 residential health care facilities, nursing homes and other
2412 adult care facilities, correctional or detention facilities,
2413 public schools, public lodging establishments, migrant labor
2414 camp, residential child care facilities, and self-service
2415 gasoline stations.

2416 (II) Does not include any residential condominium where the
2417 declaration of condominium or the bylaws provide that the rental
2418 of units shall not be permitted for less than 90 days.

2419 2. The term "state-owned building" includes private
2420 correctional facilities as defined under s. 944.710(3).

2421 (f) A state-owned building or state-leased building or
2422 space shall be identified through use of the United States
2423 National Grid Coordinate System.

2424 (2) The State Fire Marshal and her or his agents may ~~shall~~
2425 conduct performance tests on any electronic fire warning and
2426 smoke detection system, and any pressurized air-handling unit,
2427 in any state-owned building or state-leased building or space on
2428 a recurring basis as provided in subsection (1). The State Fire
2429 Marshal and her or his agents shall also ensure that fire drills
2430 are conducted in all high-hazard state-owned buildings or high-
2431 hazard state-leased ~~high-hazard~~ occupancies at least annually.

2432 (3) All construction of any new state-owned building or
2433 state-leased building or space, or any renovation, alteration,
2434 or change of occupancy of any existing, state-owned building or
2435 state-leased building or space must ~~shall~~ comply with the
2436 uniform firesafety standards of the State Fire Marshal.

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2437 (a) For all new construction or renovation, alteration, or
2438 change of occupancy of state-leased space, compliance with the
2439 uniform firesafety standards shall be determined by reviewing
2440 the plans for the proposed construction or occupancy submitted
2441 by the lessor to the division ~~of State Fire Marshal~~ for review
2442 and approval before ~~prior to~~ commencement of construction or
2443 occupancy, which review shall be completed within 10 working
2444 days after receipt of the plans by the division ~~of State Fire~~
2445 ~~Marshal~~.

2446 (b) The plans for all construction of any new, or
2447 renovation or alteration of any existing, state-owned building
2448 are subject to the review and approval of the division ~~of State~~
2449 ~~Fire Marshal~~ for compliance with the uniform firesafety
2450 standards before ~~prior to~~ commencement of construction or change
2451 of occupancy, which review shall be completed within 30 calendar
2452 days of receipt of the plans by the division ~~of State Fire~~
2453 ~~Marshal~~.

2454 (4) The division ~~of State Fire Marshal~~ may inspect state-
2455 owned buildings and space and state-leased buildings and space
2456 as necessary before ~~prior to~~ occupancy or during construction,
2457 renovation, or alteration to ascertain compliance with the
2458 uniform firesafety standards. Whenever the division ~~of State~~
2459 ~~Fire Marshal~~ determines by virtue of such inspection or by
2460 review of plans that construction, renovation, or alteration of
2461 state-owned buildings and state-leased buildings or space is not
2462 in compliance with the uniform firesafety standards, the
2463 division ~~of State Fire Marshal~~ shall issue an order to cease
2464 construction, renovation, or alteration, or to preclude
2465 occupancy, of a building until compliance is obtained, except

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2466 for those activities required to achieve such compliance.

2467 (5) The division ~~of State Fire Marshal~~ shall by rule
2468 provide a schedule of fees to pay for the costs of the
2469 inspections, whether recurring or high hazard, any firesafety
2470 review or plans for proposed construction, renovations, or
2471 occupancy, and related administrative expenses.

2472 Section 29. Section 633.027, Florida Statutes, is
2473 transferred and renumbered as section 633.222, Florida Statutes,
2474 and subsection (3) of that section is amended, to read:

2475 633.222 ~~633.027~~ Buildings with light-frame truss-type
2476 construction; notice requirements; enforcement.-

2477 (3) The State Fire Marshal, and local fire officials in
2478 accordance with s. 633.118 ~~633.121~~, shall enforce ~~the provisions~~
2479 ~~of~~ this section. An ~~Any~~ owner who fails to comply with the
2480 requirements of this section is subject to penalties as provided
2481 in s. 633.228 ~~633.161~~.

2482 Section 30. Section 633.60, Florida Statutes, is
2483 transferred and renumbered as section 633.224, Florida Statutes,
2484 and subsection (1) of that section is amended, to read:

2485 633.224 ~~633.60~~ Automatic fire sprinkler systems for one-
2486 family dwellings, two-family dwellings, and mobile homes.-

2487 (1) It is unlawful for a ~~any~~ person to engage in the
2488 business or act in the capacity of a contractor of automatic
2489 fire sprinkler systems for one-family dwellings, two-family
2490 dwellings, and mobile homes without having been duly certified
2491 and holding a current certificate as a Contractor I, Contractor
2492 II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

2493 Section 31. Section 633.557, Florida Statutes, is
2494 transferred and renumbered as section 633.226, Florida Statutes.

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2495 Section 32. Section 633.161, Florida Statutes, is
2496 transferred and renumbered as section 633.228, Florida Statutes,
2497 and paragraphs (a) and (b) of subsection (1), paragraph (a) of
2498 subsection (2), and subsection (3) of that section are amended,
2499 to read:

2500 633.228 ~~633.161~~ Violations; orders to cease and desist,
2501 correct hazardous conditions, preclude occupancy, or vacate;
2502 enforcement; penalties.—

2503 (1) If it is determined by the department that a violation
2504 specified in this subsection exists, the State Fire Marshal or
2505 her or his deputy may issue and deliver to the person committing
2506 the violation an order to cease and desist from such violation,
2507 to correct any hazardous condition, to preclude occupancy of the
2508 affected building or structure, or to vacate the premises of the
2509 affected building or structure. Such violations are:

2510 (a) Except as set forth in paragraph (b), a violation of
2511 any provision of this chapter, of any rule adopted pursuant
2512 thereto, of any applicable uniform firesafety standard adopted
2513 pursuant to s. 633.206 ~~633.022~~ which is not adequately addressed
2514 by any alternative requirements adopted on a local level, or of
2515 any minimum firesafety standard adopted pursuant to s. 394.879.

2516 (b) A substantial violation of an applicable minimum
2517 firesafety standard adopted pursuant to s. 633.208 ~~633.025~~ which
2518 is not reasonably addressed by any alternative requirement
2519 imposed at the local level, or an unreasonable interpretation of
2520 an applicable minimum firesafety standard, and which violation
2521 or interpretation clearly constitutes a danger to lifesafety.

2522 (2) (a) If, during the conduct of a firesafety inspection
2523 authorized by ss. 633.216 and 633.218 ~~633.081 and 633.085~~, it is

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2524 determined that a violation described in this section exists
2525 which poses an immediate danger to the public health, safety, or
2526 welfare, the State Fire Marshal may issue an order to vacate the
2527 building in question, which order shall be immediately effective
2528 and shall be an immediate final order under s. 120.569(2)(n).
2529 With respect to a facility under the jurisdiction of a district
2530 school board or community college board of trustees, the order
2531 to vacate shall be issued jointly by the district superintendent
2532 or college president and the State Fire Marshal.

2533 (3) A ~~Any~~ person who violates or fails to comply with any
2534 order under subsection (1) or subsection (2) commits ~~is guilty~~
2535 ~~of~~ a misdemeanor, punishable as provided in s. 633.124 ~~633.171~~.

2536 Section 33. The Division of Law Revision and Information is
2537 directed to create part III of chapter 633, Florida Statutes,
2538 consisting of sections 633.302, 633.304, 633.306, 633.308,
2539 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,
2540 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
2541 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled
2542 "Fire Protection and Suppression."

2543 Section 34. Section 633.511, Florida Statutes, is
2544 transferred, renumbered as section 633.302, Florida Statutes,
2545 and amended to read:

2546 633.302 ~~633.511~~ Florida Fire Safety Board; membership;
2547 duties; meetings; officers; quorum; compensation; seal.-

2548 (1) The Florida Fire Safety Board is created consisting of
2549 seven members who are ~~citizens and~~ residents of this state. One
2550 shall be the State Fire Marshal, or her or his designee
2551 ~~designated appointee~~ who shall be an administrative employee of
2552 the marshal; one shall be an administrative officer from a

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2553 building department representing an incorporated municipality or
2554 a county; one shall be an administrative officer from a fire
2555 department representing an incorporated municipality or a
2556 county; two shall be contractors licensed pursuant to s. 633.318
2557 ~~633.521~~; and two shall be persons who hold valid licenses under
2558 s. 633.304 ~~633.061~~.

2559 (2) (a) To be eligible for appointment, each contractor must
2560 ~~shall~~ personally hold a current certificate of competency and a
2561 current license issued by the division ~~State Fire Marshal~~,
2562 together with an unexpired occupational license to operate as a
2563 contractor issued by an incorporated municipality or a county;
2564 be actively engaged in such business and have been so engaged
2565 for a period of not less than 5 consecutive years before the
2566 date of her or his appointment; and be a ~~citizen and~~ resident of
2567 the state.

2568 (b) To be eligible for appointment, each fire equipment
2569 dealer must ~~shall~~ personally hold a current Class A, B, or C and
2570 Class D fire equipment dealer license issued by the division
2571 ~~State Fire Marshal~~, together with an unexpired occupational
2572 license to operate as a fire equipment dealer issued by an
2573 incorporated municipality or a county; must ~~shall~~ be actively
2574 engaged in such business and have been so engaged for a period
2575 of not less than 5 consecutive years before the date of
2576 appointment; and must ~~shall~~ be a ~~citizen and~~ resident of this
2577 state.

2578 (3) The State Fire Marshal's term on the board, or that of
2579 her or his designee ~~designated administrative employee~~, shall
2580 coincide with the State Fire Marshal's term of office. Of the
2581 other six members of the board, one member shall be appointed

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2582 for a term of 1 year, one member for a term of 2 years, two
2583 members for terms of 3 years, and two members for terms of 4
2584 years. All terms expire on June 30 of the last year of the term.
2585 ~~When Effective July 1, 1997, as~~ the term of a each member
2586 expires, the State Fire Marshal shall appoint a member to fill
2587 the vacancy for a term of 4 years. The State Fire Marshal may
2588 remove any appointed member for cause. A vacancy in the
2589 membership of the board for any cause shall be filled by
2590 appointment by the State Fire Marshal for the balance of the
2591 unexpired term.

2592 (4) The board shall act in an advisory capacity to the
2593 State Fire Marshal and shall meet regularly as the need presents
2594 itself. The board shall have the authority to review complaints
2595 and disputed administrative action and make recommendations for
2596 disciplinary action to the division at the request of the
2597 licenseholder, permitholder, or certificateholder. The board
2598 will serve in an advisory capacity to the division regarding
2599 rules, codes, standards, interpretations, and training. As soon
2600 as practicable after July 1, 2013, the board shall meet to elect
2601 officers from its membership, whose terms shall expire on June
2602 30 and annually thereafter. A majority of the board shall
2603 constitute a quorum. A member of the advisory board may not be
2604 paid a salary as such member, but shall be reimbursed for
2605 necessary expenses while attending advisory board meetings,
2606 including travel in the performance of her or his duties, as
2607 provided in s. 112.061.

2608 (5) The board shall adopt a seal for its use containing the
2609 words "Florida Fire Safety Board."

2610 Section 35. Section 633.061, Florida Statutes, is

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2611 transferred and renumbered as section 633.304, Florida Statutes,
2612 and subsections (1) through (4) and subsection (9) of that
2613 section are amended, to read:

2614 633.304 ~~633.061~~ Fire suppression equipment; license to
2615 install or maintain.—

2616 (1) It is unlawful for any organization or individual to
2617 engage in the business of servicing, repairing, recharging,
2618 testing, marking, inspecting, installing, or hydrotesting any
2619 fire extinguisher or preengineered system in this state except
2620 in conformity with ~~the provisions of~~ this chapter. Each
2621 organization or individual that engages in such activity must
2622 possess a valid and subsisting license issued by the division
2623 ~~State Fire Marshal~~. All fire extinguishers and preengineered
2624 systems required by statute or by rule must be serviced by an
2625 organization or individual licensed under ~~the provisions of~~ this
2626 chapter. A licensee who receives appropriate training shall not
2627 be prohibited by a manufacturer from servicing any particular
2628 brand of fire extinguisher or preengineered system. The licensee
2629 is legally qualified to act for the business organization in all
2630 matters connected with its business, and the licensee must
2631 supervise all activities undertaken by such business
2632 organization. Each licensee shall maintain a specific business
2633 location. A further requirement, in the case of multiple
2634 locations where such servicing or recharging is taking place, is
2635 that each licensee who maintains more than one place of business
2636 where actual work is carried on must possess an additional
2637 license, as set forth in this section, for each location, except
2638 that a licensed individual may not qualify for more than five
2639 locations. A licensee is limited to a specific type of work

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2640 performed depending upon the class of license held. Licenses ~~and~~
2641 ~~license fees~~ are required for the following:

2642 (a) Class A: ~~—\$250~~

2643 To service, recharge, repair, install, or inspect all types of
2644 fire extinguishers and to conduct hydrostatic tests on all types
2645 of fire extinguishers.

2646 (b) Class B: ~~—\$150~~

2647 To service, recharge, repair, install, or inspect all types of
2648 fire extinguishers, including recharging carbon dioxide units
2649 and conducting hydrostatic tests on all types of fire
2650 extinguishers, except carbon dioxide units.

2651 (c) Class C: ~~—\$150~~

2652 To service, recharge, repair, install, or inspect all types of
2653 fire extinguishers, except recharging carbon dioxide units, and
2654 to conduct hydrostatic tests on all types of fire extinguishers,
2655 except carbon dioxide units.

2656 (d) Class D: ~~—\$200~~

2657 To service, repair, recharge, hydrotest, install, or inspect all
2658 types of preengineered fire extinguishing systems.

2659 ~~(e) Licenses issued as duplicates or to reflect a change of~~
2660 ~~address—\$10~~

2661

2662 Any fire equipment dealer licensed pursuant to this subsection
2663 who does not want to engage in the business of servicing,
2664 inspecting, recharging, repairing, hydrotesting, or installing
2665 halon equipment must file an affidavit on a form provided by the
2666 division so stating. Licenses will be issued by the division to
2667 show ~~reflect~~ the work authorized thereunder. It is unlawful,
2668 unlicensed activity for a ~~any~~ person or firm to falsely hold

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2669 himself or herself or a business organization out to perform any
2670 service, inspection, recharge, repair, hydrotest, or
2671 installation except as specifically described in the license. A
2672 fire equipment dealer licensed pursuant to this subsection who
2673 wishes to withdraw a previously filed halon equipment exemption
2674 affidavit and engage in the business of servicing, inspecting,
2675 recharging, repairing, hydrotesting, or installing halon
2676 equipment must submit a written statement requesting the
2677 withdrawal to the division. The dealer must also submit to an
2678 inspection by the State Fire Marshal or her or his designee in
2679 order to determine that the dealer possesses the equipment
2680 required to service, inspect, recharge, repair, hydrotest, or
2681 install halon equipment.

2682 (2) A person who holds a valid fire equipment dealer
2683 license may maintain such license in an inactive status during
2684 which time he or she may not engage in any work under the
2685 definition of the license held. An inactive status license shall
2686 be void after 4 ~~2~~ years or when ~~at the time that~~ the license is
2687 renewed, whichever comes first. ~~The biennial renewal fee for an~~
2688 ~~inactive status license shall be \$75.~~ An inactive status license
2689 may not be reactivated unless the continuing education
2690 requirements of this chapter have been fulfilled.

2691 (3) Each individual actually performing the work of
2692 servicing, recharging, repairing, hydrotesting, installing,
2693 testing, or inspecting fire extinguishers or preengineered
2694 systems must possess a valid and subsisting permit issued by the
2695 division ~~State Fire Marshal~~. Permittees are limited as to
2696 specific type of work performed to allow work no more extensive
2697 than the class of license held by the licensee under whom the

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2698 permittee is working. Permits will be issued by the division ~~and~~
2699 ~~the fees required are~~ as follows:

2700 (a) Portable permit: ~~—\$90~~ "Portable permittee" means a
2701 person who is limited to performing work no more extensive than
2702 the employing licensee in the servicing, recharging, repairing,
2703 installing, or inspecting all types of portable fire
2704 extinguishers.

2705 (b) Preengineered permit: ~~—\$120~~ "Preengineered
2706 permittee" means a person who is limited to the servicing,
2707 recharging, repairing, installing, or inspecting of all types of
2708 preengineered fire extinguishing systems.

2709 ~~(c) Permits issued as duplicates or to reflect a change of~~
2710 ~~address —\$10~~

2711
2712 Any fire equipment permittee licensed pursuant to this
2713 subsection who does not want to engage in servicing, inspecting,
2714 recharging, repairing, hydrotesting, or installing halon
2715 equipment must file an affidavit on a form provided by the
2716 division so stating. Permits will be issued by the division to
2717 show ~~reflect~~ the work authorized thereunder. It is unlawful,
2718 unlicensed activity for a ~~any~~ person or firm to falsely hold
2719 himself or herself out to perform any service, inspection,
2720 recharge, repair, hydrotest, or installation except as
2721 specifically described in the permit.

2722 (4) (a) Such licenses and permits shall be issued by the
2723 division ~~State Fire Marshal~~ for 2 years beginning January 1,
2724 2000, and each 2-year period thereafter and expiring December 31
2725 of the second year. All licenses or permits issued will expire
2726 on December 31 of each odd-numbered year. The failure to renew a

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2727 license or permit by December 31 of the second year will cause
2728 the license or permit to become inoperative. The holder of an
2729 inoperative license or permit may ~~shall~~ not engage in any
2730 activities for which a license or permit is required by this
2731 section. A license or permit which is inoperative because of the
2732 failure to renew it shall be restored upon payment of the
2733 applicable fee plus a penalty equal to the applicable fee, if
2734 the application for renewal is filed no later than the following
2735 March 31. If the application for restoration is not made before
2736 the March 31st deadline, the fee for restoration shall be equal
2737 to the original application fee and the penalty provided for
2738 herein, and, in addition, the State Fire Marshal shall require
2739 reexamination of the applicant. The fee for a license or permit
2740 issued for 1 year or less shall be prorated at 50 percent of the
2741 applicable fee for a biennial license or permit.

2742 (b) After initial licensure, each licensee or permittee
2743 must successfully complete a course or courses of continuing
2744 education for fire equipment technicians of at least 16 hours. A
2745 license or permit may not be renewed unless the licensee or
2746 permittee produces documentation of the completion of at least
2747 16 hours of continuing education for fire equipment technicians
2748 during the biennial licensure period. A person who is both a
2749 licensee and a permittee shall be required to complete 16 hours
2750 of continuing education during each renewal period. Each
2751 licensee shall ensure that all permittees in his or her
2752 employment meet their continuing education requirements. The
2753 State Fire Marshal shall adopt rules describing the continuing
2754 education requirements and shall have the authority upon
2755 reasonable belief, to audit a fire equipment dealer to determine

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2756 compliance with continuing education requirements.

2757 (c)~~(b)~~ The forms of such licenses and permits and
2758 applications therefor shall be prescribed by the State Fire
2759 Marshal; in addition to such other information and data as that
2760 officer determines is appropriate and required for such forms,
2761 there shall be included in such forms the following matters.
2762 Each such application must ~~shall~~ be in such form as to provide
2763 that the data and other information set forth therein shall be
2764 sworn to by the applicant or, if a corporation, by an officer
2765 thereof. An application for a permit must ~~shall~~ include the name
2766 of the licensee employing such permittee, and the permit issued
2767 in pursuance of such application must ~~shall~~ also set forth the
2768 name of such licensee. A permit is valid solely for use by the
2769 holder thereof in his or her employment by the licensee named in
2770 the permit.

2771 (d)~~(e)~~ A license of any class may ~~shall~~ not be issued or
2772 renewed by the division ~~State Fire Marshal~~ and a license of any
2773 class does ~~shall~~ not remain operative unless:

2774 1. The applicant has submitted to the State Fire Marshal
2775 evidence of registration as a Florida corporation or evidence of
2776 compliance with s. 865.09.

2777 2. The State Fire Marshal or his or her designee has by
2778 inspection determined that the applicant possesses the equipment
2779 required for the class of license sought. The State Fire Marshal
2780 shall give an applicant a reasonable opportunity to correct any
2781 deficiencies discovered by inspection. To obtain such
2782 inspection, an applicant with facilities located outside this
2783 state must:

2784 a. Provide a notarized statement from a professional

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2785 engineer licensed by the applicant's state of domicile
2786 certifying that the applicant possesses the equipment required
2787 for the class of license sought and that all such equipment is
2788 operable; or

2789 b. Allow the State Fire Marshal or her or his designee to
2790 inspect the facility. All costs associated with the State Fire
2791 Marshal's inspection shall be paid by the applicant. The State
2792 Fire Marshal, in accordance with s. 120.54, may adopt rules to
2793 establish standards for the calculation and establishment of the
2794 amount of costs associated with any inspection conducted by the
2795 State Fire Marshal under this section. Such rules shall include
2796 procedures for invoicing and receiving funds in advance of the
2797 inspection ~~A fee of \$50, payable to the State Fire Marshal,~~
2798 ~~shall be required for any subsequent reinspection.~~

2799 3. The applicant has submitted to the State Fire Marshal
2800 proof of insurance providing coverage for comprehensive general
2801 liability for bodily injury and property damage, products
2802 liability, completed operations, and contractual liability. The
2803 State Fire Marshal shall adopt rules providing for the amounts
2804 of such coverage, but such amounts shall not be less than
2805 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2806 licenses, and \$100,000 for Class C licenses; and the total
2807 coverage for any class of license held in conjunction with a
2808 Class D license may ~~shall~~ not be less than \$300,000. The State
2809 Fire Marshal may, at any time after the issuance of a license or
2810 its renewal, require upon demand, and in no event more than 30
2811 days after notice of such demand, the licensee to provide proof
2812 of insurance, on a form provided by the State Fire Marshal,
2813 containing confirmation of insurance coverage as required by

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2814 this chapter. Failure, for any length of time, to provide proof
2815 of insurance coverage as required shall result in the immediate
2816 suspension of the license until proof of proper insurance is
2817 provided to the State Fire Marshal. An insurer which provides
2818 such coverage shall notify the State Fire Marshal of any change
2819 in coverage or of any termination, cancellation, or nonrenewal
2820 of any coverage.

2821 4. The applicant applies to the State Fire Marshal,
2822 provides proof of experience, and successfully completes a
2823 prescribed training course offered by the State Fire College or
2824 an equivalent course approved by the State Fire Marshal. This
2825 subparagraph does not apply to any holder of or applicant for a
2826 permit under paragraph (g) ~~(f)~~ or to a business organization or
2827 a governmental entity seeking initial licensure or renewal of an
2828 existing license solely for the purpose of inspecting,
2829 servicing, repairing, marking, recharging, and maintaining fire
2830 extinguishers used and located on the premises of and owned by
2831 such organization or entity.

2832 5. The applicant has a current retestor identification
2833 number that is appropriate for the license for which the
2834 applicant is applying and that is listed with the United States
2835 Department of Transportation.

2836 6. The applicant has passed, with a grade of at least 70
2837 percent, a written examination testing his or her knowledge of
2838 the rules and statutes governing ~~regulating~~ the activities
2839 authorized by the license and demonstrating his or her knowledge
2840 and ability to perform those tasks in a competent, lawful, and
2841 safe manner. Such examination shall be developed and
2842 administered by the State Fire Marshal, or his or her designee

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2843 in accordance with policies and procedures of the State Fire
2844 Marshal. An applicant shall pay a nonrefundable examination fee
2845 of \$50 for each examination or reexamination scheduled. ~~A~~ Ne
2846 reexamination may not ~~shall~~ be scheduled sooner than 30 days
2847 after any administration of an examination to an applicant. An
2848 ~~Ne~~ applicant may not ~~shall~~ be permitted to take an examination
2849 for any level of license more than a total of four times during
2850 1 year, regardless of the number of applications submitted. As a
2851 prerequisite to licensure of the applicant, he or she:

2852 a. Must be at least 18 years of age.

2853 b. Must have 4 years of proven experience as a fire
2854 equipment permittee at a level equal to or greater than the
2855 level of license applied for or have a combination of education
2856 and experience determined to be equivalent thereto by the State
2857 Fire Marshal. Having held a permit at the appropriate level for
2858 the required period constitutes the required experience.

2859 c. Must not have been convicted of a felony or a crime
2860 punishable by imprisonment of 1 year or more under the law of
2861 the United States or of any state thereof or under the law of
2862 any other country, or pled nolo contendere to, any felony.
2863 "Convicted" means a finding of guilt or the acceptance of a plea
2864 of guilty or nolo contendere in any federal or state court or a
2865 court in any other country, without regard to whether a judgment
2866 of conviction has been entered by the court having jurisdiction
2867 of the case. If an applicant has been convicted of any such
2868 felony, the applicant shall be excluded from licensure for a
2869 period of 4 years after expiration of sentence or final release
2870 by the Parole Commission unless the applicant, before the
2871 expiration of the 4-year period, has received a full pardon or

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2872 has had her or his civil rights restored ~~must comply with s.~~
2873 ~~112.011(1) (b).~~

2874

2875 This subparagraph does not apply to any holder of or applicant
2876 for a permit under paragraph (g) ~~(f)~~ or to a business
2877 organization or a governmental entity seeking initial licensure
2878 or renewal of an existing license solely for the purpose of
2879 inspecting, servicing, repairing, marking, recharging,
2880 hydrotesting, and maintaining fire extinguishers used and
2881 located on the premises of and owned by such organization or
2882 entity.

2883 ~~(d) An applicant who fails the examination may take it~~
2884 ~~three more times during the 1-year period after he or she~~
2885 ~~originally filed an application for the examination. If the~~
2886 ~~applicant fails the examination within 1 year after the~~
2887 ~~application date and seeks to retake the examination, he or she~~
2888 ~~must file a new application, pay the application and examination~~
2889 ~~fees, and successfully complete a prescribed training course~~
2890 ~~approved by the State Fire College or an equivalent course~~
2891 ~~approved by the State Fire Marshal. An applicant may not submit~~
2892 ~~a new application within 6 months after the date of his or her~~
2893 ~~last reexamination.~~

2894 (e) A fire equipment dealer licensed under this section may
2895 apply to convert ~~upgrade~~ the license currently held to a higher
2896 licensing category, if the licensed dealer:

2897 1. Submits an application for the license on a form in
2898 conformance with paragraph (c) ~~(b)~~. The application must be
2899 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~
2900 for the type of license requested.

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2901 2. Provides evidence of 2 years' experience as a licensed
2902 dealer and meets such relevant educational requirements as are
2903 established by rule by the State Fire Marshal for purposes of
2904 upgrading a license.

2905 3. Meets the requirements of paragraph (d) ~~(e)~~.

2906 (f) A fire equipment dealer licensed under this section may
2907 apply to convert the license currently held to a lower licensing
2908 category, if the licensed dealer:

2909 1. Submits an application for the license on a form in
2910 conformance with paragraph (c). The application must be
2911 accompanied by a fee as prescribed in s. 633.132 for the type of
2912 license requested.

2913 2. Submits proof of insurance providing coverage meeting
2914 the requirements prescribed in subparagraph (d)3.

2915 3. Submits to an inspection of the facility to ensure all
2916 equipment associated with the higher class of license has been
2917 removed and submits the required reinspection fee.

2918 (g) A ~~no~~ permit of any class may not ~~shall~~ be issued or
2919 renewed to a person by the division ~~State Fire Marshal~~, and a ~~no~~
2920 permit of any class does not ~~shall~~ remain operative, unless the
2921 person has:

2922 1. Submitted a nonrefundable examination fee in the amount
2923 of \$50.~~†~~

2924 2. Successfully completed a training course offered by the
2925 State Fire College or an equivalent course approved by the State
2926 Fire Marshal.~~†~~ ~~and~~

2927 3. Passed, with a grade of at least 70 percent, a written
2928 examination testing his or her knowledge of the rules and
2929 statutes governing ~~regulating~~ the activities authorized by the

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2930 permit and demonstrating his or her knowledge and ability to
2931 perform those tasks in a competent, lawful, and safe manner.
2932 Such examination must ~~shall~~ be developed and administered by the
2933 State Fire Marshal in accordance with the policies and
2934 procedures of the State Fire Marshal. An examination fee must
2935 ~~shall~~ be paid for each examination scheduled. A ~~No~~ reexamination
2936 may not ~~shall~~ be scheduled sooner than 30 days after any
2937 administration of an examination to an applicant. An ~~No~~
2938 applicant may not ~~shall~~ be permitted to take an examination for
2939 any level of permit more than four times during 1 year,
2940 regardless of the number of applications submitted. As a
2941 prerequisite to taking the permit examination, the applicant
2942 must be at least 16 years of age.

2943 (h) ~~(g)~~ An applicant for a license or permit under this
2944 section who fails the examination may take it three more times
2945 during the 1-year period after he or she originally filed an
2946 application for the examination. If the applicant fails the
2947 examination within 1 year after the application date and he or
2948 she seeks to retake the examination, he or she must file a new
2949 application, pay the application and examination fees, and
2950 successfully complete a prescribed training course offered by
2951 the State Fire College or an equivalent course approved by the
2952 State Fire Marshal. The applicant may not submit a new
2953 application within 6 months after the date of his or her fourth
2954 ~~last~~ reexamination. An applicant who passes the examination but
2955 does not meet the remaining qualifications prescribed by law and
2956 rule within 1 year after the application date must file a new
2957 application, pay the application and examination fee,
2958 successfully complete a prescribed training course approved by

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2959 the State Fire College or an equivalent course approved by the
2960 State Fire Marshal, and pass the written examination.

2961 (9) ~~The provisions of This section does chapter do~~ not
2962 apply to inspections by fire chiefs, fire inspectors, fire
2963 marshals, or insurance company inspectors.

2964 Section 36. Section 633.065, Florida Statutes, is
2965 transferred and renumbered as section 633.306, Florida Statutes,
2966 and paragraph (a) of subsection (1) of that section is amended,
2967 to read:

2968 633.306 ~~633.065~~ Requirements for installation, inspection,
2969 and maintenance of fire suppression equipment.—

2970 (1) The requirements for installation of fire extinguishers
2971 and preengineered systems are as follows:

2972 (a) Fire equipment dealers shall be licensed under s.
2973 633.304 ~~633.061~~.

2974 Section 37. Section 633.071, Florida Statutes, is
2975 transferred and renumbered as section 633.308, Florida Statutes,
2976 and subsection (2) of that section is amended, to read:

2977 633.308 ~~633.071~~ Standard service tag required on all fire
2978 extinguishers and preengineered systems; serial number required
2979 on all portable fire extinguishers; standard inspection tags
2980 required on all fire protection systems.—

2981 (2) All portable fire extinguishers required by statute or
2982 by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc.,
2983 or approved by Factory Mutual Laboratories, Inc., or listed by a
2984 nationally recognized testing laboratory in accordance with
2985 procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and
2986 carry an Underwriters Laboratories, Inc., or manufacturer's
2987 serial number. These listings, approvals, and serial numbers may

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2988 be stamped on the manufacturer's identification and instructions
2989 plate or on a separate Underwriters Laboratories, Inc., or
2990 Factory Mutual Laboratories, Inc., plate soldered or attached to
2991 the extinguisher shell in some permanent manner.

2992 Section 38. Section 633.082, Florida Statutes, is
2993 transferred and renumbered as section 633.312, Florida Statutes,
2994 and subsections (2) and (3) of that section are amended, to
2995 read:

2996 633.312 ~~633.082~~ Inspection of fire control systems, fire
2997 hydrants, and fire protection systems.—

2998 (2) Fire hydrants and fire protection systems installed in
2999 public and private properties, except one-family or two-family
3000 dwellings, shall be inspected following procedures established
3001 in the nationally recognized inspection, testing, and
3002 maintenance standards publications NFPA-24 and NFPA-25 as set
3003 forth in the edition adopted by the State Fire Marshal.
3004 Quarterly, annual, 3-year, and 5-year inspections consistent
3005 with the contractual provisions with the owner shall be
3006 conducted by the certificateholder or permittees employed by the
3007 certificateholder pursuant to s. 633.318 ~~633.521~~, except that:

3008 (a) Public fire hydrants owned by a governmental entity
3009 shall be inspected following procedures established in the
3010 inspection, testing, and maintenance standards adopted by the
3011 State Fire Marshal or equivalent standards such as those
3012 contained in the latest edition of the American Water Works
3013 Association's Manual M17, "Installation, Field Testing, and
3014 Maintenance of Fire Hydrants."

3015 (b) County, municipal, and special district utilities may
3016 perform fire hydrant inspections required by this section using

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3017 designated employees. Such designated employees need not be
3018 certified under this chapter. However, counties, municipalities,
3019 or special districts that use designated employees are
3020 responsible for ensuring that the designated employees are
3021 qualified to perform such inspections.

3022 (3) The inspecting contractor shall provide to the building
3023 owner or hydrant owner and the local authority having
3024 jurisdiction a copy of the applicable inspection report
3025 established under this chapter. The maintenance of fire hydrant
3026 and fire protection systems as well as corrective actions on
3027 deficient systems is the responsibility of the owner of the
3028 system or hydrant. Equipment requiring periodic testing or
3029 operation to ensure its maintenance shall be tested or operated
3030 as specified in the Fire Prevention Code, Life Safety Code,
3031 National Fire Protection Association standards, or as directed
3032 by the appropriate authority ~~agency having jurisdiction~~,
3033 provided that such appropriate authority ~~may~~ ~~agency shall~~ not
3034 require a sprinkler system not required by the Fire Prevention
3035 Code, Life Safety Code, or National Fire Protection Association
3036 standards to be removed regardless of its condition. This
3037 section does not prohibit governmental entities from inspecting
3038 and enforcing firesafety codes.

3039 Section 39. Section 633.083, Florida Statutes, is
3040 transferred and renumbered as section 633.314, Florida Statutes,
3041 and subsection (3) of that section is amended, to read:

3042 633.314 ~~633.083~~ Sale or use of certain types of fire
3043 extinguishers prohibited; penalty.—

3044 (3) A person who violates ~~any of the provisions of~~ this
3045 section commits ~~is guilty of~~ a misdemeanor of the second degree,

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3046 punishable as provided in s. 775.082 or s. 775.083.

3047 Section 40. Section 633.162, Florida Statutes, is
3048 transferred and renumbered as section 633.316, Florida Statutes,
3049 and subsection (1) and paragraph (e) of subsection (4) of that
3050 section are amended, to read:

3051 633.316 ~~633.162~~ Fire suppression system contractors;
3052 disciplinary action.—

3053 (1) The violation of any provision of this chapter or any
3054 rule adopted and adopted ~~promulgated~~ pursuant hereto or the
3055 failure or refusal to comply with any notice or order to correct
3056 a violation or any cease and desist order by a ~~any~~ person who
3057 possesses a license or permit issued pursuant to s. 633.304
3058 ~~633.061~~ is cause for denial, nonrenewal, revocation, or
3059 suspension of such license or permit by the State Fire Marshal
3060 after such officer has determined that the person committed ~~is~~
3061 ~~guilty of~~ such violation. An order of suspension must ~~shall~~
3062 state the period ~~of time~~ of such suspension, which period may
3063 not be in excess of 2 years from the date of such order. An
3064 order of revocation may be entered for a period not exceeding 5
3065 years. Such orders shall effect suspension or revocation of all
3066 licenses or permits issued by the division to ~~then held by~~ the
3067 person, and during such period a ~~of time~~ ~~no~~ license or permit
3068 may not ~~shall~~ be issued by the division to such person. During
3069 the suspension or revocation of any license or permit, the
3070 former licensee or permittee may ~~shall~~ not engage in or attempt
3071 or profess to engage in any transaction or business for which a
3072 license or permit is required under this chapter or directly or
3073 indirectly own, control, or be employed in any manner by any
3074 firm, business, or corporation for which a license or permit

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3075 under this chapter is required. If, during the period between
3076 the beginning of proceedings and the entry of an order of
3077 suspension or revocation by the State Fire Marshal, a new
3078 license or permit has been issued by the division to the person
3079 so charged, the order of suspension or revocation shall operate
3080 to suspend or revoke such new license or permit held by such
3081 person.

3082 (4) In addition to the grounds set forth in subsection (1),
3083 it is cause for denial, nonrenewal, revocation, or suspension of
3084 a license or permit by the State Fire Marshal if she or he
3085 determines that the licensee or permittee has:

3086 (e) Failed to provide proof of insurance to the State Fire
3087 Marshal or failed to maintain in force the insurance coverage
3088 required by s. 633.304 ~~633.061~~.

3089 Section 41. Section 633.521, Florida Statutes, is
3090 transferred and renumbered as section 633.318, Florida Statutes,
3091 and subsection (1), paragraph (a) of subsection (2), paragraphs
3092 (c) and (g) of subsection (3), and subsections (4), (8), and
3093 (11) of that section are amended, to read:

3094 633.318 ~~633.521~~ Certificate application and issuance;
3095 permit issuance; examination and investigation of applicant.—

3096 (1) To obtain a fire protection system contractor's
3097 certificate, an applicant shall submit to the division ~~State~~
3098 ~~Fire Marshal~~ an application in writing, on a form provided by
3099 the division ~~State Fire Marshal~~ containing the information
3100 prescribed, which shall be accompanied by the fee fixed herein,
3101 containing a statement that the applicant desires the issuance
3102 of a certificate and stating the class of certificate requested.

3103 (2) (a) Examinations shall be administered by the division

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3104 ~~State Fire Marshal~~ and held at times and places within the state
3105 as the division ~~State Fire Marshal~~ determines, but there shall
3106 be at least two examinations a year. Each applicant shall take
3107 and pass an objective, written examination of her or his fitness
3108 for a certificate in the class for which the application is
3109 requested. There shall be a type of examination for each class
3110 of certificate for contractors as ~~of the classes of certificates~~
3111 defined in s. 633.102 ~~633.021(5)~~. The examination must ~~shall~~
3112 test the applicant's ability to lay out, fabricate, install,
3113 alter, repair, and inspect fire protection systems and their
3114 appurtenances and must ~~shall~~ test the applicant's fitness in
3115 business and financial management. The test must ~~shall~~ be based
3116 on applicable standards of the National Fire Protection
3117 Association and on relevant Florida and federal laws pertaining
3118 to the construction industry, safety standards, administrative
3119 procedures, and pertinent technical data.

3120 (3)

3121 (c) Required education and experience for certification as
3122 a Contractor I, Contractor II, Contractor III, or Contractor IV
3123 includes training and experience in both installation and system
3124 layout as defined in s. 633.102 ~~633.021~~.

3125 (g) Within 30 days after the date of the examination, the
3126 division ~~State Fire Marshal~~ shall inform the applicant in
3127 writing whether she or he has qualified or not and, if the
3128 applicant has qualified, that she or he is eligible ~~ready~~ to be
3129 issued ~~issue~~ a certificate of competency, subject to compliance
3130 with the requirements of subsection (4).

3131 (4) As a prerequisite to issuance of a certificate, the
3132 division must ~~State Fire Marshal shall~~ require the applicant to

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3133 submit satisfactory evidence that she or he has obtained
3134 insurance providing coverage for comprehensive general liability
3135 for bodily injury and property damages, products liability,
3136 completed operations, and contractual liability. The division
3137 ~~State Fire Marshal~~ may adopt rules providing for the amount of
3138 insurance, but such amount shall not be less than \$500,000 for a
3139 Contractor I, Contractor II, Contractor III, or Contractor V and
3140 shall not be less than \$250,000 for a Contractor IV. An insurer
3141 which provides such coverage shall notify ~~within 30 days~~ the
3142 division within 30 days ~~State Fire Marshal~~ of any material
3143 change in coverage or any termination, cancellation, or
3144 nonrenewal of such coverage. An insurer which fails to so notify
3145 the division ~~State Fire Marshal's office~~ shall be subject to the
3146 penalties provided under s. 624.4211.

3147 (8) An individual employed by a Contractor I or Contractor
3148 II certificateholder, as established in this section, who will
3149 be inspecting water-based fire protection systems as required
3150 under s. 633.312 ~~633.082~~, must be issued a permit by the
3151 division ~~State Fire Marshal~~ to conduct such work. The permit is
3152 valid solely for use by the holder thereof in his or her
3153 employment by the certificateholder named in the permit. A
3154 permittee must have a valid and subsisting permit upon his or
3155 her person at all times while engaging in inspecting fire
3156 protection systems, and a permit holder must be able to produce
3157 such a permit upon demand. In addition, a permittee shall, at
3158 all times while performing inspections, carry an identification
3159 card containing his or her photograph and other identifying
3160 information as prescribed by the State Fire Marshal, and the
3161 permittee must produce the identification card and information

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3162 upon demand. The permit and the identification may be one and
3163 the same. A permittee is limited as to the specific type of work
3164 performed, depending upon the class of certificate held by the
3165 certificateholder under whom the permittee is working. The
3166 permit class shall be known as a Water-Based Fire Protection
3167 Inspector whose permit allows the holder to inspect water
3168 sprinkler systems, water spray systems, foam-water sprinkler
3169 systems, foam-water spray systems, standpipes, combination
3170 standpipes and sprinkler systems, all piping that is an integral
3171 part of the system beginning at the point where the piping is
3172 used exclusively for fire protection, sprinkler tank heaters,
3173 air lines, thermal systems used in connection with sprinklers,
3174 and tanks and pumps connected thereto, excluding preengineered
3175 systems.

3176 (11) It is intended that a certificateholder, or a
3177 permitholder who is employed by a certificateholder, conduct
3178 inspections required by this chapter. It is understood that
3179 after July 1, 2008, employee turnover may result in a depletion
3180 of personnel who are certified under the NICET Sub-field of
3181 Inspection and Testing of Fire Protection Systems Level II or
3182 equivalent training and education as required by the division ~~of~~
3183 ~~State Fire Marshal~~. A certificateholder may obtain a provisional
3184 permit with an endorsement for inspection, testing, and
3185 maintenance of water-based fire extinguishing systems for an
3186 employee if the employee has initiated procedures for obtaining
3187 Level II certification from the National Institute for
3188 Certification in Engineering Technologies Sub-field of
3189 Inspection and Testing of Fire Protection Systems and achieved
3190 Level I certification or an equivalent level as determined by

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3191 the State Fire Marshal through verification of experience,
3192 training, and examination. The division ~~State Fire Marshal~~ may
3193 establish rules to administer this subsection. After 2 years of
3194 provisional certification, the employee must have achieved NICET
3195 Level II certification or obtain equivalent training and
3196 education as determined by the division, or cease performing
3197 inspections requiring Level II certification. The provisional
3198 permit is valid only for the 2 calendar years after the date of
3199 issuance, may not be extended, and is not renewable. After the
3200 initial 2-year provisional permit expires, the certificateholder
3201 must wait 2 additional years before a new provisional permit may
3202 be issued. The intent is to prohibit the certificateholder from
3203 using employees who never reach NICET Level II status, or
3204 equivalent training and education as determined by the division,
3205 by continuously obtaining provisional permits.

3206 Section 42. Section 633.551, Florida Statutes, is
3207 transferred and renumbered as section 633.322, Florida Statutes,
3208 and subsections (1) through (3) of that section are amended, to
3209 read:

3210 633.322 ~~633.551~~ County, ~~and~~ municipal, and special district
3211 powers; effect of ch. 75-240.—

3212 (1) ~~Nothing in~~ This chapter does not limit act limits the
3213 power of a municipality, ~~or~~ county, or special district to
3214 regulate the quality and character of work performed by
3215 contractors through a system of permits, fees, and inspections
3216 which are designed to secure compliance with, and aid in the
3217 implementation of, state and local building laws or to enforce
3218 other local laws for the protection of the public health and
3219 safety.

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3220 (2) ~~Nothing in This chapter does not limit act limits~~ the
3221 power of a municipality, ~~or~~ county, or special district to adopt
3222 any system of permits requiring submission to and approval by
3223 the municipality, ~~or~~ county, or special district of plans and
3224 specifications for work to be performed by contractors before
3225 commencement of the work, except that a ~~no~~ municipality, ~~or~~
3226 county, or special district may not ~~shall~~ require a fire
3227 protection system contractor's shop drawings to be sealed by a
3228 professional engineer.

3229 (3) An ~~Any~~ official authorized to issue building or other
3230 related permits shall ascertain that the applicant contractor is
3231 duly certified before issuing the permit. The evidence shall
3232 consist only of the exhibition to him or her of ~~current~~ evidence
3233 of current certification.

3234 Section 43. Section 633.527, Florida Statutes, is
3235 transferred and renumbered as section 633.324, Florida Statutes.

3236 Section 44. Section 633.531, Florida Statutes, is
3237 transferred and renumbered as section 633.326, Florida Statutes.

3238 Section 45. Section 633.534, Florida Statutes, is
3239 transferred and renumbered as section 633.328, Florida Statutes,
3240 and subsection (4) of that section is amended, to read:

3241 633.328 ~~633.534~~ Issuance of certificate to individuals and
3242 business organizations.—

3243 (4) If ~~When~~ the certified business organization makes
3244 application for an occupational license in any municipality or
3245 county of this state, the application must ~~shall~~ be made with
3246 the tax collector in the name of the business organization, and
3247 the license, when issued, shall be issued to the business
3248 organization upon payment of the appropriate licensing fee and

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3249 exhibition to the tax collector of a valid certificate issued by
3250 the division ~~State Fire Marshal~~.

3251 Section 46. Section 633.537, Florida Statutes, is
3252 transferred and renumbered as section 633.332, Florida Statutes,
3253 and subsections (1) and (2) and paragraph (a) of subsection (3)
3254 of that section are amended, to read:

3255 633.332 ~~633.537~~ Certificate; expiration; renewal; inactive
3256 certificate; continuing education.—

3257 (1) Certificates shall expire every 2 years at midnight on
3258 June 30. ~~Effective with the June 30, 1998, renewal,~~ All
3259 certificates must be renewed every 2 years. The failure to renew
3260 a certificate before ~~during~~ June 30, shall cause the certificate
3261 to become inoperative, and it is unlawful thereafter for a ~~any~~
3262 person to engage, offer to engage, or hold herself or himself
3263 out as engaging in contracting under the certificate unless the
3264 certificate is restored or reissued. A certificate which is
3265 inoperative because of failure to renew shall be restored on
3266 payment of the proper renewal fee if the application for
3267 restoration is made within 90 days after June 30. If the
3268 application for restoration is not made within the 90-day
3269 period, the fee for restoration must ~~shall~~ be equal to the
3270 original application fee, and, in addition, the State Fire
3271 Marshal must ~~shall~~ require examination or reexamination of the
3272 applicant.

3273 (2) A person who holds a valid certificate may maintain
3274 such certificate in an inactive status during which time she or
3275 he may not engage in contracting. An inactive status certificate
3276 shall be void after a 2-year period. ~~The biennial renewal fee~~
3277 ~~for an inactive status certificate shall be \$75.~~ An inactive

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3278 status certificate may be reactivated upon application to the
3279 State Fire Marshal and payment of the initial application fee.

3280 (3) (a) A certificate for the Contractor I, II, and III
3281 classifications as defined in this chapter may ~~shall~~ not be
3282 renewed unless the certificateholder produces documentation of
3283 at least 32 contact hours of continuing education in the fire
3284 protection discipline during the biennial licensure period.
3285 Holders of Contractor IV certificates are required to obtain 14
3286 contact hours of continuing education encompassing the
3287 appropriate National Fire Protection Association fire sprinkler
3288 documents before ~~prior to~~ renewal. Holders of Contractor V
3289 certificates are required to obtain 14 contact hours of
3290 continuing education before ~~prior to~~ renewal, at least 1 hour of
3291 which is in the fire protection discipline. Any continuing
3292 education hours approved pursuant to chapter 489 by the
3293 Construction Industry Licensing Board for underground utility
3294 and excavation contractors shall be considered as also approved
3295 to comply with Contractor V continuing education requirements. A
3296 Contractor V certificateholder shall provide to the State Fire
3297 Marshal evidence of approval of such coursework by the
3298 Construction Industry Licensing Board.

3299 Section 47. Section 633.539, Florida Statutes, is
3300 transferred and renumbered as section 633.334, Florida Statutes,
3301 and paragraph (a) of subsection (1) and subsections (2) and (4)
3302 of that section are amended, to read:

3303 633.334 ~~633.539~~ Requirements for installation, inspection,
3304 and maintenance of fire protection systems.-

3305 (1) The requirements for installation of fire protection
3306 systems are as follows:

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3307 (a) Contractors of fire protection systems shall be
3308 certified under s. 633.318 ~~633.521~~.

3309 (2) Equipment shall be inspected, serviced, and maintained
3310 in accordance with the manufacturer's maintenance procedures and
3311 with applicable National Fire Protection Association standards.
3312 The inspection of fire protection systems shall be conducted by
3313 a certificateholder or holder of a permit issued by the division
3314 ~~State Fire Marshal~~. The permitholder may perform inspections on
3315 fire protection systems only while employed by the
3316 certificateholder. This section does not prohibit the authority
3317 having jurisdiction or insurance company representatives from
3318 reviewing the system in accordance with acceptable oversight
3319 standards.

3320 (4) The Contractor V may install the cross-connection
3321 backflow prevention device as defined in this chapter on new
3322 installations following the engineer of record's direction on
3323 the type and size of the device. The retrofitting of a backflow
3324 device on an existing fire protection system will cause a
3325 reduction in available water pressure and probable system
3326 malfunction. The development of aboveground fire protection
3327 system hydraulic calculations is a task of the Contractor I and
3328 II, as defined in this chapter. Accordingly, a Contractor V is
3329 expressly prohibited from retrofitting cross-connection backflow
3330 prevention devices on an existing fire protection system, and
3331 only a Contractor I or Contractor II who is tasked to
3332 recalculate the system and take corrective actions to ensure
3333 that the system will function with the available water supply
3334 may retroactively install these backflow devices on existing
3335 fire protection systems.

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3336 Section 48. Section 633.541, Florida Statutes, is
3337 transferred and renumbered as section 633.336, Florida Statutes,
3338 and subsections (1), (3), and (4) of that section are amended,
3339 to read:

3340 633.336 ~~633.541~~ Contracting without certificate prohibited;
3341 violations; penalty.—

3342 (1) It is unlawful for any organization or individual to
3343 engage in the business of layout, fabrication, installation,
3344 inspection, alteration, repair, or service of a fire protection
3345 system, other than a preengineered system, act in the capacity
3346 of a fire protection contractor, or advertise itself as being a
3347 fire protection contractor without having been duly certified
3348 and holding a valid and existing certificate, except as
3349 hereinafter provided. The holder of a certificate used to
3350 qualify an organization must be a full-time employee of the
3351 qualified organization or business. A certificateholder who is
3352 employed by more than one fire protection contractor during the
3353 same ~~period of~~ time is deemed not to be a full-time employee of
3354 either contractor. The State Fire Marshal shall revoke, for a
3355 period ~~of time~~ determined by the State Fire Marshal, the
3356 certificate of a certificateholder who allows the use of the
3357 certificate to qualify a company of which the certificateholder
3358 is not a full-time employee. A contractor who maintains more
3359 than one place of business must employ a certificateholder at
3360 each location. ~~Nothing in~~ This subsection does not prohibit
3361 ~~prohibits~~ an employee acting on behalf of governmental entities
3362 from inspecting and enforcing firesafety codes, provided such
3363 employee is certified under s. 633.216 ~~633.081~~.

3364 (3) A ~~Any~~ person who violates any provision of this act or

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3365 commits any of the acts constituting cause for disciplinary
3366 action as herein set forth commits ~~is guilty of~~ a misdemeanor of
3367 the second degree, punishable as provided in s. 775.082 or s.
3368 775.083.

3369 (4) In addition to the penalties provided in subsection
3370 (3), a fire protection contractor certified under this chapter
3371 who violates any provision of this section or who commits any
3372 act constituting cause for disciplinary action is subject to
3373 suspension or revocation of the certificate and administrative
3374 fines pursuant to s. 633.338 ~~633.547~~.

3375 Section 49. Section 633.547, Florida Statutes, is
3376 transferred and renumbered as section 633.338, Florida Statutes,
3377 and paragraphs (d) and (h) of subsection (2) and subsection (3)
3378 of that section are amended, to read:

3379 633.338 ~~633.547~~ Disciplinary action; fire protection system
3380 contractors; grounds for denial, nonrenewal, suspension, or
3381 revocation of certificate or permit.—

3382 (2) The following acts constitute cause for disciplinary
3383 action:

3384 (d) Disciplinary action by any municipality, ~~or~~ county, or
3385 special district, which action shall be reviewed by the State
3386 Fire Marshal before taking any disciplinary action.

3387 (h) Failing to provide proof of insurance to the State Fire
3388 Marshal or failing to maintain in force the insurance coverage
3389 required by s. 633.318 ~~633.521~~.

3390 (3) The State Fire Marshal ~~is authorized to take the~~
3391 ~~following disciplinary action:~~

3392 ~~(a) She or he~~ may suspend the contractor's certificate
3393 ~~certificateholder~~ for a period of up to not to exceed 2 years.

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3394 During that period, the contractor must cease all operations as
3395 a contractor, but the State Fire Marshal may authorize the
3396 certificateholder from all operations as a contractor during the
3397 period fixed by the State Fire Marshal, but she or he may permit
3398 the certificateholder to complete any contracts then incomplete.

3399 ~~(b) She or he may revoke a certificate for a period not to~~
3400 ~~exceed 5 years.~~

3401 Section 50. Section 633.549, Florida Statutes, is
3402 transferred, renumbered as section 633.342, Florida Statutes,
3403 and amended to read:

3404 633.342 ~~633.549~~ Violations subject to injunction.—A ~~Any~~
3405 person who operates as a contractor without a current
3406 certificate or who violates any part of this chapter or any
3407 rule, decision, order, direction, demand, or requirement of the
3408 State Fire Marshal in relation thereto, or any part or provision
3409 thereof, may be enjoined by the courts of the state from any
3410 such violation or such unauthorized or unlawful contracting at
3411 the request ~~instance~~ of the State Fire Marshal, the board, or
3412 any resident ~~citizen~~ or taxpayer of the state.

3413 Section 51. Section 633.554, Florida Statutes, is
3414 transferred and renumbered as section 633.344, Florida Statutes.

3415 Section 52. Section 633.70, Florida Statutes, is
3416 transferred and renumbered as section 633.346, Florida Statutes,
3417 and subsection (1) of that section is amended, to read:

3418 633.346 ~~633.70~~ Jurisdiction of State Fire Marshal over
3419 alarm system contractors and certified unlimited electrical
3420 contractors.—

3421 (1) If ~~When~~ the State Fire Marshal, in the course of its
3422 activities pursuant to s. 633.104(2) ~~633.01(2)~~, determines that

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3423 an alarm system contractor or a certified unlimited electrical
3424 contractor working with an alarm system has violated any
3425 provision of this chapter or the rules of the State Fire
3426 Marshal, the State Fire Marshal shall have jurisdiction,
3427 notwithstanding any other provision of this chapter, to order
3428 corrective action by the alarm system contractor or the
3429 certified unlimited electrical contractor to bring the alarm
3430 system into compliance with applicable standards set forth in
3431 this chapter and the rules of the State Fire Marshal.

3432 Section 53. Section 633.701, Florida Statutes, is
3433 transferred and renumbered as section 633.348, Florida Statutes.

3434 Section 54. Section 633.702, Florida Statutes, is
3435 transferred and renumbered as section 633.3482, Florida
3436 Statutes, and subsection (2) and paragraph (c) of subsection (3)
3437 of that section are amended, to read:

3438 633.3482 ~~633.702~~ Prohibited acts regarding alarm system
3439 contractors or certified unlimited electrical contractors;
3440 penalties.—

3441 (2) A ~~Any~~ person who violates this section commits ~~is~~
3442 ~~guilty of~~ a misdemeanor of the second degree, punishable as
3443 provided in s. 775.082 or s. 775.083.

3444 (3) It is a misdemeanor of the first degree, punishable as
3445 provided in s. 775.082 or s. 775.083, for any fire alarm system
3446 contractor or certified unlimited electrical contractor to
3447 intentionally or willfully:

3448 (c) Knowingly combine ~~combining~~ or conspire ~~conspiring~~ with
3449 a ~~any~~ person by allowing one's certificate to be used by an ~~any~~
3450 uncertified person with intent to evade ~~the provisions of~~ this
3451 act. When a licensee allows his or her license to be used by one

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3452 or more companies without having any active participation in the
 3453 operation or management of the ~~said~~ companies, such act
 3454 constitutes prima facie evidence of any intent to evade ~~the~~
 3455 ~~provisions of this chapter act.~~

3456 Section 55. The Division of Law Revision and Information is
 3457 directed to create part IV of chapter 633, Florida Statutes,
 3458 consisting of sections 633.402, 633.404, 633.406, 633.408,
 3459 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
 3460 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,
 3461 and 633.446, Florida Statutes, to be entitled "Fire Standards
 3462 and Training."

3463 Section 56. Section 633.31, Florida Statutes, is
 3464 transferred and renumbered as section 633.402, Florida Statutes,
 3465 subsection (1) of that section is amended, and new subsections
 3466 (5) through (9) are added to that section, to read:

3467 633.402 ~~633.31~~ Firefighters Employment, Standards, and
 3468 Training Council; organization; meetings; quorum; compensation;
 3469 seal; special powers; firefighter training.-

3470 (1) There is created within the department a Firefighters
 3471 Employment, Standards, and Training Council of 14 ~~13~~ members.

3472 (a) The members shall be appointed as follows:

3473 1. Two ~~members~~ shall be fire chiefs appointed by the
 3474 Florida Fire Chiefs Association.7

3475 2. Two ~~members~~ shall be firefighters, who are not officers,
 3476 appointed by the Florida Professional Firefighters Association.7

3477 3. Two ~~members~~ shall be firefighter officers, who are not
 3478 fire chiefs, appointed by the State Fire Marshal.7

3479 4. One individual ~~member~~ appointed by the Florida League of
 3480 Cities.7

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3481 5. One individual member appointed by the Florida
3482 Association of Counties.~~7~~

3483 6. One individual member appointed by the Florida
3484 Association of Special Districts.~~7~~

3485 7. One individual member appointed by the Florida Fire
3486 Marshals' and Inspectors' ~~Marshal's~~ Association.~~7~~ and

3487 8. One employee of the Florida Forest Service of the
3488 Department of Agriculture and Consumer Services appointed by the
3489 director of the Florida Forest Service.

3490 9. One individual member appointed by the State Fire
3491 Marshal.~~7~~ and

3492 10. One member shall be a director or instructor of a
3493 state-certified firefighting training facility appointed by the
3494 State Fire Marshal.

3495 11. The remaining member, who shall be appointed by the
3496 State Fire Marshal, may not be a member or representative of the
3497 firefighting profession or of any local government.

3498 (b) To be eligible for appointment as a member under
3499 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
3500 subparagraph (a)8., or subparagraph (a)10. fire chief member,
3501 firefighter officer member, firefighter member, or a director or
3502 instructor of a state-certified firefighting facility, a person
3503 must shall have had at least 4 years' experience in the
3504 firefighting profession. ~~The remaining member, who shall be~~
3505 ~~appointed by the State Fire Marshal, shall not be a member or~~
3506 ~~representative of the firefighting profession or of any local~~
3507 ~~government.~~ Members shall serve only as long as they continue to
3508 meet the criteria under which they were appointed, or unless a
3509 member has failed to appear at three consecutive and properly

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3510 noticed meetings unless excused by the chair.

3511 (5) The council shall elect to 1-year terms a chair and a
3512 vice chair. A person may not serve more than two consecutive
3513 terms in either office.

3514 (6) The council shall meet at the call of the chair, at the
3515 request of a majority of its membership, at the request of the
3516 department, or at such times as are prescribed by its rules, and
3517 a majority of the council shall constitute a quorum.

3518 (7) Members of the council shall serve without compensation
3519 but shall be entitled to be reimbursed for per diem and travel
3520 expenses as provided by s. 112.061.

3521 (8) The council may adopt a seal for its use containing the
3522 words "Firefighters Employment, Standards, and Training
3523 Council."

3524 (9) The council shall have special powers in connection
3525 with the employment and training of firefighters to:

3526 (a) Recommend, for adoption by the division, uniform
3527 minimum standards for the employment and training of
3528 firefighters and training of volunteer firefighters.

3529 (b) Recommend, for adoption by the division, minimum
3530 curriculum requirements for schools operated by or for any fire
3531 service provider for the specific purpose of training
3532 firefighter trainees, firefighters, and volunteer firefighters.

3533 (c) Recommend, for adoption by the division, on matters
3534 relating to the funding, general operation, and administration
3535 of the Bureau of Fire Standards and Training (Florida State Fire
3536 College), including, but not limited to, all standards,
3537 training, curriculum, and the issuance of any certificate of
3538 competency required by this chapter.

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3539 (d) Make or support studies on any aspect of firefighting
3540 employment, education, and training or recruitment.

3541 (e) Make recommendations concerning any matter within its
3542 purview pursuant to this section.

3543 Section 57. Section 633.42, Florida Statutes, is
3544 transferred, renumbered as section 633.404, Florida Statutes,
3545 and amended to read:

3546 633.404 ~~633.42~~ Additional standards authorized.—Nothing
3547 herein shall be construed to preclude a fire service provider ~~an~~
3548 ~~employing agency~~ from establishing qualifications and standards
3549 for hiring, training, or promoting firefighters that exceed the
3550 minimum set by the division ~~department~~.

3551 Section 58. Section 633.406, Florida Statutes, is created
3552 to read:

3553 633.406 Classes of certification.—

3554 (1) The division may award one or more of the following
3555 certificates:

3556 (a) Firefighter Certificate of Compliance.—A Firefighter
3557 Certificate of Compliance may be awarded to a person who meets
3558 the requirements established in s. 633.408(4).

3559 (b) Fire Safety Inspector Certificate of Compliance.—A Fire
3560 Safety Inspector Certificate of Compliance may be awarded to a
3561 person who meets the requirements established in s. 633.216(2).

3562 (c) Special Certificate of Compliance.—A Special
3563 Certificate of Compliance may be awarded to a person who
3564 qualifies under s. 633.408(6).

3565 (d) Forestry Certificate of Compliance.—A Forestry
3566 Certificate of Compliance may be awarded to a person who has
3567 satisfactorily complied with a training program and successfully

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3568 passed an examination as prescribed by rule, and who possesses
3569 the qualifications established in s. 590.02(1) (e).

3570 (e) Fire Service Instructor Certificate.—A Fire Service
3571 Instructor Certificate may be awarded to a person who
3572 demonstrates general or specialized knowledge, skills, and
3573 abilities in firefighting service and meets the qualification
3574 requirements prescribed by rule.

3575 (f) Certificate of Competency.—A Certificate of Competency
3576 may be awarded to a person who meets the experience, training,
3577 advanced education, or examination requirements as prescribed by
3578 rule, and is especially qualified for particular aspects of
3579 firefighting service.

3580 (g) Volunteer Firefighter Certificate of Completion.—A
3581 Volunteer Firefighter Certificate of Completion may be awarded
3582 to a person who has satisfactorily completed the training
3583 requirements as prescribed by rule for a volunteer firefighter.

3584 (2) The division may establish by rule certificates, in
3585 addition to those provided in subsection (1), that the division
3586 may award in recognition of special training or education
3587 received by an individual, authorizing that individual to
3588 perform specialized firefighting services or provide specialized
3589 firefighting instruction, such as hazardous materials and urban
3590 search and rescue.

3591 Section 59. Section 633.35, Florida Statutes, is
3592 transferred, renumbered as section 633.408, Florida Statutes,
3593 and amended to read:

3594 633.408 ~~633.35~~ Firefighter and volunteer firefighter
3595 training and certification.—

3596 (1) The division shall establish by rule:

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3597 (a) A Minimum Standards Course and course examination to
3598 provide the training required to obtain a Firefighter
3599 Certificate of Compliance.

3600 (b) Courses and course examinations to provide training
3601 required to obtain a Volunteer Firefighter Certificate of
3602 Completion or a Special Certificate of Compliance.

3603 (c) Courses to provide continuing training for firefighters
3604 and volunteer firefighters.

3605 (2) Courses under subsection (1) may only be administered
3606 by education or training providers approved by the division
3607 pursuant to s. 633.128(1)(c) and taught by instructors certified
3608 pursuant to s. 633.128(1)(d) a firefighter training program of
3609 not less than 360 hours, administered by such agencies and
3610 institutions as it approves for the purpose of providing basic
3611 employment training for firefighters.

3612 (3)(a) Nothing herein shall require a fire service provider
3613 public employer to pay the cost of such training.

3614 (b) A fire service provider may pay part or all of the
3615 costs of tuition for attendance at approved courses.

3616 (4)(2) The division shall issue a firefighter certificate
3617 of compliance to an any individual who does all of the
3618 following:

3619 (a) person Satisfactorily completes complying with the
3620 Minimum Standards Course or who has satisfactorily completed
3621 training for firefighters in another state which has been
3622 determined by the division to be at least the equivalent of the
3623 training required for the Minimum Standards Course.

3624 (b) Passes the Minimum Standards Course examination.
3625 training program established in subsection (1), who has

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3626 ~~successfully passed an examination as prescribed by the~~
3627 ~~division, and~~

3628 ~~(c) who Possesses the qualifications for employment in s.~~
3629 ~~633.412 ~~633.34, except s. 633.34(5).~~~~

3630 ~~(5) The division shall issue a Volunteer Firefighter~~
3631 ~~Certificate of Completion to any individual who satisfactorily~~
3632 ~~completes the course established under paragraph (1)(b) No~~
3633 ~~person may be employed as a regular or permanent firefighter by~~
3634 ~~an employing agency, or by a private entity under contract with~~
3635 ~~the state or any political subdivision of the state, including~~
3636 ~~authorities and special districts, for a period of time in~~
3637 ~~excess of 1 year from the date of initial employment until he or~~
3638 ~~she has obtained such certificate of compliance. A person who~~
3639 ~~does not hold a certificate of compliance and is employed under~~
3640 ~~this section may not directly engage in hazardous operations,~~
3641 ~~such as interior structural firefighting and hazardous-~~
3642 ~~materials incident mitigation, requiring the knowledge and~~
3643 ~~skills taught in a training program established in subsection~~
3644 ~~(1). However, a person who has served as a volunteer firefighter~~
3645 ~~with the state or any political subdivision of the state,~~
3646 ~~including authorities and special districts, who is then~~
3647 ~~employed as a regular or permanent firefighter may function,~~
3648 ~~during this period, in the same capacity in which he or she~~
3649 ~~acted as a volunteer firefighter, provided that he or she has~~
3650 ~~completed all training required by the volunteer organization.~~

3651 ~~(3) The division may issue a certificate to any person who~~
3652 ~~has received basic employment training for firefighters in~~
3653 ~~another state when the division has determined that such~~
3654 ~~training was at least equivalent to that required by the~~

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3655 ~~division for approved firefighter education and training~~
3656 ~~programs in this state and when such person has satisfactorily~~
3657 ~~complied with all other requirements of this section.~~

3658 (6) (a) The division may ~~also~~ issue a Special Certificate of
3659 Compliance to an individual ~~a person~~ who does all of the
3660 following:

3661 1. Satisfactorily completes the course established in
3662 paragraph (1) (b) to obtain a Special Certificate of Compliance.

3663 2. Passes the examination established in paragraph (1) (b)
3664 to obtain a Special Certificate of Compliance.

3665 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~
3666 ~~qualified under this section and who is employed as the~~
3667 ~~administrative and command head of a fire/rescue/emergency~~
3668 ~~services organization, based on the acknowledgment that such~~
3669 ~~person is less likely to need physical dexterity and more likely~~
3670 ~~to need advanced knowledge of firefighting and supervisory~~
3671 ~~skills.~~

3672 (b) A Special ~~The~~ Certificate of Compliance ~~is valid only~~
3673 authorizes an individual to serve ~~while the person is serving in~~
3674 ~~a position as an administrative and command head of a~~ fire
3675 service provider ~~fire/rescue/emergency services organization.~~

3676 (7) (4) An individual ~~A person~~ who fails an examination
3677 given under this section may retake the examination once within
3678 6 months after the original examination date. If the individual
3679 ~~An applicant who~~ does not retake the examination or fails the
3680 reexamination within such time, the individual must take the
3681 Minimum Standards Course for a Firefighter Certificate of
3682 Compliance or the course established under paragraph (1) (b) for
3683 a Special Certificate of Compliance, ~~pursuant to subsection (1),~~

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3684 before being reexamined. The division may grant an extension of
3685 the 6-month period based upon documented medical necessity and
3686 may establish reasonable preregistration deadlines for ~~such~~
3687 reexaminations.

3688 ~~(8)(5)~~ Pursuant to s. 590.02(1)(e), the division shall
3689 establish a structural fire training program of not less than
3690 206 ~~40~~ hours. The division shall issue to a ~~any~~ person
3691 satisfactorily complying with this training program and who has
3692 successfully passed an examination as prescribed by the division
3693 and who has met the requirements of s. 590.02(1)(e), a Forestry
3694 Certificate of Compliance ~~Certificate of Forestry Firefighter~~.

3695 ~~(6)~~ An individual who holds a current and valid Forestry
3696 Certificate of Compliance ~~A certified forestry firefighter~~ is
3697 entitled to the same rights, privileges, and benefits provided
3698 for by law as a ~~certified~~ firefighter.

3699 Section 60. Section 633.34, Florida Statutes, is
3700 transferred, renumbered as section 633.412, Florida Statutes,
3701 and amended to read:

3702 633.412 ~~633.34~~ Firefighters; qualifications for
3703 certification ~~employment~~.

3704 (1) ~~Any~~ person applying for certification ~~employment~~ as a
3705 firefighter must:

3706 (a) ~~(1)~~ Be a high school graduate or the equivalent, as the
3707 term may be determined by the division, and at least 18 years of
3708 age.

3709 (b) ~~(2)~~ Not ~~Neither~~ have been convicted of a misdemeanor
3710 relating to the certification or to perjury or false statements,
3711 or a felony or a crime punishable by imprisonment of 1 year or
3712 more under the law of the United States or of any state thereof

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3713 or under the law of any other country, or dishonorably
3714 discharged from any of the Armed Forces of the United States.
3715 "Convicted" means a finding of guilt or the acceptance of a plea
3716 of guilty or nolo contendere, in any federal or state court or a
3717 court in any other country, without regard to whether a judgment
3718 of conviction has been entered by the court having jurisdiction
3719 of the case ~~felony or of a misdemeanor directly related to the~~
3720 ~~position of employment sought, nor have pled nolo contendere to~~
3721 ~~any charge of a felony. If an applicant has been convicted of a~~
3722 ~~felony, such applicant must be in compliance with s.~~
3723 ~~112.011(2) (b). If an applicant has been convicted of a~~
3724 ~~misdemeanor directly related to the position of employment~~
3725 ~~sought, such applicant shall be excluded from employment for a~~
3726 ~~period of 4 years after expiration of sentence. If the sentence~~
3727 ~~is suspended or adjudication is withheld in a felony charge or~~
3728 ~~in a misdemeanor directly related to the position or employment~~
3729 ~~sought and a period of probation is imposed, the applicant must~~
3730 ~~have been released from probation.~~

3731 ~~(c)(3)~~ Submit fingerprints ~~a fingerprint card~~ to the
3732 division with a current processing fee. The fingerprints
3733 ~~fingerprint card~~ will be forwarded to the Department of Law
3734 Enforcement for state processing and forwarded by the Department
3735 of Law Enforcement to and/or the Federal Bureau of Investigation
3736 for national processing.

3737 ~~(d)(4)~~ Have a good moral character as determined by
3738 investigation under procedure established by the division.

3739 ~~(e)(5)~~ Be in good physical condition as determined by a
3740 medical examination given by a physician, surgeon, or physician
3741 assistant licensed to practice in the state pursuant to chapter

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3742 458; an osteopathic physician, surgeon, or physician assistant
3743 licensed to practice in the state pursuant to chapter 459; or an
3744 advanced registered nurse practitioner licensed to practice in
3745 the state pursuant to chapter 464. Such examination may include,
3746 but need not be limited to, ~~provisions of~~ the National Fire
3747 Protection Association Standard 1582. A medical examination
3748 evidencing good physical condition shall be submitted to the
3749 division, on a form as provided by rule, before an individual is
3750 eligible for admission into a course under firefighter training
3751 ~~program as defined in s. 633.408 633.35.~~

3752 (f) ~~(6)~~ Be a nonuser of tobacco or tobacco products for at
3753 least 1 year immediately preceding application, as evidenced by
3754 the sworn affidavit of the applicant.

3755 (2) If the division suspends or revokes an individual's
3756 certificate, the division must suspend or revoke all other
3757 certificates issued to the individual by the division pursuant
3758 to this part.

3759 Section 61. Section 633.352, Florida Statutes, is
3760 transferred, renumbered as section 633.414, Florida Statutes,
3761 and amended to read:

3762 633.414 633.352 Retention of firefighter certification.—

3763 (1) In order for a firefighter to retain her or his
3764 Firefighter Certificate of Compliance, every 4 years he or she
3765 must:

3766 (a) Be ~~Any certified firefighter who has not been active as~~
3767 ~~a firefighter, or as a volunteer firefighter with an organized~~
3768 ~~fire department, for a period of 3 years shall be required to~~
3769 ~~retake the practical portion of the minimum standards state~~
3770 ~~examination specified in rule 69A-37.056(6)(b), Florida~~

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3771 ~~Administrative Code, in order to maintain her or his~~
3772 ~~certification as a firefighter;~~

3773 (b) Maintain a current and valid fire service instructor
3774 certificate, instruct at least 40 hours during the 4-year
3775 period, and provide proof of such instruction to the division,
3776 which proof must be registered in an electronic database
3777 designated by the division;

3778 (c) Successfully complete a refresher course consisting of
3779 a minimum of 40 hours of training to be prescribed by rule; or

3780 (d) Within 6 months before the 4-year period expires,
3781 successfully retake and pass the Minimum Standards Course
3782 examination.

3783 (2) In order for a volunteer firefighter to retain her or
3784 his Volunteer Firefighter Certificate of Completion, every 4
3785 years he or she must:

3786 (a) Be active as a volunteer firefighter; or

3787 (b) Successfully complete a refresher course consisting of
3788 a minimum of 40 hours of training to be prescribed by rule.

3789 (3) Subsection (1) however, this requirement does not apply
3790 to state-certified firefighters who are certified and employed
3791 as full-time, as determined by the fire service provider, as
3792 firesafety inspectors or fire investigators firesafety
3793 instructors, regardless of her or his the firefighter's
3794 employment status as a firefighter.

3795 (4) For the purposes of this section, the term "active"
3796 means being employed as a firefighter or providing service as a
3797 volunteer firefighter for a cumulative 6 months within a 4-year
3798 period.

3799 (5) The 4-year 3-year period begins:

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3800 (a) If the individual is certified on or after July 1,
3801 2013, on the date the certificate ~~of compliance~~ is issued or
3802 upon termination of employment or service with a ~~an organized~~
3803 fire department.

3804 (b) If the individual is certified before July 1, 2013, on
3805 July 1, 2014, or upon termination of employment or service
3806 thereafter.

3807 Section 62. Section 633.41, Florida Statutes, is
3808 transferred, renumbered as section 633.416, Florida Statutes,
3809 and amended to read:

3810 633.416 ~~633.41~~ Firefighter employment and volunteer
3811 firefighter service; saving clause.-

3812 (1) A fire service provider may not employ an individual
3813 to:

3814 (a) Extinguish fires for the protection of life or property
3815 or to supervise individuals who perform such services unless the
3816 individual holds a current and valid Firefighter Certificate of
3817 Compliance; or

3818 (b) Serve as the administrative and command head of a fire
3819 service provider for a period in excess of 1 year unless the
3820 individual holds a current and valid Firefighter Certificate of
3821 Compliance or Special Certificate of Compliance.

3822 (2) A fire service provider may not retain the services of
3823 an individual volunteering to extinguish fires for the
3824 protection of life or property or to supervise individuals who
3825 perform such services unless the individual holds a current and
3826 valid Volunteer Firefighter Certificate of Completion.

3827 (3) (a) A fire service provider must make a diligent effort
3828 to determine whether the individual has a current and valid

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3829 certificate before employing or retaining an individual for the
3830 services under subsection (1) or subsection (2), including
3831 making a determination of whether the requirements set forth in
3832 s. 633.414 have been fulfilled.

3833 (b) For the purposes of this subsection, the term "diligent
3834 effort" means contacting at least three of the individual's
3835 previous employers to obtain her or his dates of employment and
3836 contacting the division to determine the certification status of
3837 the individual.

3838 (4) (a) A fire service provider must notify the division
3839 electronically, as directed by rule by the division, within 10
3840 days after:

- 3841 1. The hiring of a firefighter.
- 3842 2. The retention of a volunteer firefighter.
- 3843 3. The cessation of employment of a firefighter.
- 3844 4. A decision not to retain a volunteer firefighter.

3845 (b) Notification under paragraph (a) must include:

- 3846 1. The individual's name.
- 3847 2. The date on which he or she was hired or retained.
- 3848 3. The last date of employment or retention before leaving
3849 the fire service provider.

3850 4. Any other information deemed necessary by the division
3851 to determine compliance with ss. 633.414 and 633.426.

3852 (5) If the fire service provider makes a determination that
3853 an individual has not met the requirements set forth in s.
3854 633.414(1), the fire service provider must notify the division
3855 in writing within 10 days after making that determination.

3856 (6) The division may conduct site visits to fire
3857 departments to monitor compliance with this section.

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3858 (7) For purposes of this section, the term "employ" means
3859 to pay an individual a salary, wage, or other compensation for
3860 the performance of work. The term does not include the payment
3861 of expenses, reasonable benefits, a nominal fee, or a
3862 combination thereof to a volunteer for a public or private fire
3863 service provider who is only paid in a manner that would be
3864 authorized for a volunteer under the federal Fair Labor
3865 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,
3866 and its implementing rules.

3867 (8) Firefighters employed on July 5, 1969, are not required
3868 to meet the provisions of ss. 633.408 and 633.412 ~~633.34 and~~
3869 ~~633.35~~ as a condition of tenure or continued employment, and;
3870 ~~nor shall~~ their failure to fulfill such requirements does not
3871 make them ineligible for any promotional examination for which
3872 they are otherwise eligible or affect in any way any pension
3873 rights to which they may be entitled on July 5, 1969.

3874 Section 63. Section 633.38, Florida Statutes, is
3875 transferred, renumbered as section 633.418, Florida Statutes,
3876 and amended to read:

3877 633.418 ~~633.38~~ Inservice training and promotion;
3878 participation.—

3879 (1) (a) The division shall by rule ~~rules and regulations~~
3880 prescribe curricula and standards for advanced and specialized
3881 training courses and education training in addition to those
3882 prescribed in ss. 633.408 and 633.412 ~~633.34 and 633.35~~.

3883 (b) The standards provided by this section do ~~shall~~ not
3884 bind any fire service provider ~~employing agency~~ as to the
3885 requirements it may have for promoting personnel.

3886 (2) A fire service provider ~~departments or any fire service~~

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3887 participating under ~~the provisions of~~ this section shall adhere
3888 to the standards and procedures established by the division.

3889 Section 64. Section 633.382, Florida Statutes, is
3890 transferred, renumbered as section 633.422, Florida Statutes,
3891 and amended to read:

3892 633.422 ~~633.382~~ Firefighters; supplemental compensation.—

3893 ~~(1) DEFINITIONS. As used in this section, the term:~~

3894 ~~(a) "Employing agency" means any municipality or any~~
3895 ~~county, the state, or any political subdivision of the state,~~
3896 ~~including authorities and special districts employing~~
3897 ~~firefighters.~~

3898 ~~(b) "Firefighter" means any person who meets the definition~~
3899 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~
3900 ~~compliance with s. 633.35 and who is employed solely within the~~
3901 ~~fire department of the employing agency or is employed by the~~
3902 ~~division.~~

3903 ~~(1)(2)~~ QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The
3904 Legislature recognizes the need for supplemental compensation
3905 for firefighters who pursue higher educational opportunities
3906 that directly relate to the improvement of the health, safety,
3907 and welfare of firefighters and those who firefighters protect.
3908 The State Fire Marshal shall determine, and adopt by rule, the
3909 course work or degrees that represent the best practices toward
3910 this goal in the field of firefighting.

3911 (a) In addition to the compensation now paid by a fire
3912 service provider ~~an employing agency~~ to any firefighter, every
3913 firefighter shall be paid supplemental compensation by the fire
3914 service provider ~~employing agency~~ when such firefighter is a
3915 full-time employee, as determined by the employing fire service

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3916 provider, and has complied with one of the following criteria:

3917 1. A ~~Any~~ firefighter who receives an associate degree from
3918 an accredited ~~a~~ college, which degree is directly applicable to
3919 fire department duties, as outlined in policy guidelines adopted
3920 by rule by ~~of~~ the division, shall be additionally compensated as
3921 outlined in paragraph (2) (a) ~~(3) (a)~~.

3922 2. A ~~Any~~ firefighter, regardless of whether or not she or
3923 he earned an associate degree earlier, who receives from an
3924 accredited college or university a bachelor's degree, which
3925 bachelor's degree is directly applicable to fire department
3926 duties, as outlined in policy guidelines adopted by rule by ~~of~~
3927 the division, shall receive compensation as outlined in
3928 paragraph (2) (b) ~~(3) (b)~~.

3929 (b) If ~~Whenever~~ any question arises as to the eligibility
3930 of any firefighter to receive supplemental compensation as
3931 provided in this section, the question, together with all facts
3932 relating thereto, must ~~shall~~ be submitted to the division for
3933 determination, and the decision of the division with regard to
3934 determination of eligibility shall be final, subject to ~~the~~
3935 ~~provisions of~~ chapter 120.

3936 (2) (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation
3937 shall be determined as follows:

3938 (a) Fifty dollars shall be paid monthly to each firefighter
3939 who qualifies under ~~the provisions of~~ subparagraph (1) (a) 1
3940 ~~(2) (a) 1~~.

3941 (b) One hundred and ten dollars shall be paid monthly to
3942 each firefighter who qualifies under ~~the provisions of~~
3943 subparagraph (1) (a) 2 ~~(2) (a) 2~~.

3944 (3) (4) FUNDING.—

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3945 (a) The fire service provider ~~employing agency~~ is
3946 responsible for the correct payment of firefighters pursuant to
3947 ~~the provisions of~~ this section. The division may review, in a
3948 postaudit capacity, any action taken by an agency in
3949 administering the educational incentive program. The fire
3950 service provider ~~employing agency~~ shall take appropriate action
3951 when a postaudit shows that an action taken by the fire service
3952 provider ~~employing agency~~ was in error.

3953 (b) Each fire service provider ~~agency~~ employing
3954 firefighters who are eligible for this compensation shall submit
3955 reports containing information relating to compensation paid as
3956 a result of this section to the division on March 31, June 30,
3957 September 30, and December 31 of each year.

3958 (c) There is appropriated from the Police and Firefighter's
3959 Premium Tax Trust Fund to the Firefighters' Supplemental
3960 Compensation Trust Fund, which is ~~hereby~~ created under the
3961 Department of Revenue, all moneys which have not been
3962 distributed to municipalities and special fire control districts
3963 in accordance with s. 175.121 as a result of the limitation
3964 contained in s. 175.122 on the disbursement of revenues
3965 collected pursuant to chapter 175 or as a result of any
3966 municipality or special fire control district not having
3967 qualified in any given year, or portion thereof, for
3968 participation in the distribution of the revenues collected
3969 pursuant to chapter 175. The total required annual distribution
3970 from the Firefighters' Supplemental Compensation Trust Fund
3971 shall equal the amount necessary to pay supplemental
3972 compensation as provided in this section, provided that:

3973 1. Any deficit in the total required annual distribution

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3974 shall be made up from accrued surplus funds existing in the
3975 Firefighters' Supplemental Compensation Trust Fund on June 30,
3976 1990, for as long as such funds last. If the accrued surplus is
3977 insufficient to cure the deficit in any given year, the
3978 proration of the appropriation among the counties,
3979 municipalities, and special fire service taxing districts shall
3980 equal the ratio of compensation paid in the prior year to
3981 county, municipal, and special fire service taxing district
3982 firefighters pursuant to this section. This ratio shall be
3983 provided annually to the Department of Revenue by the division
3984 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue
3985 on or after July 1, 1990, shall be redistributed to
3986 municipalities and special fire control districts as provided in
3987 subparagraph 2.

3988 2. By October 1 of each year, any funds that have accrued
3989 or accrue on or after July 1, 1990, and remain in the
3990 Firefighters' Supplemental Compensation Trust Fund following the
3991 required annual distribution shall be redistributed by the
3992 Department of Revenue pro rata to those municipalities and
3993 special fire control districts identified by the Department of
3994 Management Services as being eligible for additional funds
3995 pursuant to s. 175.121(3)(b).

3996 (d) Salary incentive payments to firefighters shall
3997 commence in the first full calendar month following the initial
3998 date of certification of eligibility by the division ~~of State~~
3999 ~~Fire Marshal~~.

4000 (e) Special fire service taxing districts are authorized
4001 ~~and empowered to~~ spend ~~expend~~ the funds necessary to ensure
4002 correct payment to firefighters.

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4003 (4)~~(5)~~ LEGISLATIVE FINDINGS.—The payment of supplemental
4004 compensation and expenses of the administration provided by this
4005 section is found to serve a state, county, district, and
4006 municipal purpose and to provide benefit to the state and to its
4007 counties, municipalities, and districts.

4008 (5) APPLICABILITY.—For the purposes of this section, the
4009 division shall be considered a fire service provider responsible
4010 for the payment of supplemental compensation in accordance with
4011 this section to firefighters employed full-time by the division.

4012 Section 65. Section 633.353, Florida Statutes, is
4013 transferred, renumbered as section 633.424, Florida Statutes,
4014 and amended to read:

4015 633.424 ~~633.353~~ Falsification of qualifications.—An
4016 individual ~~Any person~~ who willfully and knowingly falsifies her
4017 or his ~~the~~ qualifications ~~of a new employee~~ to the Bureau of
4018 Fire Standards and Training of the division commits ~~is guilty of~~
4019 a misdemeanor of the second degree, punishable as provided in s.
4020 775.082 or s. 775.083.

4021 Section 66. Section 633.351, Florida Statutes, is
4022 transferred, renumbered as section 633.426, Florida Statutes,
4023 and amended to read:

4024 633.426 ~~633.351~~ Disciplinary action; ~~firefighters;~~
4025 standards for revocation of certification.—

4026 (1) For purposes of this section, the term:

4027 (a) "Certificate" means any of the certificates issued
4028 under s. 633.406.

4029 (b) "Certification" or "certified" means the act of holding
4030 a current and valid certificate.

4031 (c) "Convicted" means a finding of guilt, or the acceptance

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4032 of a plea of guilty or nolo contendere, in any federal or state
4033 court or a court in any other country, without regard to whether
4034 a judgment of conviction has been entered by the court having
4035 jurisdiction of the case.

4036 (2) An individual is ineligible to apply for certification
4037 if the individual has, at any time, been:

4038 (a) Convicted of a misdemeanor relating to the
4039 certification or to perjury or false statements.

4040 (b) Convicted of a felony or a crime punishable by
4041 imprisonment of 1 year or more under the law of the United
4042 States or of any state thereof, or under the law of any other
4043 country.

4044 (c) Dishonorably discharged from any of the Armed Forces of
4045 the United States.

4046 (3) (a) The certification of an individual shall be
4047 permanently revoked if the individual is:

4048 1. Convicted of a misdemeanor relating to perjury or false
4049 statement.

4050 2. Convicted of a felony or a crime punishable by
4051 imprisonment of 1 year or more under the law of the United
4052 States or of any state thereof, or under the law of any other
4053 country.

4054 3. Dishonorably discharged from any of the Armed Forces of
4055 the United States.

4056 (b) For individuals who are certified before July 1, 2013:

4057 1. This subsection applies prospectively to convictions or
4058 dishonorable discharges entered on or after July 1, 2013.

4059 2. Section 633.351 as it existed before July 1, 2013,
4060 applies to convictions entered before July 1, 2013.

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4061 (4) The certification of an individual ~~a firefighter~~ shall
4062 be revoked if evidence is found which demonstrates that the
4063 certification was improperly issued by the division or ~~if~~
4064 ~~evidence is found that the certification~~ was issued on the basis
4065 of false, incorrect, incomplete, or misleading information, or
4066 that the individual has demonstrated a lack of moral fitness or
4067 trustworthiness to carry out the responsibilities under the
4068 individual's certification.

4069 (5) After investigation, if the division has reason to
4070 believe that an individual who is certified may have been
4071 convicted of a felony or of a misdemeanor related to perjury or
4072 false statement in this state or any other state or
4073 jurisdiction, the division may require the individual to submit
4074 fingerprints to the division with a current processing fee. The
4075 fingerprints shall be forwarded by the division to the
4076 Department of Law Enforcement for state processing and shall be
4077 forwarded by the Department of Law Enforcement to the Federal
4078 Bureau of Investigation for national processing.

4079 ~~(2) The certification of a firefighter who is convicted of~~
4080 ~~a felony, or who is convicted of a misdemeanor relating to~~
4081 ~~misleading or false statements, or who pleads nolo contendere to~~
4082 ~~any charge of a felony shall be revoked until the firefighter~~
4083 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~
4084 ~~felony or such misdemeanor charge is suspended or adjudication~~
4085 ~~is withheld, the firefighter's certification shall be revoked~~
4086 ~~until she or he completes any probation.~~

4087 Section 67. Section 633.43, Florida Statutes, is
4088 transferred, renumbered as section 633.428, Florida Statutes,
4089 and amended to read:

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4090 633.428 ~~633.43~~ Florida State Fire College established.—
4091 There is hereby established a state institution to be known as
4092 the Florida State Fire College, to be located at or near Ocala,
4093 Marion County. The institution shall be operated by the division
4094 ~~of State Fire Marshal of the department.~~

4095 Section 68. Section 633.44, Florida Statutes, is
4096 transferred, renumbered as section 633.432, Florida Statutes,
4097 and amended to read:

4098 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
4099 this part ss. 633.43–633.49 and of the Florida State Fire
4100 College are ~~shall be~~:

4101 (1) To provide professional and volunteer firefighters with
4102 needful professional instruction and training in subjects,
4103 including, but not limited to, firefighting, fire prevention,
4104 hazardous materials, urban search and rescue, and emergency
4105 operations, at a minimum of cost to them and to their employers.

4106 (2) To ensure the professionalism and competence of those
4107 performing firefighting, fire prevention, and associated fire
4108 protection functions by administering a system of certification
4109 and licensing.

4110 (3) ~~(2)~~ To develop new methods and practices of firefighting
4111 and fire prevention.

4112 (4) ~~(3)~~ To assist the state and county, municipal, and other
4113 local governments of this state and their agencies and officers
4114 in their investigation and determination of the causes of fires.

4115 (5) ~~(4)~~ To provide testing facilities for testing
4116 firefighting equipment.

4117 (6) ~~(5)~~ To disseminate useful information on fires,
4118 firefighting and fire prevention and other related subjects, to

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4119 fire departments and others interested in such information.

4120 (7)~~(6)~~ To do such other needful or useful things necessary
4121 to the promotion of public safety in the field of fire hazards
4122 and fire prevention work.

4123

4124 It is ~~hereby~~ declared by the Legislature that the above purposes
4125 are legitimate state functions and are designed to promote
4126 public safety.

4127 Section 69. Section 633.48, Florida Statutes, is
4128 transferred, renumbered as section 633.434, Florida Statutes,
4129 and amended to read:

4130 633.434 ~~633.48~~ Superintendent of college.—The division may
4131 employ a superintendent for the Florida State Fire College, who
4132 must ~~shall~~ be especially trained and qualified in firefighting,
4133 fire prevention and fire experimental work, and may employ on
4134 the recommendations of the ~~said~~ superintendent such other
4135 instructors, experimental helpers and laborers as may be
4136 necessary to the proper conduct of the ~~said~~ institution; and may
4137 proceed with the erection and detailed operation of the ~~said~~
4138 institution under ss. 633.428-633.444 ~~633.43-633.49~~.

4139 Section 70. Section 633.461, Florida Statutes, is
4140 transferred, renumbered as section 633.436, Florida Statutes,
4141 and amended to read:

4142 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The
4143 funds received from the Insurance Regulatory Trust Fund shall be
4144 used by the staff of the Florida State Fire College to provide
4145 all necessary services, training, equipment, and supplies to
4146 carry out the college's responsibilities, including, but not
4147 limited to, ~~the State Fire Marshal Scholarship Grant Program and~~

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4148 the procurement of training resources and ~~films, videotapes,~~
4149 ~~audiovisual~~ equipment, and other useful information on fire,
4150 firefighting, and fire prevention, including public fire service
4151 information packages.

4152 Section 71. Section 633.47, Florida Statutes, is
4153 transferred and renumbered as section 633.438, Florida Statutes.

4154 Section 72. Section 633.49, Florida Statutes, is
4155 transferred, renumbered as section 633.442, Florida Statutes,
4156 and amended to read:

4157 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
4158 use.—The division shall have the power to prescribe and shall
4159 make the necessary rules ~~and regulations~~ for the use of
4160 buildings, equipment, and other facilities of the Florida State
4161 Fire College when they are not in use for the purposes set forth
4162 in this part ~~ss. 633.43–633.49~~.

4163 Section 73. Section 633.50, Florida Statutes, is
4164 transferred, renumbered as section 633.444, Florida Statutes,
4165 and amended to read:

4166 633.444 ~~633.50~~ Division powers and duties; Florida State
4167 Fire College.—

4168 (1) The division, in performing its duties related to the
4169 Florida State Fire College, specified in this part ~~ss. 633.43–~~
4170 ~~633.49~~, shall:

4171 (a) Enter into agreements with public or private school
4172 districts, community colleges, junior colleges, or state
4173 universities to carry out its duties and responsibilities.

4174 (b) Review and approve budget requests for the fire college
4175 educational program.

4176 (c) Prepare the legislative budget request for the Florida

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4177 State Fire College education program. The superintendent is
4178 responsible for all expenditures pursuant to appropriations.

4179 (d) Implement procedures to obtain appropriate entitlement
4180 funds from federal and state grants to supplement the annual
4181 legislative appropriation. Such funds must be used expressly for
4182 the fire college educational programs.

4183 (e) Develop a staffing and funding formula for the Florida
4184 State Fire College. The formula must ~~shall~~ include differential
4185 funding levels for various types of programs, must ~~shall~~ be
4186 based on the number of full-time equivalent students and
4187 information obtained from scheduled attendance counts taken the
4188 first day of each program, and must ~~shall~~ provide the basis for
4189 the legislative budget request. As used in this section, a full-
4190 time equivalent student is equal to a minimum of 900 hours in a
4191 technical certificate program and 400 hours in a degree-seeking
4192 program. The funding formula must ~~shall~~ be as prescribed
4193 pursuant to s. 1011.62, must ~~shall~~ include procedures to
4194 document daily attendance, and must ~~shall~~ require that
4195 attendance records be retained for audit purposes.

4196 (f) Approve and register in an electronic database an
4197 education or training provider, designated by the division,
4198 before the education or training provider may offer any course
4199 to fulfill any education or training requirement under this
4200 chapter. The division shall establish criteria, by rule, for the
4201 approval of such education or training providers, including
4202 courses taught. Only approved and registered education or
4203 training providers are eligible to provide instruction or
4204 training that will be recognized by the division as fulfilling
4205 any education or training requirement under this chapter.

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4206 (g) Recognize only courses offered by approved and
4207 registered training or education providers as fulfilling the
4208 education or training requirements under this chapter.

4209 (2) Funds generated by the formula per full-time equivalent
4210 student may not exceed the level of state funding per full-time
4211 equivalent student generated through the Florida Education
4212 Finance Program or the State Community College Program Fund for
4213 students enrolled in comparable education programs provided by
4214 public school districts and community colleges. Funds
4215 appropriated for education and operational costs shall be
4216 deposited in the Insurance Regulatory Trust Fund to be used
4217 solely for purposes specified in s. 633.436 ~~633.461~~ and may not
4218 be transferred to any other budget entity for purposes other
4219 than education.

4220 Section 74. Section 633.46, Florida Statutes, is transferred
4221 and renumbered as section 633.446, Florida Statutes.

4222 Section 75. The Division of Law Revision and Information is
4223 directed to create part V of chapter 633, Florida Statutes,
4224 consisting of sections 633.502, 633.504, 633.506, 633.508,
4225 633.512, 633.516, 633.518, 633.520, 633.522, 633.526, 633.528,
4226 633.532, 633.534, and 633.536, Florida Statutes, to be entitled
4227 "Florida Firefighters Occupational Safety and Health Act."

4228 Section 76. Section 633.801, Florida Statutes, is
4229 transferred, renumbered as section 633.502, Florida Statutes,
4230 and amended to read:

4231 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536,
4232 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
4233 Occupational Safety and Health Act."

4234 Section 77. Section 633.802, Florida Statutes, is

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4235 transferred and renumbered as section 633.504, Florida Statutes,
4236 and subsections (1), (2), and (4) of that section are amended,
4237 to read:

4238 633.504 ~~633.802~~ Definitions.—As used in this part, the term
4239 ~~Unless the context clearly requires otherwise, the following~~
4240 ~~definitions shall apply to ss. 633.801-633.821:~~

4241 (1) "Firefighter employee" means a firefighter, volunteer
4242 firefighter, or individual providing support services who is any
4243 ~~person~~ engaged in any employment, public or private, ~~as a~~
4244 ~~firefighter~~ under any appointment or contract of hire or
4245 apprenticeship, express or implied, oral or written, whether
4246 lawfully or unlawfully employed, responding to or assisting with
4247 fire or medical emergencies, regardless of whether ~~or not the~~
4248 ~~firefighter is~~ on duty, except those appointed under s.
4249 590.02(1)(d).

4250 (2) "Firefighter employer" means the state and all
4251 political subdivisions of this state, all public and quasi-
4252 public corporations in this state, and a every person carrying
4253 on any employment for this state, political subdivisions of this
4254 state, and public and quasi-public corporations in this state
4255 which employs firefighter employees ~~firefighters~~, except those
4256 appointed under s. 590.02(1)(d).

4257 (4) "Firefighter place of employment" or "place of
4258 employment" means the physical location at which the firefighter
4259 employee is employed or deployed.

4260 Section 78. Section 633.803, Florida Statutes, is
4261 transferred, renumbered as section 633.506, Florida Statutes,
4262 and amended to read:

4263 633.506 ~~633.803~~ Legislative intent.—It is the intent of the

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4264 Legislature to enhance firefighter occupational safety and
4265 health in the state through the implementation and maintenance
4266 of policies, procedures, practices, rules, and standards that
4267 reduce the incidence of firefighter employee accidents,
4268 firefighter employee occupational diseases, and firefighter
4269 employee fatalities compensable under chapter 440 or otherwise.
4270 The Legislature further intends that the division develop a
4271 means by which the division can identify individual firefighter
4272 employers with a high frequency or severity of work-related
4273 injuries, conduct safety inspections of those firefighter
4274 employers, and assist those firefighter employers in the
4275 development and implementation of firefighter employee safety
4276 and health programs. In addition, it is the intent of the
4277 Legislature that the division administer and enforce this part
4278 ~~the provisions of ss. 633.801-633.821~~; provide assistance to
4279 firefighter employers, firefighter employees, and insurers; and
4280 enforce the policies, rules, and standards set forth in this
4281 part ss. 633.801-633.821.

4282 Section 79. Section 633.821, Florida Statutes, is
4283 transferred and renumbered as section 633.508, Florida Statutes,
4284 subsections (2), (3), (5), and (6) of that section are amended,
4285 and subsection (7) is added to that section, to read:

4286 633.508 633.821 Workplace safety; rulemaking authority;
4287 division authority.-

4288 (2) The division shall have the authority to adopt rules
4289 for the purpose of ensuring safe working conditions for all
4290 firefighter employees by authorizing the enforcement of
4291 effective standards, by assisting and encouraging firefighter
4292 employers to maintain safe working conditions, and by providing

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4293 for education and training in the field of safety. Specifically,
4294 the division may by rule adopt the most current edition of all
4295 or any part of subparts C through T and subpart Z of 29 C.F.R.
4296 s. 1910, ~~as revised April 8, 1998; the National Fire Protection~~
4297 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~
4298 ~~Safety System) (1992 edition); the National Fire Protection~~
4299 ~~Association, Inc., Publication 1403, Standard on Live Fire~~
4300 ~~Training Evolutions (latest edition), as limited by subsection~~
4301 ~~(6); and ANSI A 10.4-1990.~~

4302 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
4303 individuals located outside the immediately dangerous to life
4304 and health atmosphere may be assigned to an additional role,
4305 such as incident commander, pumper operator, engineer, or
4306 driver, so long as such individual can ~~is able to~~ immediately
4307 perform assistance or rescue activities without jeopardizing the
4308 safety or health of any firefighter employee working at an
4309 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4):~~

4310 ~~(a) Each county, municipality, and special district shall~~
4311 ~~implement such provision by April 1, 2002, except as provided in~~
4312 ~~paragraphs (b) and (c).~~

4313 ~~(b) If any county, municipality, or special district is~~
4314 ~~unable to implement such provision by April 1, 2002, without~~
4315 ~~adding additional personnel to its firefighting staff or~~
4316 ~~expending significant additional funds, such county,~~
4317 ~~municipality, or special district shall have an additional 6~~
4318 ~~months within which to implement such provision. Such county,~~
4319 ~~municipality, or special district shall notify the division that~~
4320 ~~the 6-month extension to implement such provision is in effect~~
4321 ~~in such county, municipality, or special district within 30 days~~

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4322 ~~after its decision to extend the time for the additional 6~~
4323 ~~months. The decision to extend the time for implementation shall~~
4324 ~~be made prior to April 1, 2002.~~

4325 ~~(c) If, after the extension granted in paragraph (b), the~~
4326 ~~county, municipality, or special district, after having worked~~
4327 ~~with and cooperated fully with the division and the Firefighters~~
4328 ~~Employment, Standards, and Training Council, is still unable to~~
4329 ~~implement such provisions without adding additional personnel to~~
4330 ~~its firefighting staff or expending significant additional~~
4331 ~~funds, such municipality, county, or special district shall be~~
4332 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g) (4).~~
4333 ~~However, each year thereafter the division shall review each~~
4334 ~~such county, municipality, or special district to determine if~~
4335 ~~such county, municipality, or special district has the ability~~
4336 ~~to implement such provision without adding additional personnel~~
4337 ~~to its firefighting staff or expending significant additional~~
4338 ~~funds. If the division determines that any county, municipality,~~
4339 ~~or special district has the ability to implement such provision~~
4340 ~~without adding additional personnel to its firefighting staff or~~
4341 ~~expending significant additional funds, the division shall~~
4342 ~~require such county, municipality, or special district to~~
4343 ~~implement such provision. Such requirement by the division under~~
4344 ~~this paragraph constitutes final agency action subject to~~
4345 ~~chapter 120.~~

4346 (5) The division may adopt any rule necessary to implement,
4347 interpret, and make specific the provisions of this section,
4348 provided the division may not adopt by rule any other standard
4349 or standards of the Occupational Safety and Health
4350 Administration or the National Fire Protection Association

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4351 relating solely to this part ~~ss. 633.801-633.821~~ and firefighter
4352 employment safety without specific legislative authority.

4353 (6) (a) The division shall adopt rules for live fire
4354 training that all firefighter employees ~~firefighters~~ subject to
4355 this chapter must complete. The division shall also adopt rules
4356 for a training and certification process for live fire training
4357 instructors.

4358 (b) Such rules for training must ~~shall~~ include:

4359 1. Sections of the most current edition of the National
4360 Fire Protection Association, Inc., Publication 1402, Guide to
4361 Building Fire Service Training Centers, relating to establishing
4362 policies and procedures for effective use of such permanent
4363 facilities or structures.

4364 2. Sections of the most current edition of the National
4365 Fire Protection Association, Inc., Publication 1403, Standard on
4366 Live Fire Training Evolutions, excluding, however:

4367 a. Any chapter entitled "Referenced Publications."

4368 b. References to the National Fire Protection Association,
4369 Inc., Publication 1975, Station Uniform.

4370 c. Provisions of the National Fire Protection Association,
4371 Inc., Publication 1001, not adopted under rule 69A-37 ~~or any~~
4372 ~~references to such publication in the National Fire Protection~~
4373 ~~Association, Inc., Publication 1975.~~

4374 d. Any reference to an authority having jurisdiction in the
4375 National Fire Protection Association, Inc., Publication 1403,
4376 defined as the organization, office, or individual responsible
4377 for approving equipment, materials, installations, and
4378 procedures.

4379 3. A 40-hour training program for live fire training

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4380 instructors, including:

4381 a. Live fire instructional techniques.

4382 b. Training safety in acquired or permanent facilities or
4383 props.

4384 c. Personnel safety.

4385 d. Exterior props, including, but not limited to, liquid
4386 petroleum gas, other liquid fuels, and similar props.

4387 ~~(c) The rules, excluding those pertaining to live fire~~
4388 ~~training instructor certification, shall take effect no later~~
4389 ~~than January 1, 2006.~~

4390 ~~(c)~~(d) Each live fire training instructor is required to be
4391 a state certified fire safety instructor. All live fire training
4392 ~~commenced on and after January 1, 2007,~~ must be conducted by a
4393 certified live fire training instructor.

4394 ~~(d)~~(e) This subsection does not apply to wildland or
4395 prescribed live fire training exercises sanctioned by the
4396 Florida Forest Service of the Department of Agriculture and
4397 Consumer Services or the National Wildfire Coordinating Group.

4398 (7) The division shall:

4399 (a) Investigate and prescribe by rule what safety devices,
4400 safeguards, or other means of protection must be adopted for the
4401 prevention of accidents and injuries in every firefighter
4402 employee place of employment or at any fire scene; determine
4403 what suitable devices, safeguards, or other means of protection
4404 for the prevention of occupational diseases must be adopted or
4405 followed in any or all such firefighter places of employment or
4406 at any emergency fire scene; and adopt reasonable rules for the
4407 prevention of accidents, the safety, protection, and security of
4408 firefighter employees engaged in interior firefighting, and the

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4409 prevention of occupational diseases.

4410 (b) Ascertain, fix, and order such reasonable standards and
4411 rules for the construction, repair, and maintenance of
4412 firefighter employee places of employment so as to render them
4413 safe. Such rules and standards shall be adopted in accordance
4414 with chapter 120.

4415 (c) Adopt rules prescribing recordkeeping responsibilities
4416 for firefighter employers, which may include maintaining a log
4417 and summary of occupational injuries, diseases, and illnesses,
4418 for producing on request a notice of injury and firefighter
4419 employee accident investigation records, and prescribing a
4420 retention schedule for such records.

4421 Section 80. Section 633.817, Florida Statutes, is
4422 transferred, renumbered as section 633.512, Florida Statutes,
4423 and amended to read:

4424 633.512 ~~633.817~~ Compliance.—Failure of a firefighter
4425 employer or an insurer to comply with this part ~~ss. 633.801-~~
4426 ~~633.821~~, or with any rules adopted under this part ~~ss. 633.801-~~
4427 ~~633.821~~, constitutes grounds for the division to seek remedies,
4428 including injunctive relief, by making appropriate filings with
4429 the circuit court.

4430 Section 81. Section 633.805, Florida Statutes, is
4431 transferred and renumbered as section 633.516, Florida Statutes.

4432 Section 82. Section 633.806, Florida Statutes, is
4433 transferred, renumbered as section 633.518, Florida Statutes,
4434 and amended to read:

4435 633.518 ~~633.806~~ Studies, investigations, inspections, or
4436 inquiries by the division; refusal to admit; penalty.—

4437 (1) The division shall make studies, ~~and~~ investigations,

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4438 inspections, or inquiries with respect to compliance with this
4439 part or any rules authorized under this part ~~safety provisions~~
4440 and the causes of firefighter employee injuries, illnesses,
4441 safety-based complaints, or Line of Duty Deaths (LODD) as
4442 defined in rule in firefighter employee places of employment and
4443 shall make such recommendations to the Legislature and
4444 firefighter employers and insurers as the division considers
4445 proper ~~as~~ to prevent or reduce future occurrences ~~the best means~~
4446 ~~of preventing firefighter injuries.~~ In making such studies, and
4447 investigations, inspections, or inquiries, the division may
4448 cooperate with any agency of the United States charged with the
4449 duty of enforcing any law securing safety against injury in any
4450 place of firefighter employment covered by this part ~~ss.~~
4451 ~~633.801-633.821~~ or any agency or department of the state engaged
4452 in enforcing any law to ensure safety for firefighter employees.

4453 (2) The division by rule may adopt procedures for
4454 conducting investigations, inspections, or inquiries of
4455 firefighter employers under this part ~~ss. 633.801-633.821.~~

4456 (3) The division and authorized representatives of the
4457 division may enter and inspect any firefighter employee's place
4458 of employment at any reasonable time for the purpose of
4459 investigating compliance with this part and conducting
4460 inspections for the proper enforcement of this part. A
4461 firefighter employer who refuses to admit any member of the
4462 division or authorized representative of the division to any
4463 place of employment or to allow investigation and inspection
4464 pursuant to this section commits a misdemeanor of the second
4465 degree, punishable as provided in s. 775.082 or s. 775.083.

4466 Section 83. Section 633.807, Florida Statutes, is

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4467 transferred, renumbered as section 633.520, Florida Statutes,
4468 and amended to read:

4469 633.520 ~~633.807~~ Safety; firefighter employer
4470 responsibilities.—Every firefighter employer shall furnish and
4471 use safety devices and safeguards, adopt and use methods and
4472 processes reasonably adequate to render such an employment and
4473 place of employment safe, and do every other thing reasonably
4474 necessary to protect the lives, health, and safety of such
4475 firefighter employees. As used in this section, the terms "safe"
4476 and "safety," as applied to any employment or place of
4477 ~~firefighter~~ employment, mean such freedom from danger as is
4478 reasonably necessary for the protection of the lives, health,
4479 and safety of firefighter employees, including conditions and
4480 methods of sanitation and hygiene. Safety devices and safeguards
4481 required to be furnished by the firefighter employer by this
4482 section or by the division under authority of this section do
4483 ~~shall~~ not include personal apparel and protective devices that
4484 replace personal apparel normally worn by firefighter employees
4485 during regular working hours.

4486 Section 84. Section 633.809, Florida Statutes, is
4487 transferred, renumbered as section 633.522, Florida Statutes,
4488 and amended to read:

4489 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~
4490 ~~employees have a high frequency of work-related injuries;~~
4491 corrective plans; workplace safety committees and coordinators;
4492 failure to implement a safety and health program; cancellation.—

4493 (1) The division shall develop a means to ~~by which the~~
4494 ~~division may~~ identify individual firefighter employers with
4495 ~~whose firefighter employees have a high frequency or severity of~~

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4496 firefighter employee work-related injuries. ~~The division shall~~
4497 ~~carry out safety inspections of the facilities and operations of~~
4498 ~~those firefighter employers in order to assist them in reducing~~
4499 ~~the frequency and severity of work-related injuries. The~~
4500 ~~division shall develop safety and health programs for those~~
4501 ~~firefighter employers. Insurers shall distribute such safety and~~
4502 ~~health programs to the firefighter employers so identified by~~
4503 ~~the division. Those firefighter employers identified by the~~
4504 ~~division as having a high frequency or severity of work-related~~
4505 ~~injuries shall implement a safety and health program developed~~
4506 ~~by the division. The division shall conduct ~~carry out~~ safety~~
4507 ~~inspections of those firefighter employers so identified to~~
4508 ~~ensure compliance with this part or the division's rules and~~
4509 ~~make recommendations based upon current the safety and health~~
4510 ~~practices ~~program~~ and to assist such firefighter employers in~~
4511 ~~reducing the number of work-related injuries. The division may~~
4512 ~~not assess penalties as a result of such inspections, ~~except as~~~~
4513 ~~provided by s. 633.813. Copies of any report made as the result~~
4514 ~~of such an inspection shall be provided to the firefighter~~
4515 ~~employer and its insurer. Firefighter employers shall ~~may~~ submit~~
4516 ~~a plan for the correction of any noncompliance issues ~~their own~~~~
4517 ~~safety and health programs to the division for approval in~~
4518 ~~accordance with division rule ~~lieu of using the safety and~~~~
4519 ~~health program developed by the division. The division shall~~
4520 ~~promptly review the plan ~~program~~ submitted and approve or~~
4521 ~~disapprove the plan ~~program~~ within 60 days or such plan ~~program~~~~
4522 ~~shall be deemed approved. Upon approval by the division, the~~
4523 ~~plan ~~program~~ shall be implemented by the firefighter employer.~~
4524 ~~If the plan ~~program~~ is not submitted, does not provide~~

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4525 corrective actions for all deficiencies, is not complete, or is
4526 not implemented, the fire service provider shall be subject to
4527 s. 633.526 approved or if a program is not submitted, the
4528 firefighter employer shall implement the program developed by
4529 the division. The division shall adopt rules setting forth the
4530 criteria for safety and health programs, as such rules relate to
4531 this section.

4532 (2) In order to promote health and safety in firefighter
4533 employee places of employment in this state:

4534 (a) Each firefighter employer of 20 or more firefighter
4535 employees shall establish and administer a workplace safety
4536 committee in accordance with rules adopted under this section.

4537 (b) Each firefighter employer of fewer than 20 firefighter
4538 employees with a high frequency or high severity of work-related
4539 injuries, as identified by the division, shall establish and
4540 administer a workplace safety committee or designate a workplace
4541 safety coordinator who shall establish and administer workplace
4542 safety activities in accordance with rules adopted under this
4543 section.

4544 (3) The division shall adopt rules:

4545 (a) Prescribing the membership of the workplace safety
4546 committees so as to ensure an equal number of firefighter
4547 employee representatives who are volunteers or are elected by
4548 their peers and firefighter employer representatives, and
4549 specifying the frequency of meetings.

4550 (b) Requiring firefighter employers to make adequate
4551 records of each meeting and to file and to maintain the records
4552 subject to inspection by the division.

4553 (c) Prescribing the duties and functions of the workplace

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4554 safety committee and workplace safety coordinator which include,
4555 but are not limited to:

4556 1. Establishing procedures for workplace safety inspections
4557 by the committee.

4558 2. Establishing procedures for investigating all workplace
4559 accidents, safety-related incidents, illnesses, and deaths.

4560 3. Evaluating accident prevention and illness prevention
4561 programs.

4562 4. Prescribing guidelines for the training of safety
4563 committee members.

4564 (4) The composition, selection, and function of workplace
4565 safety committees shall be a mandatory topic of negotiations
4566 with any certified collective bargaining agent for firefighter
4567 employers that operate under a collective bargaining agreement.
4568 Firefighter employers that operate under a collective bargaining
4569 agreement that contains provisions governing the formation and
4570 operation of workplace safety committees that meet or exceed the
4571 minimum requirements contained in this section, or firefighter
4572 employers who otherwise have existing workplace safety
4573 committees that meet or exceed the minimum requirements
4574 established by this section, are in compliance with this
4575 section.

4576 (5) Firefighter employees shall be compensated their
4577 regular hourly wage while engaged in workplace safety committee
4578 or workplace safety coordinator training, meetings, or other
4579 duties prescribed under this section.

4580 (6) If a firefighter employer fails to implement a
4581 corrective plan, the insurer or self-insurer's fund that is
4582 providing coverage for the firefighter employer may cancel the

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4583 contract for insurance with the firefighter employer. In the
4584 alternative, the insurer or fund may terminate any discount or
4585 deviation granted to the firefighter employer for the remainder
4586 of the term of the policy. If the contract is canceled or the
4587 discount or deviation is terminated, the insurer must make such
4588 reports as are required by law.

4589 Section 85. Section 633.811, Florida Statutes, is
4590 transferred, renumbered as section 633.526, Florida Statutes,
4591 and amended to read:

4592 633.526 ~~633.811~~ Firefighter employer penalties.—If any
4593 firefighter employer violates or fails or refuses to comply with
4594 this part ss. 633.801–633.821, or with any rule adopted by the
4595 division under such sections in accordance with chapter 120 for
4596 the prevention of injuries, accidents, or occupational diseases
4597 or with any lawful order of the division in connection with this
4598 part ss. 633.801–633.821, or fails or refuses to furnish or
4599 adopt any safety device, safeguard, or other means of protection
4600 prescribed by division rule under this part ss. 633.801–633.821
4601 for the prevention of accidents or occupational diseases, the
4602 division may:

4603 (1) Issue an administrative cease and desist order,
4604 enforceable in the circuit court in the jurisdiction where the
4605 violation is occurring or has occurred.

4606 (2) Assess an administrative fine against a firefighter
4607 employer of not less than \$100 or more than \$1,000 for each
4608 violation and each day a violation is committed.

4609 (3) Assess against the firefighter employer a civil penalty
4610 of not less than \$100 nor more than \$5,000 for each day the
4611 violation, omission, failure, or refusal continues after the

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4612 firefighter employer has been given written notice of such
4613 violation, omission, failure, or refusal. The total penalty for
4614 each violation shall not exceed \$50,000. The division shall
4615 adopt rules requiring penalties commensurate with the frequency
4616 or severity of safety violations. Hearings requested under this
4617 section shall be conducted in Tallahassee ~~A hearing shall be~~
4618 ~~held in the county in which the violation, omission, failure, or~~
4619 ~~refusal is alleged to have occurred, unless otherwise agreed to~~
4620 ~~by the firefighter employer and authorized by the division.~~ All
4621 penalties assessed and collected under this section shall be
4622 deposited in the Insurance Regulatory Trust Fund.

4623 Section 86. Section 633.812, Florida Statutes, is
4624 transferred and renumbered as section 633.528, Florida Statutes,
4625 and subsections (2) and (3) of that section are amended, to
4626 read:

4627 633.528 ~~633.812~~ Division cooperation with Federal
4628 Government; exemption from requirements for private firefighter
4629 employers.—

4630 (2) ~~Except as provided in this section,~~ A private
4631 firefighter employer is not subject to the requirements set
4632 forth in part IV and this part of the division if the private
4633 firefighter employer meets the requirements of this part and:

4634 (a) The private firefighter employer is subject to the
4635 federal regulations in 29 C.F.R. ss. 1910 and 1926.

4636 (b) The private firefighter employer has adopted and
4637 implemented a written safety program that conforms to the
4638 requirements of 29 C.F.R. ss. 1910 and 1926.

4639 ~~(c) A private firefighter employer with 20 or more full-~~
4640 ~~time firefighter employees shall include provisions for a safety~~

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4641 ~~committee in the safety program. The safety committee shall~~
4642 ~~include firefighter employee representation and shall meet at~~
4643 ~~least once each calendar quarter. The private firefighter~~
4644 ~~employer shall make adequate records of each meeting and~~
4645 ~~maintain the records subject to inspections under subsection~~
4646 ~~(3). The safety committee shall, if appropriate, make~~
4647 ~~recommendations regarding improvements to the safety program and~~
4648 ~~corrections of hazards affecting workplace safety.~~

4649 ~~(c)~~ (d) The private firefighter employer provides the
4650 division with a written statement that certifies compliance with
4651 this subsection.

4652 (3) The division may enter at any reasonable time any place
4653 of private firefighter employment for the purpose of verifying
4654 the accuracy of the written certification. If the division
4655 determines that the private firefighter employer has not
4656 complied with the requirements of subsection (2), the private
4657 firefighter employer shall be subject to the rules of the
4658 division until the private firefighter employer complies with
4659 subsection (2), which must be verified by a reinspection by ~~and~~
4660 ~~recertifies that fact to~~ the division.

4661 Section 87. Section 633.816, Florida Statutes, is
4662 transferred, renumbered as section 633.532, Florida Statutes,
4663 and amended to read:

4664 633.532 ~~633.816~~ Firefighter employee rights and
4665 responsibilities.—

4666 (1) Each firefighter employee of a firefighter employer
4667 covered under this part ~~ss. 633.801-633.821~~ shall comply with
4668 rules adopted by the division and with reasonable workplace
4669 safety and health standards, rules, policies, procedures, and

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4670 work practices established by the firefighter employer and the
4671 workplace safety committee. A firefighter employee who knowingly
4672 fails to comply with this subsection may be disciplined or
4673 discharged by the firefighter employer.

4674 (2) A firefighter employer may not discharge, threaten to
4675 discharge, cause to be discharged, intimidate, coerce, otherwise
4676 discipline, or in any manner discriminate against a firefighter
4677 employee for any of the following reasons:

4678 (a) The firefighter employee has testified or is about to
4679 testify, on her or his own behalf or on behalf of others, in any
4680 proceeding instituted under this part ~~ss. 633.801-633.821~~;

4681 (b) The firefighter employee has exercised any other right
4682 given ~~afforded~~ under this part ~~ss. 633.801-633.821~~; or

4683 (c) The firefighter employee is engaged in activities
4684 relating to the workplace safety committee.

4685 (3) ~~No~~ Pay, a position, seniority, or any other benefit may
4686 not be lost for exercising any right under, or for seeking
4687 compliance with any requirement of, this part ~~ss. 633.801-~~
4688 ~~633.821~~.

4689 Section 88. Section 633.818, Florida Statutes, is
4690 transferred, renumbered as section 633.534, Florida Statutes,
4691 and amended to read:

4692 633.534 ~~633.818~~ False, fictitious, or fraudulent acts,
4693 statements, and representations prohibited; penalty; statute of
4694 limitations ~~to insurers.-~~

4695 (1) A firefighter employer who knowingly and willfully
4696 falsifies or conceals a material fact, who makes a false,
4697 fictitious, or fraudulent statement or representation, or who
4698 makes or uses any false document knowing the document to contain

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4699 any false, fictitious, or fraudulent entry or statement to an
4700 insurer of workers' compensation insurance under this part ~~ss.~~
4701 ~~633.801-633.821~~ commits a misdemeanor of the second degree,
4702 punishable as provided in s. 775.082 or s. 775.083.

4703 (2) A person may not, in any matter within the jurisdiction
4704 of the division, knowingly and willfully falsify or conceal a
4705 material fact; make any false, fictitious, or fraudulent
4706 statement or representation; or make or use any false document,
4707 knowing the same to contain any false, fictitious, or fraudulent
4708 statement or entry. A person who violates this section commits a
4709 misdemeanor of the second degree, punishable as provided in s.
4710 775.082 or s. 775.083. The statute of limitations for
4711 prosecution of an act committed in violation of this section is
4712 5 years after the date the act was committed or, if not
4713 discovered within 30 days after the act was committed, 5 years
4714 after the date the act was discovered.

4715 Section 89. Section 633.814, Florida Statutes, is
4716 transferred, renumbered as section 633.536, Florida Statutes,
4717 and amended to read:

4718 633.536 ~~633.814~~ Expenses of administration.—The amounts
4719 that are needed to administer this part ~~ss. 633.801-633.821~~
4720 shall be disbursed from the Insurance Regulatory Trust Fund.

4721 Section 90. Paragraph (b) of subsection (2) of section
4722 112.011, Florida Statutes, is amended to read:

4723 112.011 Disqualification from licensing and public
4724 employment based on criminal conviction.—

4725 (2)

4726 (b) This section does not apply to the employment practices
4727 of any fire department relating to the hiring of firefighters.

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4728 ~~An applicant for employment with any fire department who has a~~
4729 ~~prior felony conviction shall be excluded from employment for a~~
4730 ~~period of 4 years after expiration of sentence or final release~~
4731 ~~by the Parole Commission unless the applicant, before the~~
4732 ~~expiration of the 4-year period, has received a full pardon or~~
4733 ~~has had his or her civil rights restored.~~

4734 Section 91. Paragraph (i) of subsection (2) of section
4735 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
4736 and (c) of subsection (2) of that section are reenacted, to
4737 read:

4738 112.191 Firefighters; death benefits.-

4739 (2) (a) The sum of \$50,000, as adjusted pursuant to
4740 paragraph (i), shall be paid as provided in this section when a
4741 firefighter, while engaged in the performance of his or her
4742 firefighter duties, is accidentally killed or receives
4743 accidental bodily injury which subsequently results in the loss
4744 of the firefighter's life, provided that such killing is not the
4745 result of suicide and that such bodily injury is not
4746 intentionally self-inflicted. Notwithstanding any other
4747 provision of law, in no case shall the amount payable under this
4748 subsection be less than the actual amount stated therein.

4749 (b) The sum of \$50,000, as adjusted pursuant to paragraph
4750 (i), shall be paid as provided in this section if a firefighter
4751 is accidentally killed as specified in paragraph (a) and the
4752 accidental death occurs as a result of the firefighter's
4753 response to what is reasonably believed to be an emergency
4754 involving the protection of life or property or the
4755 firefighter's participation in a training exercise. This sum is
4756 in addition to any sum provided in paragraph (a).

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4757 Notwithstanding any other provision of law, the amount payable
4758 under this subsection may not be less than the actual amount
4759 stated therein.

4760 (c) If a firefighter, while engaged in the performance of
4761 his or her firefighter duties, is unlawfully and intentionally
4762 killed, is injured by an unlawful and intentional act of another
4763 person and dies as a result of such injury, dies as a result of
4764 a fire which has been determined to have been caused by an act
4765 of arson, or subsequently dies as a result of injuries sustained
4766 therefrom, the sum of \$150,000, as adjusted pursuant to
4767 paragraph (i), shall be paid as provided in this section.

4768 Notwithstanding any other provision of law, the amount payable
4769 under this subsection may not be less than the actual amount
4770 stated therein.

4771 (i) Any payments made pursuant to paragraph (a), paragraph
4772 (b), or paragraph (c) shall consist of the statutory amount
4773 adjusted to show ~~reflect~~ price level changes in the Consumer
4774 Price Index for All Urban Consumers published by the United
4775 States Department of Labor since July 1, 2002 ~~the effective date~~
4776 ~~of the act~~. The Division of State Fire Marshal, using the most
4777 recent month for which Consumer Price Index data is available,
4778 shall, on June 15 of each year, calculate and publish on the
4779 division's internet website the amount resulting from the
4780 adjustments to ~~by rule adjust~~ the statutory amounts ~~amount based~~
4781 ~~on the Consumer Price Index for All Urban Consumers published by~~
4782 ~~the United States Department of Labor~~. The adjusted statutory
4783 amounts ~~Adjustment~~ shall be effective on ~~made~~ July 1 of each
4784 ~~year using the most recent month for which data are available at~~
4785 ~~the time of the adjustment~~.

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4786 Section 92. Subsection (4) of section 120.541, Florida
4787 Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws
4788 of Florida, is amended to read:

4789 120.541 Statement of estimated regulatory costs.—

4790 (4) Subsection (3) does not apply to the adoption of:

4791 (a) Federal standards pursuant to s. 120.54(6).

4792 (b) Triennial updates of and amendments to the Florida
4793 Building Code which are expressly authorized by s. 553.73.

4794 (c) Triennial updates of and amendments to the Florida Fire
4795 Prevention Code which are expressly authorized by s. 633.202 ~~s.~~
4796 ~~633.0215~~.

4797 Section 93. Paragraph (c) of subsection (6) of section
4798 196.081, Florida Statutes, as amended by section 2 of chapter
4799 2012-54, Laws of Florida, and section 19 of chapter 2012-193,
4800 Laws of Florida, is amended to read:

4801 196.081 Exemption for certain permanently and totally
4802 disabled veterans and for surviving spouses of veterans
4803 exemption for surviving spouses of first responders who die in
4804 the line of duty.—

4805 (6) Any real estate that is owned and used as a homestead
4806 by the surviving spouse of a first responder who died in the
4807 line of duty while employed by the state or any political
4808 subdivision of the state, including authorities and special
4809 districts, and for whom a letter from the state or appropriate
4810 political subdivision of the state, or other authority or
4811 special district, has been issued which legally recognizes and
4812 certifies that the first responder died in the line of duty
4813 while employed as a first responder is exempt from taxation if
4814 the first responder and his or her surviving spouse were

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4815 permanent residents of this state on January 1 of the year in
4816 which the first responder died.

4817 (c) As used in this subsection only, and not applicable to
4818 the payment of benefits under s. 112.19 or s. 112.191, the term:

4819 1. "First responder" means a law enforcement officer or
4820 correctional officer as defined in s. 943.10, a firefighter as
4821 defined in s. 633.102 ~~s. 633.30~~, or an emergency medical
4822 technician or paramedic as defined in s. 401.23 who is a full-
4823 time paid employee, part-time paid employee, or unpaid
4824 volunteer.

4825 2. "In the line of duty" means:

4826 a. While engaging in law enforcement;

4827 b. While performing an activity relating to fire
4828 suppression and prevention;

4829 c. While responding to a hazardous material emergency;

4830 d. While performing rescue activity;

4831 e. While providing emergency medical services;

4832 f. While performing disaster relief activity;

4833 g. While otherwise engaging in emergency response activity;

4834 or

4835 h. While engaging in a training exercise related to any of
4836 the events or activities enumerated in this subparagraph if the
4837 training has been authorized by the employing entity.

4838

4839 A heart attack or stroke that causes death or causes an injury
4840 resulting in death must occur within 24 hours after an event or
4841 activity enumerated in this subparagraph and must be directly
4842 and proximately caused by the event or activity in order to be
4843 considered as having occurred in the line of duty.

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4844 Section 94. Section 633.024, Florida Statutes, is repealed.
4845 Section 95. Section 633.0245, Florida Statutes, is
4846 repealed.
4847 Section 96. Section 633.03, Florida Statutes, is repealed.
4848 Section 97. Section 633.0421, Florida Statutes, is
4849 repealed.
4850 Section 98. Section 633.13, Florida Statutes, is repealed.
4851 Section 99. Section 633.167, Florida Statutes, is repealed.
4852 Section 100. Section 633.18, Florida Statutes, is repealed.
4853 Section 101. Section 633.30, Florida Statutes, is repealed.
4854 Section 102. Section 633.32, Florida Statutes, is repealed.
4855 Section 103. Section 633.33, Florida Statutes, is repealed.
4856 Section 104. Section 633.37, Florida Statutes, is repealed.
4857 Section 105. Section 633.445, Florida Statutes, is
4858 repealed.
4859 Section 106. Section 633.514, Florida Statutes, is
4860 repealed.
4861 Section 107. Section 633.517, Florida Statutes, is
4862 repealed.
4863 Section 108. Section 633.524, Florida Statutes, is
4864 repealed.
4865 Section 109. Section 633.804, Florida Statutes, is
4866 repealed.
4867 Section 110. Section 633.808, Florida Statutes, is
4868 repealed.
4869 Section 111. Section 633.810, Florida Statutes, is
4870 repealed.
4871 Section 112. Section 633.813, Florida Statutes, is
4872 repealed.

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4873 Section 113. Section 633.815, Florida Statutes, is
4874 repealed.

4875 Section 114. Section 633.819, Florida Statutes, is
4876 repealed.

4877 Section 115. Section 633.820, Florida Statutes, is
4878 repealed.

4879 Section 116. Subsection (1) of section 112.1815, Florida
4880 Statutes, is amended to read:

4881 112.1815 Firefighters, paramedics, emergency medical
4882 technicians, and law enforcement officers; special provisions
4883 for employment-related accidents and injuries.—

4884 (1) The term “first responder” as used in this section
4885 means a law enforcement officer as defined in s. 943.10, a
4886 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
4887 medical technician or paramedic as defined in s. 401.23 employed
4888 by state or local government. A volunteer law enforcement
4889 officer, firefighter, or emergency medical technician or
4890 paramedic engaged by the state or a local government is also
4891 considered a first responder of the state or local government
4892 for purposes of this section.

4893 Section 117. Paragraph (b) of subsection (1) of section
4894 112.191, Florida Statutes, is amended to read:

4895 112.191 Firefighters; death benefits.—

4896 (1) Whenever used in this act:

4897 (b) The term “firefighter” means any full-time duly
4898 employed uniformed firefighter employed by an employer, whose
4899 primary duty is the prevention and extinguishing of fires, the
4900 protection of life and property therefrom, the enforcement of
4901 municipal, county, and state fire prevention codes, as well as

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4902 the enforcement of any law pertaining to the prevention and
4903 control of fires, who is certified pursuant to s. 633.408
4904 ~~633.35~~, and who is a member of a duly constituted fire
4905 department of such employer or who is a volunteer firefighter.

4906 Section 118. Subsection (1) of section 112.81, Florida
4907 Statutes, is amended to read:

4908 112.81 Definitions.—As used in this part:

4909 (1) "Firefighter" means a ~~any~~ person who is certified in
4910 compliance with s. 633.408 ~~633.35~~ and who is employed solely
4911 within the fire department or public safety department of an
4912 employing agency as a full-time firefighter whose primary
4913 responsibility is the prevention and extinguishment of fires;
4914 the protection of life and property; and the enforcement of
4915 municipal, county, and state fire prevention codes and laws
4916 pertaining to the prevention and control of fires.

4917 Section 119. Paragraph (d) of subsection (4) of section
4918 119.071, Florida Statutes, is amended to read:

4919 119.071 General exemptions from inspection or copying of
4920 public records.—

4921 (4) AGENCY PERSONNEL INFORMATION.—

4922 (d)1. For purposes of this paragraph, the term "telephone
4923 numbers" includes home telephone numbers, personal cellular
4924 telephone numbers, personal pager telephone numbers, and
4925 telephone numbers associated with personal communications
4926 devices.

4927 2.a. The home addresses, telephone numbers, social security
4928 numbers, dates of birth, and photographs of active or former
4929 sworn or civilian law enforcement personnel, including
4930 correctional and correctional probation officers, personnel of

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4931 the Department of Children and Family Services whose duties
4932 include the investigation of abuse, neglect, exploitation,
4933 fraud, theft, or other criminal activities, personnel of the
4934 Department of Health whose duties are to support the
4935 investigation of child abuse or neglect, and personnel of the
4936 Department of Revenue or local governments whose
4937 responsibilities include revenue collection and enforcement or
4938 child support enforcement; the home addresses, telephone
4939 numbers, social security numbers, photographs, dates of birth,
4940 and places of employment of the spouses and children of such
4941 personnel; and the names and locations of schools and day care
4942 facilities attended by the children of such personnel are exempt
4943 from s. 119.07(1).

4944 b. The home addresses, telephone numbers, dates of birth,
4945 and photographs of firefighters certified in compliance with s.
4946 633.408 ~~633.35~~; the home addresses, telephone numbers,
4947 photographs, dates of birth, and places of employment of the
4948 spouses and children of such firefighters; and the names and
4949 locations of schools and day care facilities attended by the
4950 children of such firefighters are exempt from s. 119.07(1).

4951 c. The home addresses, dates of birth, and telephone
4952 numbers of current or former justices of the Supreme Court,
4953 district court of appeal judges, circuit court judges, and
4954 county court judges; the home addresses, telephone numbers,
4955 dates of birth, and places of employment of the spouses and
4956 children of current or former justices and judges; and the names
4957 and locations of schools and day care facilities attended by the
4958 children of current or former justices and judges are exempt
4959 from s. 119.07(1).

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4960 d. The home addresses, telephone numbers, social security
4961 numbers, dates of birth, and photographs of current or former
4962 state attorneys, assistant state attorneys, statewide
4963 prosecutors, or assistant statewide prosecutors; the home
4964 addresses, telephone numbers, social security numbers,
4965 photographs, dates of birth, and places of employment of the
4966 spouses and children of current or former state attorneys,
4967 assistant state attorneys, statewide prosecutors, or assistant
4968 statewide prosecutors; and the names and locations of schools
4969 and day care facilities attended by the children of current or
4970 former state attorneys, assistant state attorneys, statewide
4971 prosecutors, or assistant statewide prosecutors are exempt from
4972 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

4973 e. The home addresses, dates of birth, and telephone
4974 numbers of general magistrates, special magistrates, judges of
4975 compensation claims, administrative law judges of the Division
4976 of Administrative Hearings, and child support enforcement
4977 hearing officers; the home addresses, telephone numbers, dates
4978 of birth, and places of employment of the spouses and children
4979 of general magistrates, special magistrates, judges of
4980 compensation claims, administrative law judges of the Division
4981 of Administrative Hearings, and child support enforcement
4982 hearing officers; and the names and locations of schools and day
4983 care facilities attended by the children of general magistrates,
4984 special magistrates, judges of compensation claims,
4985 administrative law judges of the Division of Administrative
4986 Hearings, and child support enforcement hearing officers are
4987 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
4988 Constitution if the general magistrate, special magistrate,

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4989 judge of compensation claims, administrative law judge of the
4990 Division of Administrative Hearings, or child support hearing
4991 officer provides a written statement that the general
4992 magistrate, special magistrate, judge of compensation claims,
4993 administrative law judge of the Division of Administrative
4994 Hearings, or child support hearing officer has made reasonable
4995 efforts to protect such information from being accessible
4996 through other means available to the public.

4997 f. The home addresses, telephone numbers, dates of birth,
4998 and photographs of current or former human resource, labor
4999 relations, or employee relations directors, assistant directors,
5000 managers, or assistant managers of any local government agency
5001 or water management district whose duties include hiring and
5002 firing employees, labor contract negotiation, administration, or
5003 other personnel-related duties; the names, home addresses,
5004 telephone numbers, dates of birth, and places of employment of
5005 the spouses and children of such personnel; and the names and
5006 locations of schools and day care facilities attended by the
5007 children of such personnel are exempt from s. 119.07(1) and s.
5008 24(a), Art. I of the State Constitution.

5009 g. The home addresses, telephone numbers, dates of birth,
5010 and photographs of current or former code enforcement officers;
5011 the names, home addresses, telephone numbers, dates of birth,
5012 and places of employment of the spouses and children of such
5013 personnel; and the names and locations of schools and day care
5014 facilities attended by the children of such personnel are exempt
5015 from s. 119.07(1) and s. 24(a), Art. I of the State
5016 Constitution.

5017 h. The home addresses, telephone numbers, places of

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5018 employment, dates of birth, and photographs of current or former
5019 guardians ad litem, as defined in s. 39.820; the names, home
5020 addresses, telephone numbers, dates of birth, and places of
5021 employment of the spouses and children of such persons; and the
5022 names and locations of schools and day care facilities attended
5023 by the children of such persons are exempt from s. 119.07(1) and
5024 s. 24(a), Art. I of the State Constitution, if the guardian ad
5025 litem provides a written statement that the guardian ad litem
5026 has made reasonable efforts to protect such information from
5027 being accessible through other means available to the public.

5028 i. The home addresses, telephone numbers, dates of birth,
5029 and photographs of current or former juvenile probation
5030 officers, juvenile probation supervisors, detention
5031 superintendents, assistant detention superintendents, juvenile
5032 justice detention officers I and II, juvenile justice detention
5033 officer supervisors, juvenile justice residential officers,
5034 juvenile justice residential officer supervisors I and II,
5035 juvenile justice counselors, juvenile justice counselor
5036 supervisors, human services counselor administrators, senior
5037 human services counselor administrators, rehabilitation
5038 therapists, and social services counselors of the Department of
5039 Juvenile Justice; the names, home addresses, telephone numbers,
5040 dates of birth, and places of employment of spouses and children
5041 of such personnel; and the names and locations of schools and
5042 day care facilities attended by the children of such personnel
5043 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5044 Constitution.

5045 j. The home addresses, telephone numbers, dates of birth,
5046 and photographs of current or former public defenders, assistant

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5047 public defenders, criminal conflict and civil regional counsel,
5048 and assistant criminal conflict and civil regional counsel; the
5049 home addresses, telephone numbers, dates of birth, and places of
5050 employment of the spouses and children of such defenders or
5051 counsel; and the names and locations of schools and day care
5052 facilities attended by the children of such defenders or counsel
5053 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5054 Constitution.

5055 k. The home addresses, telephone numbers, and photographs
5056 of current or former investigators or inspectors of the
5057 Department of Business and Professional Regulation; the names,
5058 home addresses, telephone numbers, and places of employment of
5059 the spouses and children of such current or former investigators
5060 and inspectors; and the names and locations of schools and day
5061 care facilities attended by the children of such current or
5062 former investigators and inspectors are exempt from s. 119.07(1)
5063 and s. 24(a), Art. I of the State Constitution if the
5064 investigator or inspector has made reasonable efforts to protect
5065 such information from being accessible through other means
5066 available to the public. This sub-subparagraph is subject to the
5067 Open Government Sunset Review Act in accordance with s. 119.15
5068 and shall stand repealed on October 2, 2017, unless reviewed and
5069 saved from repeal through reenactment by the Legislature.

5070 l. The home addresses and telephone numbers of county tax
5071 collectors; the names, home addresses, telephone numbers, and
5072 places of employment of the spouses and children of such tax
5073 collectors; and the names and locations of schools and day care
5074 facilities attended by the children of such tax collectors are
5075 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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5076 Constitution if the county tax collector has made reasonable
5077 efforts to protect such information from being accessible
5078 through other means available to the public. This sub-
5079 subparagraph is subject to the Open Government Sunset Review Act
5080 in accordance with s. 119.15 and shall stand repealed on October
5081 2, 2017, unless reviewed and saved from repeal through
5082 reenactment by the Legislature.

5083 3. An agency that is the custodian of the information
5084 specified in subparagraph 2. and that is not the employer of the
5085 officer, employee, justice, judge, or other person specified in
5086 subparagraph 2. shall maintain the exempt status of that
5087 information only if the officer, employee, justice, judge, other
5088 person, or employing agency of the designated employee submits a
5089 written request for maintenance of the exemption to the
5090 custodial agency.

5091 4. The exemptions in this paragraph apply to information
5092 held by an agency before, on, or after the effective date of the
5093 exemption.

5094 5. This paragraph is subject to the Open Government Sunset
5095 Review Act in accordance with s. 119.15, and shall stand
5096 repealed on October 2, 2017, unless reviewed and saved from
5097 repeal through reenactment by the Legislature.

5098 Section 120. Subsection (17) of section 120.80, Florida
5099 Statutes, is amended to read:

5100 120.80 Exceptions and special requirements; agencies.—

5101 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
5102 to the adoption of amendments and the triennial update to the
5103 Florida Fire Prevention Code expressly authorized by s. 633.202
5104 ~~633.0215~~.

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5105 Section 121. Subsection (3) and paragraph (a) of subsection
5106 (6) of section 121.0515, Florida Statutes, are amended to read:
5107 121.0515 Special Risk Class.—

5108 (3) CRITERIA.—A member, to be designated as a special risk
5109 member, must meet the following criteria:

5110 (a) Effective October 1, 1978, the member must be employed
5111 as a law enforcement officer and be certified, or required to be
5112 certified, in compliance with s. 943.1395; however, sheriffs and
5113 elected police chiefs are excluded from meeting the
5114 certification requirements of this paragraph. In addition, the
5115 member's duties and responsibilities must include the pursuit,
5116 apprehension, and arrest of law violators or suspected law
5117 violators; or as of July 1, 1982, the member must be an active
5118 member of a bomb disposal unit whose primary responsibility is
5119 the location, handling, and disposal of explosive devices; or
5120 the member must be the supervisor or command officer of a member
5121 or members who have such responsibilities. Administrative
5122 support personnel, including, but not limited to, those whose
5123 primary duties and responsibilities are in accounting,
5124 purchasing, legal, and personnel, are not included;

5125 (b) Effective October 1, 1978, the member must be employed
5126 as a firefighter and be certified, or required to be certified,
5127 in compliance with s. 633.408 ~~633.35~~ and be employed solely
5128 within the fire department of a local government employer or an
5129 agency of state government with firefighting responsibilities.
5130 In addition, the member's duties and responsibilities must
5131 include on-the-scene fighting of fires; as of October 1, 2001,
5132 fire prevention or firefighter training; as of October 1, 2001,
5133 direct supervision of firefighting units, fire prevention, or

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5134 firefighter training; or as of July 1, 2001, aerial firefighting
5135 surveillance performed by fixed-wing aircraft pilots employed by
5136 the Florida Forest Service of the Department of Agriculture and
5137 Consumer Services; or the member must be the supervisor or
5138 command officer of a member or members who have such
5139 responsibilities. Administrative support personnel, including,
5140 but not limited to, those whose primary duties and
5141 responsibilities are in accounting, purchasing, legal, and
5142 personnel, are not included. All periods of creditable service
5143 in fire prevention or firefighter training, or as the supervisor
5144 or command officer of a member or members who have such
5145 responsibilities, and for which the employer paid the special
5146 risk contribution rate, are included;

5147 (c) Effective October 1, 1978, the member must be employed
5148 as a correctional officer and be certified, or required to be
5149 certified, in compliance with s. 943.1395. In addition, the
5150 member's primary duties and responsibilities must be the
5151 custody, and physical restraint when necessary, of prisoners or
5152 inmates within a prison, jail, or other criminal detention
5153 facility, or while on work detail outside the facility, or while
5154 being transported; or as of July 1, 1984, the member must be the
5155 supervisor or command officer of a member or members who have
5156 such responsibilities. Administrative support personnel,
5157 including, but not limited to, those whose primary duties and
5158 responsibilities are in accounting, purchasing, legal, and
5159 personnel, are not included; however, wardens and assistant
5160 wardens, as defined by rule, are included;

5161 (d) Effective October 1, 1999, the member must be employed
5162 by a licensed Advance Life Support (ALS) or Basic Life Support

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5163 (BLS) employer as an emergency medical technician or a paramedic
5164 and be certified in compliance with s. 401.27. In addition, the
5165 member's primary duties and responsibilities must include on-
5166 the-scene emergency medical care or as of October 1, 2001,
5167 direct supervision of emergency medical technicians or
5168 paramedics, or the member must be the supervisor or command
5169 officer of one or more members who have such responsibility.
5170 Administrative support personnel, including, but not limited to,
5171 those whose primary responsibilities are in accounting,
5172 purchasing, legal, and personnel, are not included;

5173 (e) Effective January 1, 2001, the member must be employed
5174 as a community-based correctional probation officer and be
5175 certified, or required to be certified, in compliance with s.
5176 943.1395. In addition, the member's primary duties and
5177 responsibilities must be the supervised custody, surveillance,
5178 control, investigation, and counseling of assigned inmates,
5179 probationers, parolees, or community controllees within the
5180 community; or the member must be the supervisor of a member or
5181 members who have such responsibilities. Administrative support
5182 personnel, including, but not limited to, those whose primary
5183 duties and responsibilities are in accounting, purchasing, legal
5184 services, and personnel management, are not included; however,
5185 probation and parole circuit and deputy circuit administrators
5186 are included;

5187 (f) Effective January 1, 2001, the member must be employed
5188 in one of the following classes and must spend at least 75
5189 percent of his or her time performing duties which involve
5190 contact with patients or inmates in a correctional or forensic
5191 facility or institution:

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- 5192 1. Dietitian (class codes 5203 and 5204);
5193 2. Public health nutrition consultant (class code 5224);
5194 3. Psychological specialist (class codes 5230 and 5231);
5195 4. Psychologist (class code 5234);
5196 5. Senior psychologist (class codes 5237 and 5238);
5197 6. Regional mental health consultant (class code 5240);
5198 7. Psychological Services Director—DCF (class code 5242);
5199 8. Pharmacist (class codes 5245 and 5246);
5200 9. Senior pharmacist (class codes 5248 and 5249);
5201 10. Dentist (class code 5266);
5202 11. Senior dentist (class code 5269);
5203 12. Registered nurse (class codes 5290 and 5291);
5204 13. Senior registered nurse (class codes 5292 and 5293);
5205 14. Registered nurse specialist (class codes 5294 and
5206 5295);
5207 15. Clinical associate (class codes 5298 and 5299);
5208 16. Advanced registered nurse practitioner (class codes
5209 5297 and 5300);
5210 17. Advanced registered nurse practitioner specialist
5211 (class codes 5304 and 5305);
5212 18. Registered nurse supervisor (class codes 5306 and
5213 5307);
5214 19. Senior registered nurse supervisor (class codes 5308
5215 and 5309);
5216 20. Registered nursing consultant (class codes 5312 and
5217 5313);
5218 21. Quality management program supervisor (class code
5219 5314);
5220 22. Executive nursing director (class codes 5320 and 5321);

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5221 23. Speech and hearing therapist (class code 5406); or
5222 24. Pharmacy manager (class code 5251);

5223 (g) Effective July 1, 2001, the member must be employed as
5224 a youth custody officer and be certified, or required to be
5225 certified, in compliance with s. 943.1395. In addition, the
5226 member's primary duties and responsibilities must be the
5227 supervised custody, surveillance, control, investigation,
5228 apprehension, arrest, and counseling of assigned juveniles
5229 within the community;

5230 (h) Effective October 1, 2005, through June 30, 2008, the
5231 member must be employed by a law enforcement agency or medical
5232 examiner's office in a forensic discipline recognized by the
5233 International Association for Identification and must qualify
5234 for active membership in the International Association for
5235 Identification. The member's primary duties and responsibilities
5236 must include the collection, examination, preservation,
5237 documentation, preparation, or analysis of physical evidence or
5238 testimony, or both, or the member must be the direct supervisor,
5239 quality management supervisor, or command officer of one or more
5240 individuals with such responsibility. Administrative support
5241 personnel, including, but not limited to, those whose primary
5242 responsibilities are clerical or in accounting, purchasing,
5243 legal, and personnel, are not included;

5244 (i) Effective July 1, 2008, the member must be employed by
5245 the Department of Law Enforcement in the crime laboratory or by
5246 the Division of State Fire Marshal in the forensic laboratory in
5247 one of the following classes:

- 5248 1. Forensic technologist (class code 8459);
5249 2. Crime laboratory technician (class code 8461);

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5250 3. Crime laboratory analyst (class code 8463);

5251 4. Senior crime laboratory analyst (class code 8464);

5252 5. Crime laboratory analyst supervisor (class code 8466);

5253 6. Forensic chief (class code 9602); or

5254 7. Forensic services quality manager (class code 9603);

5255 (j) Effective July 1, 2008, the member must be employed by
5256 a local government law enforcement agency or medical examiner's
5257 office and must spend at least 65 percent of his or her time
5258 performing duties that involve the collection, examination,
5259 preservation, documentation, preparation, or analysis of human
5260 tissues or fluids or physical evidence having potential
5261 biological, chemical, or radiological hazard or contamination,
5262 or use chemicals, processes, or materials that may have
5263 carcinogenic or health-damaging properties in the analysis of
5264 such evidence, or the member must be the direct supervisor of
5265 one or more individuals having such responsibility. If a special
5266 risk member changes to another position within the same agency,
5267 he or she must submit a complete application as provided in
5268 paragraph (4) (a); or

5269 (k) The member must have already qualified for and be
5270 actively participating in special risk membership under
5271 paragraph (a), paragraph (b), or paragraph (c), must have
5272 suffered a qualifying injury as defined in this paragraph, must
5273 not be receiving disability retirement benefits as provided in
5274 s. 121.091(4), and must satisfy the requirements of this
5275 paragraph.

5276 1. The ability to qualify for the class of membership
5277 defined in paragraph (2) (i) occurs when two licensed medical
5278 physicians, one of whom is a primary treating physician of the

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5279 member, certify the existence of the physical injury and medical
5280 condition that constitute a qualifying injury as defined in this
5281 paragraph and that the member has reached maximum medical
5282 improvement after August 1, 2008. The certifications from the
5283 licensed medical physicians must include, at a minimum, that the
5284 injury to the special risk member has resulted in a physical
5285 loss, or loss of use, of at least two of the following: left
5286 arm, right arm, left leg, or right leg; and:

5287 a. That this physical loss or loss of use is total and
5288 permanent, except if ~~in the event that~~ the loss of use is due to
5289 a physical injury to the member's brain, in which event the loss
5290 of use is permanent with at least 75 percent loss of motor
5291 function with respect to each arm or leg affected.

5292 b. That this physical loss or loss of use renders the
5293 member physically unable to perform the essential job functions
5294 of his or her special risk position.

5295 c. That, notwithstanding this physical loss or loss of use,
5296 the individual can ~~is able to~~ perform the essential job
5297 functions required by the member's new position, as provided in
5298 subparagraph 3.

5299 d. That use of artificial limbs is ~~either~~ not possible or
5300 does not alter the member's ability to perform the essential job
5301 functions of the member's position.

5302 e. That the physical loss or loss of use is a direct result
5303 of a physical injury and not a result of any mental,
5304 psychological, or emotional injury.

5305 2. For the purposes of this paragraph, "qualifying injury"
5306 means an injury sustained in the line of duty, as certified by
5307 the member's employing agency, by a special risk member that

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5308 does not result in total and permanent disability as defined in
5309 s. 121.091(4)(b). An injury is a qualifying injury if the injury
5310 is a physical injury to the member's physical body resulting in
5311 a physical loss, or loss of use, of at least two of the
5312 following: left arm, right arm, left leg, or right leg.
5313 Notwithstanding any other provision of this section, an injury
5314 that would otherwise qualify as a qualifying injury is not
5315 considered a qualifying injury if and when the member ceases
5316 employment with the employer for whom he or she was providing
5317 special risk services on the date the injury occurred.

5318 3. The new position, as described in sub-subparagraph 1.c.,
5319 that is required for qualification as a special risk member
5320 under this paragraph is not required to be a position with
5321 essential job functions that entitle an individual to special
5322 risk membership. Whether a new position as described in sub-
5323 subparagraph 1.c. exists and is available to the special risk
5324 member is a decision to be made solely by the employer in
5325 accordance with its hiring practices and applicable law.

5326 4. This paragraph does not grant or create additional
5327 rights for any individual to continued employment or to be hired
5328 or rehired by his or her employer that are not already provided
5329 within the Florida Statutes, the State Constitution, the
5330 Americans with Disabilities Act, if applicable, or any other
5331 applicable state or federal law.

5332 (6) CREDIT FOR PAST SERVICE.—A special risk member may
5333 purchase retirement credit in the Special Risk Class based upon
5334 past service, and may upgrade retirement credit for such past
5335 service, to the extent of 2 percent of the member's average
5336 monthly compensation as specified in s. 121.091(1)(a) for such

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5337 service as follows:

5338 (a) The member may purchase special risk credit for past
5339 service with a municipality or special district which has
5340 elected to join the Florida Retirement System, or with a
5341 participating agency to which a member's governmental unit was
5342 transferred, merged, or consolidated as provided in s.
5343 121.081(1)(f), if the member was employed with the municipality
5344 or special district when ~~at the time~~ it commenced participating
5345 in the Florida Retirement System or with the governmental unit
5346 at the time of its transfer, merger, or consolidation with the
5347 participating agency. The service must satisfy the criteria set
5348 forth in subsection (3) for Special Risk Class membership as a
5349 law enforcement officer, firefighter, or correctional officer;
5350 however, a certificate or waiver of certificate of compliance
5351 with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such
5352 service.

5353 Section 122. Paragraph (d) of subsection (1) of section
5354 125.01, Florida Statutes, is amended to read:

5355 125.01 Powers and duties.—

5356 (1) The legislative and governing body of a county shall
5357 have the power to carry on county government. To the extent not
5358 inconsistent with general or special law, this power includes,
5359 but is not restricted to, the power to:

5360 (d) Provide fire protection, including the enforcement of
5361 the Florida Fire Prevention Code, as provided in ss. 633.206
5362 ~~633.022~~ and 633.208 ~~633.025~~, and adopt and enforce local
5363 technical amendments to the Florida Fire Prevention Code as
5364 provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

5365 Section 123. Subsection (2) of section 125.01045, Florida

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5366 Statutes, is amended to read:

5367 125.01045 Prohibition of fees for first responder
5368 services.—

5369 (2) As used in this section, the term "first responder"
5370 means a law enforcement officer as defined in s. 943.10, a
5371 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5372 medical technician or paramedic as defined in s. 401.23 who is
5373 employed by the state or a local government. A volunteer law
5374 enforcement officer, firefighter, or emergency medical
5375 technician or paramedic engaged by the state or a local
5376 government is also considered a first responder of the state or
5377 local government for purposes of this section.

5378 Section 124. Subsection (1) of section 125.56, Florida
5379 Statutes, is amended to read:

5380 125.56 Enforcement and amendment of the Florida Building
5381 Code and the Florida Fire Prevention Code; inspection fees;
5382 inspectors; etc.—

5383 (1) The board of county commissioners of each of the
5384 several counties of the state may ~~is authorized to~~ enforce the
5385 Florida Building Code and the Florida Fire Prevention Code, as
5386 provided in ss. 553.80, 633.206 ~~633.022~~, and 633.208 ~~633.025~~,
5387 and, at its discretion, ~~to~~ adopt local technical amendments to
5388 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)
5389 and local technical amendments to the Florida Fire Prevention
5390 Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe
5391 construction, erection, alteration, repair, securing, and
5392 demolition of any building within its territory outside the
5393 corporate limits of any municipality. Upon a determination to
5394 consider amending the Florida Building Code or the Florida Fire

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5395 Prevention Code by a majority of the members of the board of
5396 county commissioners of such county, the board shall call a
5397 public hearing and comply with the public notice requirements of
5398 s. 125.66(2). The board shall hear all interested parties at the
5399 public hearing and may then amend the building code or the fire
5400 code consistent with the terms and purposes of this act. Upon
5401 adoption, an amendment to the code shall be in full force and
5402 effect throughout the unincorporated area of such county until
5403 otherwise notified by the Florida Building Commission pursuant
5404 to s. 553.73 or the State Fire Marshal pursuant to s. 633.202
5405 ~~633.0215~~. Nothing herein contained shall be construed to prevent
5406 the board of county commissioners from repealing such amendment
5407 to the building code or the fire code at any regular meeting of
5408 such board.

5409 Section 125. Subsection (2) of section 166.0446, Florida
5410 Statutes, is amended to read:

5411 166.0446 Prohibition of fees for first responder services.—

5412 (2) As used in this section, the term "first responder"
5413 means a law enforcement officer as defined in s. 943.10, a
5414 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
5415 medical technician or paramedic as defined in s. 401.23 who is
5416 employed by the state or a local government. A volunteer law
5417 enforcement officer, firefighter, or emergency medical
5418 technician or paramedic engaged by the state or a local
5419 government is also considered a first responder of the state or
5420 local government for purposes of this section.

5421 Section 126. Paragraph (a) of subsection (8) of section
5422 175.032, Florida Statutes, is amended to read:

5423 175.032 Definitions.—For any municipality, special fire

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5424 control district, chapter plan, local law municipality, local
5425 law special fire control district, or local law plan under this
5426 chapter, the following words and phrases have the following
5427 meanings:

5428 (8) (a) "Firefighter" means a ~~any~~ person employed solely by
5429 a constituted fire department of any municipality or special
5430 fire control district who is certified as a firefighter as a
5431 condition of employment in accordance with s. 633.408 ~~633.35~~ and
5432 whose duty it is to extinguish fires, to protect life, or to
5433 protect property. The term includes all certified, supervisory,
5434 and command personnel whose duties include, in whole or in part,
5435 the supervision, training, guidance, and management
5436 responsibilities of full-time firefighters, part-time
5437 firefighters, or auxiliary firefighters but does not include
5438 part-time firefighters or auxiliary firefighters. However, for
5439 purposes of this chapter only, the term also includes public
5440 safety officers who are responsible for performing both police
5441 and fire services, who are certified as police officers or
5442 firefighters, and who are certified by their employers to the
5443 Chief Financial Officer as participating in this chapter before
5444 October 1, 1979. Effective October 1, 1979, public safety
5445 officers who have not been certified as participating in this
5446 chapter are considered police officers for retirement purposes
5447 and are eligible to participate in chapter 185. Any plan may
5448 provide that the fire chief has an option to participate, or
5449 not, in that plan.

5450 Section 127. Subsection (3) of section 175.121, Florida
5451 Statutes, is amended to read:

5452 175.121 Department of Revenue and Division of Retirement to

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5453 keep accounts of deposits; disbursements.—For any municipality
5454 or special fire control district having a chapter or local law
5455 plan established pursuant to this chapter:

5456 (3) (a) All moneys not distributed to municipalities and
5457 special fire control districts under this section as a result of
5458 the limitation on disbursement contained in s. 175.122, or as a
5459 result of any municipality or special fire control district not
5460 having qualified in any given year, or portion thereof, shall be
5461 transferred to the Firefighters' Supplemental Compensation Trust
5462 Fund administered by the Department of Revenue, as provided in
5463 s. 633.422 ~~633.382~~.

5464 (b)1. Moneys transferred under paragraph (a) but not needed
5465 to support the supplemental compensation program in a given year
5466 shall be redistributed pro rata to those participating
5467 municipalities and special fire control districts that transfer
5468 any portion of their funds to support the supplemental
5469 compensation program in that year. Such additional moneys shall
5470 be used to cover or offset costs of the retirement plan.

5471 2. To assist the Department of Revenue, the division shall
5472 identify those municipalities and special fire control districts
5473 that are eligible for redistribution as provided in s.
5474 633.422 (3) (c) 2. ~~633.382 (4) (c) 2.~~, by listing the municipalities
5475 and special fire control districts from which funds were
5476 transferred under paragraph (a) and specifying the amount
5477 transferred by each.

5478 Section 128. Paragraph (e) of subsection (1) of section
5479 218.23, Florida Statutes, is amended to read:

5480 218.23 Revenue sharing with units of local government.—

5481 (1) To be eligible to participate in revenue sharing beyond

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5482 the minimum entitlement in any fiscal year, a unit of local
5483 government is required to have:

5484 (e) Certified that persons in its employ as firefighters,
5485 as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for
5486 employment as established by the Division of State Fire Marshal
5487 pursuant to ~~the provisions of~~ ss. 633.408 ~~633.34~~ and 633.412
5488 ~~633.35~~ and that ~~the provisions of~~ s. 633.422 ~~has~~ ~~633.382~~ have
5489 been met.

5490

5491 Additionally, to receive its share of revenue sharing funds, a
5492 unit of local government shall certify to the Department of
5493 Revenue that the requirements of s. 200.065, if applicable, were
5494 met. The certification shall be made annually within 30 days of
5495 adoption of an ordinance or resolution establishing a final
5496 property tax levy or, if no property tax is levied, not later
5497 than November 1. The portion of revenue sharing funds which,
5498 pursuant to this part, would otherwise be distributed to a unit
5499 of local government which has not certified compliance or has
5500 otherwise failed to meet the requirements of s. 200.065 shall be
5501 deposited in the General Revenue Fund for the 12 months
5502 following a determination of noncompliance by the department.

5503 Section 129. Paragraph (a) of subsection (3) of section
5504 252.515, Florida Statutes, is amended to read:

5505 252.515 Postdisaster Relief Assistance Act; immunity from
5506 civil liability.—

5507 (3) As used in this section, the term:

5508 (a) "Emergency first responder" means:

5509 1. A physician licensed under chapter 458.

5510 2. An osteopathic physician licensed under chapter 459.

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- 5511 3. A chiropractic physician licensed under chapter 460.
5512 4. A podiatric physician licensed under chapter 461.
5513 5. A dentist licensed under chapter 466.
5514 6. An advanced registered nurse practitioner certified
5515 under s. 464.012.
5516 7. A physician assistant licensed under s. 458.347 or s.
5517 459.022.
5518 8. A worker employed by a public or private hospital in the
5519 state.
5520 9. A paramedic as defined in s. 401.23(17).
5521 10. An emergency medical technician as defined in s.
5522 401.23(11).
5523 11. A firefighter as defined in s. 633.102 ~~633.30~~.
5524 12. A law enforcement officer as defined in s. 943.10.
5525 13. A member of the Florida National Guard.
5526 14. Any other personnel designated as emergency personnel
5527 by the Governor pursuant to a declared emergency.
5528 Section 130. Section 255.45, Florida Statutes, is amended
5529 to read:
5530 255.45 Correction of firesafety violations in certain
5531 state-owned property.—The Department of Management Services is
5532 responsible for ensuring that firesafety violations that are
5533 noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~
5534 are corrected as soon as practicable for all state-owned
5535 property which is leased from the Department of Management
5536 Services.
5537 Section 131. Subsection (4) of section 258.0145, Florida
5538 Statutes, is amended to read:
5539 258.0145 Military state park fee discounts.—The Division of

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5540 Recreation and Parks shall provide the following discounts on
5541 park fees to persons who present written documentation
5542 satisfactory to the division which evidences their eligibility
5543 for the discounts:

5544 (4) The surviving spouse and parents of a law enforcement
5545 officer, as defined in s. 943.10(1), or a firefighter, as
5546 defined in s. 633.102 ~~633.30(1)~~, who has died in the line of
5547 duty shall receive lifetime family annual entrance passes at no
5548 charge.

5549 Section 132. Subsection (1) of section 281.02, Florida
5550 Statutes, is amended to read:

5551 281.02 Powers and duties of the Department of Management
5552 Services with respect to firesafety and security.—The Department
5553 of Management Services has the following powers and duties with
5554 respect to firesafety and security:

5555 (1) To assist the State Fire Marshal in maintaining the
5556 firesafety of public buildings pursuant to s. 633.218 ~~633.085~~.

5557 Section 133. Subsection (1) of section 384.287, Florida
5558 Statutes, is amended to read:

5559 384.287 Screening for sexually transmissible disease.—

5560 (1) An officer as defined in s. 943.10(14); support
5561 personnel as defined in s. 943.10(11) who are employed by the
5562 Department of Law Enforcement, including, but not limited to,
5563 any crime scene analyst, forensic technologist, or crime lab
5564 analyst; firefighter as defined in s. 633.102 ~~633.30~~; or
5565 ambulance driver, paramedic, or emergency medical technician as
5566 defined in s. 401.23, acting within the scope of employment, who
5567 comes into contact with a person in such a way that significant
5568 exposure, as defined in s. 381.004, has occurred may request

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5569 that the person be screened for a sexually transmissible disease
5570 that can be transmitted through a significant exposure.

5571 Section 134. Paragraph (a) of subsection (1) of section
5572 395.0163, Florida Statutes, is amended to read:

5573 395.0163 Construction inspections; plan submission and
5574 approval; fees.—

5575 (1) (a) The design, construction, erection, alteration,
5576 modification, repair, and demolition of all public and private
5577 health care facilities are governed by the Florida Building Code
5578 and the Florida Fire Prevention Code under ss. 553.73 and
5579 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79
5580 and 553.80, the agency shall review facility plans and survey
5581 the construction of any facility licensed under this chapter.
5582 The agency shall make, or cause to be made, such construction
5583 inspections and investigations as it deems necessary. The agency
5584 may prescribe by rule that any licensee or applicant desiring to
5585 make specified types of alterations or additions to its
5586 facilities or to construct new facilities shall, before
5587 commencing such alteration, addition, or new construction,
5588 submit plans and specifications therefor to the agency for
5589 preliminary inspection and approval or recommendation with
5590 respect to compliance with applicable provisions of the Florida
5591 Building Code or agency rules and standards. The agency shall
5592 approve or disapprove the plans and specifications within 60
5593 days after receipt of the fee for review of plans as required in
5594 subsection (2). The agency may be granted one 15-day extension
5595 for the review period if the director of the agency approves the
5596 extension. If the agency fails to act within the specified time,
5597 it shall be deemed to have approved the plans and

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5598 specifications. When the agency disapproves plans and
5599 specifications, it shall set forth in writing the reasons for
5600 its disapproval. Conferences and consultations may be provided
5601 as necessary.

5602 Section 135. Section 400.232, Florida Statutes, is amended
5603 to read:

5604 400.232 Review and approval of plans; fees and costs.—The
5605 design, construction, erection, alteration, modification,
5606 repair, and demolition of all public and private health care
5607 facilities are governed by the Florida Building Code and the
5608 Florida Fire Prevention Code under ss. 553.73 and 633.206
5609 ~~633.022~~. In addition to the requirements of ss. 553.79 and
5610 553.80, the agency shall review the facility plans and survey
5611 the construction of facilities licensed under this chapter.

5612 (1) The agency shall approve or disapprove the plans and
5613 specifications within 60 days after receipt of the final plans
5614 and specifications. The agency may be granted one 15-day
5615 extension for the review period, if the director of the agency
5616 so approves. If the agency fails to act within the specified
5617 time, it shall be deemed to have approved the plans and
5618 specifications. When the agency disapproves plans and
5619 specifications, it shall set forth in writing the reasons for
5620 disapproval. Conferences and consultations may be provided as
5621 necessary.

5622 (2) The agency may ~~is authorized to~~ charge an initial fee
5623 of \$2,000 for review of plans and construction on all projects,
5624 no part of which is refundable. The agency may also collect a
5625 fee, not to exceed 1 percent of the estimated construction cost
5626 or the actual cost of review, whichever is less, for the portion

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5627 of the review which encompasses initial review through the
5628 initial revised construction document review. The agency is
5629 further authorized to collect its actual costs on all subsequent
5630 portions of the review and construction inspections. Initial fee
5631 payment shall accompany the initial submission of plans and
5632 specifications. Any subsequent payment that is due is payable
5633 upon receipt of the invoice from the agency. Notwithstanding any
5634 other ~~provisions of~~ law to the contrary, all money received by
5635 the agency pursuant to ~~the provisions of~~ this section shall be
5636 ~~deemed to be~~ trust funds, to be held and applied solely for the
5637 operations required under this section.

5638 Section 136. Section 400.915, Florida Statutes, is amended
5639 to read:

5640 400.915 Construction and renovation; requirements.—The
5641 requirements for the construction or renovation of a PPEC center
5642 shall comply with:

5643 (1) The provisions of chapter 553, which pertain to
5644 building construction standards, including plumbing, electrical
5645 code, glass, manufactured buildings, accessibility for the
5646 physically disabled;

5647 (2) Section 633.206 ~~The provisions of s. 633.022~~ and
5648 applicable rules pertaining to physical standards for
5649 nonresidential child care facilities; and

5650 (3) The standards or rules adopted pursuant to this part
5651 and part II of chapter 408.

5652 Section 137. Paragraph (a) of subsection (1) of section
5653 429.41, Florida Statutes, is amended to read:

5654 429.41 Rules establishing standards.—

5655 (1) It is the intent of the Legislature that rules

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5656 published and enforced pursuant to this section shall include
5657 criteria by which a reasonable and consistent quality of
5658 resident care and quality of life may be ensured and the results
5659 of such resident care may be demonstrated. Such rules shall also
5660 ensure a safe and sanitary environment that is residential and
5661 noninstitutional in design or nature. It is further intended
5662 that reasonable efforts be made to accommodate the needs and
5663 preferences of residents to enhance the quality of life in a
5664 facility. The agency, in consultation with the department, may
5665 adopt rules to administer the requirements of part II of chapter
5666 408. In order to provide safe and sanitary facilities and the
5667 highest quality of resident care accommodating the needs and
5668 preferences of residents, the department, in consultation with
5669 the agency, the Department of Children and Family Services, and
5670 the Department of Health, shall adopt rules, policies, and
5671 procedures to administer this part, which must include
5672 reasonable and fair minimum standards in relation to:

5673 (a) The requirements for and maintenance of facilities, not
5674 in conflict with ~~the provisions of~~ chapter 553, relating to
5675 plumbing, heating, cooling, lighting, ventilation, living space,
5676 and other housing conditions, which will ensure the health,
5677 safety, and comfort of residents and protection from fire
5678 hazard, including adequate provisions for fire alarm and other
5679 fire protection suitable to the size of the structure. Uniform
5680 firesafety standards shall be established and enforced by the
5681 State Fire Marshal in cooperation with the agency, the
5682 department, and the Department of Health.

5683 1. Evacuation capability determination.—

5684 a. The ~~provisions of the~~ National Fire Protection

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5685 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
5686 for determining the ability of the residents, with or without
5687 staff assistance, to relocate from or within a licensed facility
5688 to a point of safety as provided in the fire codes adopted
5689 herein. An evacuation capability evaluation for initial
5690 licensure shall be conducted within 6 months after the date of
5691 licensure. For existing licensed facilities that are not
5692 equipped with an automatic fire sprinkler system, the
5693 administrator shall evaluate the evacuation capability of
5694 residents at least annually. The evacuation capability
5695 evaluation for each facility not equipped with an automatic fire
5696 sprinkler system shall be validated, without liability, by the
5697 State Fire Marshal, by the local fire marshal, or by the local
5698 authority having jurisdiction over firesafety, before the
5699 license renewal date. If the State Fire Marshal, local fire
5700 marshal, or local authority having jurisdiction over firesafety
5701 has reason to believe that the evacuation capability of a
5702 facility as reported by the administrator may have changed, it
5703 may, with assistance from the facility administrator, reevaluate
5704 the evacuation capability through timed exiting drills.
5705 Translation of timed fire exiting drills to evacuation
5706 capability may be determined:

5707 (I) Three minutes or less: prompt.

5708 (II) More than 3 minutes, but not more than 13 minutes:
5709 slow.

5710 (III) More than 13 minutes: impractical.

5711 b. The Office of the State Fire Marshal shall provide or
5712 cause the provision of training and education on the proper
5713 application of Chapter 5, NFPA 101A, 1995 edition, to its

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5714 employees, to staff of the Agency for Health Care Administration
5715 who are responsible for regulating facilities under this part,
5716 and to local governmental inspectors. The Office of the State
5717 Fire Marshal shall provide or cause the provision of this
5718 training within its existing budget, but may charge a fee for
5719 this training to offset its costs. The initial training must be
5720 delivered within 6 months after July 1, 1995, and as needed
5721 thereafter.

5722 c. The Office of the State Fire Marshal, in cooperation
5723 with provider associations, shall provide or cause the provision
5724 of a training program designed to inform facility operators on
5725 how to properly review bid documents relating to the
5726 installation of automatic fire sprinklers. The Office of the
5727 State Fire Marshal shall provide or cause the provision of this
5728 training within its existing budget, but may charge a fee for
5729 this training to offset its costs. The initial training must be
5730 delivered within 6 months after July 1, 1995, and as needed
5731 thereafter.

5732 d. The administrator of a licensed facility shall sign an
5733 affidavit verifying the number of residents occupying the
5734 facility at the time of the evacuation capability evaluation.

5735 2. Firesafety requirements.-

5736 a. Except for the special applications provided herein,
5737 effective January 1, 1996, the ~~provisions of the~~ National Fire
5738 Protection Association, Life Safety Code, NFPA 101, 1994
5739 edition, Chapter 22 for new facilities and Chapter 23 for
5740 existing facilities shall be the uniform fire code applied by
5741 the State Fire Marshal for assisted living facilities, pursuant
5742 to s. 633.206 ~~633.022~~.

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5743 b. Any new facility, regardless of size, that applies for a
5744 license on or after January 1, 1996, must be equipped with an
5745 automatic fire sprinkler system. The exceptions as provided in
5746 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
5747 to any new facility housing eight or fewer residents. On July 1,
5748 1995, local governmental entities responsible for the issuance
5749 of permits for construction shall inform, without liability, any
5750 facility whose permit for construction is obtained before ~~prior~~
5751 ~~to~~ January 1, 1996, of this automatic fire sprinkler
5752 requirement. As used in this part, the term "a new facility"
5753 does not mean an existing facility that has undergone change of
5754 ownership.

5755 c. Notwithstanding any provision of s. 633.206 ~~633.022~~ or
5756 of the National Fire Protection Association, NFPA 101A, Chapter
5757 5, 1995 edition, to the contrary, any existing facility housing
5758 eight or fewer residents is not required to install an automatic
5759 fire sprinkler system, nor to comply with any other requirement
5760 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
5761 firesafety requirements of NFPA 101, 1988 edition, that applies
5762 to this size facility, unless the facility has been classified
5763 as impractical to evacuate. Any existing facility housing eight
5764 or fewer residents that is classified as impractical to evacuate
5765 must install an automatic fire sprinkler system within the
5766 timeframes granted in this section.

5767 d. Any existing facility that is required to install an
5768 automatic fire sprinkler system under this paragraph need not
5769 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
5770 edition, which exceed the provisions of NFPA 101, 1988 edition.
5771 The mandate contained in this paragraph which requires certain

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5772 facilities to install an automatic fire sprinkler system
5773 supersedes any other requirement.

5774 e. This paragraph does not supersede the exceptions granted
5775 in NFPA 101, 1988 edition or 1994 edition.

5776 f. This paragraph does not exempt facilities from other
5777 firesafety provisions adopted under s. 633.206 ~~633.022~~ and local
5778 building code requirements in effect before July 1, 1995.

5779 g. A local government may charge fees only in an amount not
5780 to exceed the actual expenses incurred by local government
5781 relating to the installation and maintenance of an automatic
5782 fire sprinkler system in an existing and properly licensed
5783 assisted living facility structure as of January 1, 1996.

5784 h. If a licensed facility undergoes major reconstruction or
5785 addition to an existing building on or after January 1, 1996,
5786 the entire building must be equipped with an automatic fire
5787 sprinkler system. Major reconstruction of a building means
5788 repair or restoration that costs in excess of 50 percent of the
5789 value of the building as reported on the tax rolls, excluding
5790 land, before reconstruction. Multiple reconstruction projects
5791 within a 5-year period the total costs of which exceed 50
5792 percent of the initial value of the building when ~~at the time~~
5793 the first reconstruction project was permitted are to be
5794 considered as major reconstruction. Application for a permit for
5795 an automatic fire sprinkler system is required upon application
5796 for a permit for a reconstruction project that creates costs
5797 that go over the 50-percent threshold.

5798 i. Any facility licensed before January 1, 1996, that is
5799 required to install an automatic fire sprinkler system shall
5800 ensure that the installation is completed within the following

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5801 timeframes based upon evacuation capability of the facility as
5802 determined under subparagraph 1.:

5803 (I) Impractical evacuation capability, 24 months.

5804 (II) Slow evacuation capability, 48 months.

5805 (III) Prompt evacuation capability, 60 months.

5806

5807 The beginning date from which the deadline for the automatic
5808 fire sprinkler installation requirement must be calculated is
5809 upon receipt of written notice from the local fire official that
5810 an automatic fire sprinkler system must be installed. The local
5811 fire official shall send a copy of the document indicating the
5812 requirement of a fire sprinkler system to the Agency for Health
5813 Care Administration.

5814 j. It is recognized that the installation of an automatic
5815 fire sprinkler system may create financial hardship for some
5816 facilities. The appropriate local fire official shall, without
5817 liability, grant two 1-year extensions to the timeframes for
5818 installation established herein, if an automatic fire sprinkler
5819 installation cost estimate and proof of denial from two
5820 financial institutions for a construction loan to install the
5821 automatic fire sprinkler system are submitted. However, for any
5822 facility with a class I or class II, or a history of uncorrected
5823 class III, firesafety deficiencies, an extension must not be
5824 granted. The local fire official shall send a copy of the
5825 document granting the time extension to the Agency for Health
5826 Care Administration.

5827 k. A facility owner whose facility is required to be
5828 equipped with an automatic fire sprinkler system under Chapter
5829 23, NFPA 101, 1994 edition, as adopted herein, must disclose to

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5830 any potential buyer of the facility that an installation of an
5831 automatic fire sprinkler requirement exists. The sale of the
5832 facility does not alter the timeframe for the installation of
5833 the automatic fire sprinkler system.

5834 1. Existing facilities required to install an automatic
5835 fire sprinkler system as a result of construction-type
5836 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted
5837 herein, or evacuation capability requirements shall be notified
5838 by the local fire official in writing of the automatic fire
5839 sprinkler requirement, as well as the appropriate date for final
5840 compliance as provided in this subparagraph. The local fire
5841 official shall send a copy of the document to the Agency for
5842 Health Care Administration.

5843 m. Except in cases of life-threatening fire hazards, if an
5844 existing facility experiences a change in the evacuation
5845 capability, or if the local authority having jurisdiction
5846 identifies a construction-type restriction, such that an
5847 automatic fire sprinkler system is required, it shall be given
5848 ~~afforded~~ time for installation as provided in this subparagraph.

5849
5850 Facilities that are fully sprinkled and in compliance with other
5851 firesafety standards are not required to conduct more than one
5852 of the required fire drills between the hours of 11 p.m. and 7
5853 a.m., per year. In lieu of the remaining drills, staff
5854 responsible for residents during such hours may be required to
5855 participate in a mock drill that includes a review of evacuation
5856 procedures. Such standards must be included or referenced in the
5857 rules adopted by the State Fire Marshal. Pursuant to s.
5858 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final

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5859 administrative authority for firesafety standards established
5860 and enforced pursuant to this section. All licensed facilities
5861 must have an annual fire inspection conducted by the local fire
5862 marshal or authority having jurisdiction.

5863 3. Resident elopement requirements.—Facilities are required
5864 to conduct a minimum of two resident elopement prevention and
5865 response drills per year. All administrators and direct care
5866 staff must participate in the drills which shall include a
5867 review of procedures to address resident elopement. Facilities
5868 must document the implementation of the drills and ensure that
5869 the drills are conducted in a manner consistent with the
5870 facility's resident elopement policies and procedures.

5871 Section 138. Subsection (1) of section 429.44, Florida
5872 Statutes, is amended to read:

5873 429.44 Construction and renovation; requirements.—

5874 (1) The requirements for the construction and renovation of
5875 a facility shall comply with ~~the provisions of~~ chapter 553 which
5876 pertains ~~pertain~~ to building construction standards, including
5877 plumbing, electrical code, glass, manufactured buildings,
5878 accessibility for persons with disabilities, and the state
5879 minimum building code and with ~~the provisions of~~ s. 633.206
5880 ~~633.022~~, which pertains ~~pertain~~ to uniform firesafety standards.

5881 Section 139. Subsection (2) of section 429.73, Florida
5882 Statutes, is amended to read:

5883 429.73 Rules and standards relating to adult family-care
5884 homes.—

5885 (2) The department shall by rule provide minimum standards
5886 and procedures for emergencies. Pursuant to s. 633.206 ~~633.022~~,
5887 the State Fire Marshal, in consultation with the department and

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5888 the agency, shall adopt uniform firesafety standards for adult
5889 family-care homes.

5890 Section 140. Subsection (4) of section 447.203, Florida
5891 Statutes, is amended to read:

5892 447.203 Definitions.—As used in this part:

5893 (4) "Managerial employees" are those employees who:

5894 (a) Perform jobs that are not of a routine, clerical, or
5895 ministerial nature and require the exercise of independent
5896 judgment in the performance of such jobs and to whom one or more
5897 of the following applies:

5898 1. They formulate or assist in formulating policies which
5899 are applicable to bargaining unit employees.

5900 2. They may reasonably be required on behalf of the
5901 employer to assist in the preparation for the conduct of
5902 collective bargaining negotiations.

5903 3. They have a role in the administration of agreements
5904 resulting from collective bargaining negotiations.

5905 4. They have a significant role in personnel
5906 administration.

5907 5. They have a significant role in employee relations.

5908 6. They are included in the definition of administrative
5909 personnel contained in s. 1012.01(3).

5910 7. They have a significant role in the preparation or
5911 administration of budgets for any public agency or institution
5912 or subdivision thereof.

5913 (b) Serve as police chiefs, fire chiefs, or directors of
5914 public safety of any police, fire, or public safety department.
5915 Other police officers, as defined in s. 943.10(1), and
5916 firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be

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5917 determined by the commission to be managerial employees of such
5918 departments. In making such determinations, the commission shall
5919 consider, in addition to the criteria established in paragraph
5920 (a), the paramilitary organizational structure of the department
5921 involved.

5922
5923 However, in determining whether an individual is a managerial
5924 employee pursuant to ~~either~~ paragraph (a) or paragraph (b),
5925 above, the commission may consider historic relationships of the
5926 employee to the public employer and to coemployees.

5927 Section 141. Subsection (1) of section 468.602, Florida
5928 Statutes, is amended to read:

5929 468.602 Exemptions.—This part does not apply to:

5930 (1) Persons who possess a valid certificate, issued
5931 pursuant to s. 633.216 ~~633.081~~, for conducting firesafety
5932 inspections, when conducting firesafety inspections.

5933 Section 142. Paragraph (c) of subsection (2) of section
5934 468.609, Florida Statutes, is amended to read:

5935 468.609 Administration of this part; standards for
5936 certification; additional categories of certification.—

5937 (2) A person may take the examination for certification as
5938 a building code inspector or plans examiner pursuant to this
5939 part if the person:

5940 (c) Meets eligibility requirements according to one of the
5941 following criteria:

5942 1. Demonstrates 5 years' combined experience in the field
5943 of construction or a related field, building code inspection, or
5944 plans review corresponding to the certification category sought;

5945 2. Demonstrates a combination of postsecondary education in

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5946 the field of construction or a related field and experience
5947 which totals 4 years, with at least 1 year of such total being
5948 experience in construction, building code inspection, or plans
5949 review;

5950 3. Demonstrates a combination of technical education in the
5951 field of construction or a related field and experience which
5952 totals 4 years, with at least 1 year of such total being
5953 experience in construction, building code inspection, or plans
5954 review;

5955 4. Currently holds a standard certificate as issued by the
5956 board, or a fire safety inspector license issued pursuant to
5957 chapter 633, has a minimum of 5 years' verifiable full-time
5958 experience in inspection or plan review, and satisfactorily
5959 completes a building code inspector or plans examiner training
5960 program of not less than 200 hours in the certification category
5961 sought. The board shall establish by rule criteria for the
5962 development and implementation of the training programs; or

5963 5. Demonstrates a combination of the completion of an
5964 approved training program in the field of building code
5965 inspection or plan review and a minimum of 2 years' experience
5966 in the field of building code inspection, plan review, fire code
5967 inspections and fire plans review of new buildings as a
5968 firesafety inspector certified under s. 633.216 ~~633.081(2)~~, or
5969 construction. The approved training portion of this requirement
5970 shall include proof of satisfactory completion of a training
5971 program of not less than 300 hours which is approved by the
5972 board in the chosen category of building code inspection or plan
5973 review in the certification category sought with not less than
5974 20 hours of instruction in state laws, rules, and ethics

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5975 relating to professional standards of practice, duties, and
5976 responsibilities of a certificateholder. The board shall
5977 coordinate with the Building Officials Association of Florida,
5978 Inc., to establish by rule the development and implementation of
5979 the training program.

5980 Section 143. Subsection (22) of section 489.103, Florida
5981 Statutes, is amended to read:

5982 489.103 Exemptions.—This part does not apply to:

5983 (22) A person licensed pursuant to s. 633.304(1)(d)
5984 ~~633.061(1)(d)~~ or (3)(b) performing work authorized by such
5985 license.

5986 Section 144. Paragraph (n) of subsection (3) of section
5987 489.105, Florida Statutes, is amended to read:

5988 489.105 Definitions.—As used in this part:

5989 (3) "Contractor" means the person who is qualified for, and
5990 is only responsible for, the project contracted for and means,
5991 except as exempted in this part, the person who, for
5992 compensation, undertakes to, submits a bid to, or does himself
5993 or herself or by others construct, repair, alter, remodel, add
5994 to, demolish, subtract from, or improve any building or
5995 structure, including related improvements to real estate, for
5996 others or for resale to others; and whose job scope is
5997 substantially similar to the job scope described in one of the
5998 paragraphs of this subsection. For the purposes of regulation
5999 under this part, the term "demolish" applies only to demolition
6000 of steel tanks more than 50 feet in height; towers more than 50
6001 feet in height; other structures more than 50 feet in height;
6002 and all buildings or residences. Contractors are subdivided into
6003 two divisions, Division I, consisting of those contractors

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6004 defined in paragraphs (a)-(c), and Division II, consisting of
6005 those contractors defined in paragraphs (d)-(q):

6006 (n) "Underground utility and excavation contractor" means a
6007 contractor whose services are limited to the construction,
6008 installation, and repair, on public or private property, whether
6009 accomplished through open excavations or through other means,
6010 including, but not limited to, directional drilling, auger
6011 boring, jacking and boring, trenchless technologies, wet and dry
6012 taps, grouting, and slip lining, of main sanitary sewer
6013 collection systems, main water distribution systems, storm sewer
6014 collection systems, and the continuation of utility lines from
6015 the main systems to a point of termination up to and including
6016 the meter location for the individual occupancy, sewer
6017 collection systems at property line on residential or single-
6018 occupancy commercial properties, or on multioccupancy properties
6019 at manhole or wye lateral extended to an invert elevation as
6020 engineered to accommodate future building sewers, water
6021 distribution systems, or storm sewer collection systems at storm
6022 sewer structures. However, an underground utility and excavation
6023 contractor may install empty underground conduits in rights-of-
6024 way, easements, platted rights-of-way in new site development,
6025 and sleeves for parking lot crossings no smaller than 2 inches
6026 in diameter if each conduit system installed is designed by a
6027 licensed professional engineer or an authorized employee of a
6028 municipality, county, or public utility and the installation of
6029 such conduit does not include installation of any conductor
6030 wiring or connection to an energized electrical system. An
6031 underground utility and excavation contractor may not install
6032 piping that is an integral part of a fire protection system as

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6033 defined in s. 633.102 ~~633.021~~ beginning at the point where the
6034 piping is used exclusively for such system.

6035 Section 145. Subsection (9) of section 496.404, Florida
6036 Statutes, is amended to read:

6037 496.404 Definitions.—As used in ss. 496.401-496.424:

6038 (9) "Emergency service employee" means any employee who is
6039 a firefighter, as defined in s. 633.102 ~~633.30~~, or ambulance
6040 driver, emergency medical technician, or paramedic, as defined
6041 in s. 401.23.

6042 Section 146. Paragraph (a) of subsection (7) of section
6043 509.032, Florida Statutes, is amended to read:

6044 509.032 Duties.—

6045 (7) PREEMPTION AUTHORITY.—

6046 (a) The regulation of public lodging establishments and
6047 public food service establishments, including, but not limited
6048 to, sanitation standards, inspections, training and testing of
6049 personnel, and matters related to the nutritional content and
6050 marketing of foods offered in such establishments, is preempted
6051 to the state. This paragraph does not preempt the authority of a
6052 local government or local enforcement district to conduct
6053 inspections of public lodging and public food service
6054 establishments for compliance with the Florida Building Code and
6055 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
6056 633.206 ~~633.022~~.

6057 Section 147. Section 513.05, Florida Statutes, is amended
6058 to read:

6059 513.05 Rules.—The department may adopt rules pertaining to
6060 the location, construction, modification, equipment, and
6061 operation of mobile home parks, lodging parks, recreational

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6062 vehicle parks, and recreational camps, except as provided in s.
6063 633.206 ~~633.022~~, as necessary to administer this chapter. Such
6064 rules may include definitions of terms; requirements for plan
6065 reviews of proposed and existing parks and camps; plan reviews
6066 of parks that consolidate space or change space size; water
6067 supply; sewage collection and disposal; plumbing and backflow
6068 prevention; garbage and refuse storage, collection, and
6069 disposal; insect and rodent control; space requirements; heating
6070 facilities; food service; lighting; sanitary facilities;
6071 bedding; an occupancy equivalency to spaces for permits for
6072 recreational camps; sanitary facilities in recreational vehicle
6073 parks; and the owners' responsibilities at recreational vehicle
6074 parks and recreational camps.

6075 Section 148. Paragraph (d) of subsection (1) and paragraph
6076 (f) of subsection (11) of section 553.73, Florida Statutes, are
6077 amended to read:

6078 553.73 Florida Building Code.—

6079 (1)

6080 (d) Conflicting requirements between the Florida Building
6081 Code and the Florida Fire Prevention Code and Life Safety Code
6082 of the state established pursuant to ss. 633.206 ~~633.022~~ and
6083 633.208 ~~633.025~~ shall be resolved by agreement between the
6084 commission and the State Fire Marshal in favor of the
6085 requirement that offers the greatest degree of lifesafety or
6086 alternatives that would provide an equivalent degree of
6087 lifesafety and an equivalent method of construction. If the
6088 commission and State Fire Marshal are unable to agree on a
6089 resolution, the question shall be referred to a mediator,
6090 mutually agreeable to both parties, to resolve the conflict in

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6091 favor of the provision that offers the greatest lifesafety, or
6092 alternatives that would provide an equivalent degree of
6093 lifesafety and an equivalent method of construction.

6094 (11)

6095 (f) All decisions of the local building official and local
6096 fire official and all decisions of the administrative board
6097 shall be in writing and shall be binding upon a person ~~all~~
6098 ~~persons~~ but do ~~shall~~ not limit the authority of the State Fire
6099 Marshal or the Florida Building Commission pursuant to paragraph
6100 (1) (d) and ss. 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of
6101 general application shall be indexed by building and fire code
6102 sections and shall be available for inspection during normal
6103 business hours.

6104 Section 149. Paragraph (e) of subsection (1) of section
6105 553.77, Florida Statutes, is amended to read:

6106 553.77 Specific powers of the commission.—

6107 (1) The commission shall:

6108 (e) Participate with the Florida Fire Code Advisory Council
6109 created under s. 633.204 ~~633.72~~, to provide assistance and
6110 recommendations relating to firesafety code interpretations. The
6111 administrative staff of the commission shall attend meetings of
6112 the Florida Fire Code Advisory Council and coordinate efforts to
6113 provide consistency between the Florida Building Code and the
6114 Florida Fire Prevention Code and the Life Safety Code.

6115 Section 150. Subsections (2) and (12) of section 553.79,
6116 Florida Statutes, are amended to read:

6117 553.79 Permits; applications; issuance; inspections.—

6118 (2) Except as provided in subsection (6), an enforcing
6119 agency may not issue any permit for construction, erection,

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6120 alteration, modification, repair, or demolition of any building
6121 or structure until the local building code administrator or
6122 inspector has reviewed the plans and specifications required by
6123 the Florida Building Code, or local amendment thereto, for such
6124 proposal and found the plans to be in compliance with the
6125 Florida Building Code. If the local building code administrator
6126 or inspector finds that the plans are not in compliance with the
6127 Florida Building Code, the local building code administrator or
6128 inspector shall identify the specific plan features that do not
6129 comply with the applicable codes, identify the specific code
6130 chapters and sections upon which the finding is based, and
6131 provide this information to the local enforcing agency. The
6132 local enforcing agency shall provide this information to the
6133 permit applicant. In addition, an enforcing agency may not issue
6134 any permit for construction, erection, alteration, modification,
6135 repair, or demolition of any building until the appropriate
6136 firesafety inspector certified pursuant to s. 633.216 ~~633.081~~
6137 has reviewed the plans and specifications required by the
6138 Florida Building Code, or local amendment thereto, for such
6139 proposal and found that the plans comply with the Florida Fire
6140 Prevention Code and the Life Safety Code. Any building or
6141 structure which is not subject to a firesafety code shall not be
6142 required to have its plans reviewed by the firesafety inspector.
6143 Any building or structure that is exempt from the local building
6144 permit process may not be required to have its plans reviewed by
6145 the local building code administrator. Industrial construction
6146 on sites where design, construction, and firesafety are
6147 supervised by appropriate design and inspection professionals
6148 and which contain adequate in-house fire departments and rescue

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6149 squads is exempt, subject to local government option, from
6150 review of plans and inspections, providing owners certify that
6151 applicable codes and standards have been met and supply
6152 appropriate approved drawings to local building and firesafety
6153 inspectors. The enforcing agency shall issue a permit to
6154 construct, erect, alter, modify, repair, or demolish any
6155 building or structure when the plans and specifications for such
6156 proposal comply with ~~the provisions of~~ the Florida Building Code
6157 and the Florida Fire Prevention Code and the Life Safety Code as
6158 determined by the local authority in accordance with this
6159 chapter and chapter 633.

6160 (12) One-family and two-family detached residential
6161 dwelling units are not subject to plan review by the local fire
6162 official as described in this section or inspection by the local
6163 fire official as described in s. 633.216 ~~633.081~~, unless
6164 expressly made subject to the said plan review or inspection by
6165 local ordinance.

6166 Section 151. Paragraph (d) of subsection (1) of section
6167 590.02, Florida Statutes, is amended to read:

6168 590.02 Florida Forest Service; powers, authority, and
6169 duties; liability; building structures; Florida Center for
6170 Wildfire and Forest Resources Management Training.—

6171 (1) The Florida Forest Service has the following powers,
6172 authority, and duties:

6173 (d) To appoint center managers, forest area supervisors,
6174 forestry program administrators, a forest protection bureau
6175 chief, a forest protection assistant bureau chief, a field
6176 operations bureau chief, deputy chiefs of field operations,
6177 district managers, forest operations administrators, senior

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6178 forest rangers, investigators, forest rangers, firefighter
6179 rotorcraft pilots, and other employees who may, at the Florida
6180 Forest Service's discretion, be certified as forestry
6181 firefighters pursuant to s. 633.408(8) ~~633.35(4)~~. Other
6182 ~~provisions of law notwithstanding~~, center managers, district
6183 managers, forest protection assistant bureau chief, and deputy
6184 chiefs of field operations shall have Selected Exempt Service
6185 status in the state personnel designation;

6186 Section 152. Section 627.4107, Florida Statutes, is amended
6187 to read:

6188 627.4107 Government employees exposed to toxic drug
6189 chemicals; cancellation of life or health policy or certificate
6190 prohibited.—No life or health insurer may cancel or nonrenew a
6191 life or health insurance policy or certificate of insurance
6192 providing coverage to a state or local law enforcement officer
6193 as defined in s. 943.10, firefighter as defined in s. 633.102
6194 ~~633.30~~, emergency medical technician as defined in s. 401.23, or
6195 paramedic as defined in s. 401.23, a volunteer firefighter as
6196 defined in s. 633.102 engaged by state or local government, a
6197 law enforcement officer employed by the Federal Government, or
6198 any other local, state, or Federal Government employee solely
6199 based on the fact that the individual has been exposed to toxic
6200 chemicals or suffered injury or disease as a result of the
6201 individual's lawful duties arising out of the commission of a
6202 violation of chapter 893 by another person. This section does
6203 not apply to a ~~any~~ person who commits an offense under chapter
6204 893. This section does not prohibit an insurer from canceling or
6205 nonrenewing an insurance policy or certificate, as permitted
6206 under the applicable state insurance code, based on an act or

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6207 practice of the policyholder or certificateholder that
6208 constitutes fraud or intentional misrepresentation of material
6209 fact by the policyholder or certificateholder.

6210 Section 153. Subsection (10) of section 893.13, Florida
6211 Statutes, is amended to read:

6212 893.13 Prohibited acts; penalties.—

6213 (10) If a person violates any provision of this chapter and
6214 the violation results in a serious injury to a state or local
6215 law enforcement officer as defined in s. 943.10, firefighter as
6216 defined in s. 633.102 ~~633.30~~, emergency medical technician as
6217 defined in s. 401.23, paramedic as defined in s. 401.23,
6218 employee of a public utility or an electric utility as defined
6219 in s. 366.02, animal control officer as defined in s. 828.27,
6220 volunteer firefighter engaged by state or local government, law
6221 enforcement officer employed by the Federal Government, or any
6222 other local, state, or Federal Government employee injured
6223 during the course and scope of his or her employment, the person
6224 commits a felony of the third degree, punishable as provided in
6225 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained
6226 results in death or great bodily harm, the person commits a
6227 felony of the second degree, punishable as provided in s.
6228 775.082, s. 775.083, or s. 775.084.

6229 Section 154. Paragraph (g) of subsection (2) of section
6230 934.03, Florida Statutes, is amended to read:

6231 934.03 Interception and disclosure of wire, oral, or
6232 electronic communications prohibited.—

6233 (2)

6234 (g) It is lawful under ss. 934.03-934.09 for an employee
6235 of:

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6236 1. An ambulance service licensed pursuant to s. 401.25, a
6237 fire station employing firefighters as defined by s. 633.102
6238 ~~633.30~~, a public utility, a law enforcement agency as defined by
6239 s. 934.02(10), or any other entity with published emergency
6240 telephone numbers;

6241 2. An agency operating an emergency telephone number "911"
6242 system established pursuant to s. 365.171; or

6243 3. The central abuse hotline operated pursuant to s. 39.201
6244

6245 to intercept and record incoming wire communications; however,
6246 such employee may intercept and record incoming wire
6247 communications on designated "911" telephone numbers and
6248 published nonemergency telephone numbers staffed by trained
6249 dispatchers at public safety answering points only. It is also
6250 lawful for such employee to intercept and record outgoing wire
6251 communications to the numbers from which such incoming wire
6252 communications were placed when necessary to obtain information
6253 required to provide the emergency services being requested. For
6254 the purpose of this paragraph, the term "public utility" has the
6255 same meaning as provided in s. 366.02 and includes a person,
6256 partnership, association, or corporation now or hereafter owning
6257 or operating equipment or facilities in the state for conveying
6258 or transmitting messages or communications by telephone or
6259 telegraph to the public for compensation.

6260 Section 155. Paragraph (b) of subsection (4) of section
6261 943.61, Florida Statutes, is amended to read:

6262 943.61 Powers and duties of the Capitol Police.—

6263 (4) The Capitol Police shall have the following
6264 responsibilities, powers, and duties:

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6265 (b) To provide and maintain the security of all property
6266 located in the Capitol Complex in a manner consistent with the
6267 security plans developed and approved under paragraph (a) and,
6268 in consultation with the State Fire Marshal, to provide for
6269 evacuations, information, and training required for firesafety
6270 on such property in a manner consistent with s. 633.218 ~~633.085~~.

6271 Section 156. Paragraph (b) of subsection (18) of section
6272 1002.33, Florida Statutes, is amended to read:

6273 1002.33 Charter schools.—

6274 (18) FACILITIES.—

6275 (b) A charter school shall use ~~utilize~~ facilities that
6276 comply with the Florida Fire Prevention Code, pursuant to s.
6277 633.208 ~~633.025~~, as adopted by the authority in whose
6278 jurisdiction the facility is located as provided in paragraph
6279 (a).

6280 Section 157. Subsection (9) of section 1002.34, Florida
6281 Statutes, is amended to read:

6282 1002.34 Charter technical career centers.—

6283 (9) FACILITIES.—A center may be located in any suitable
6284 location, including part of an existing public school or Florida
6285 College System institution building, space provided on a public
6286 worksite, or a public building. A center's facilities must
6287 comply with the State Uniform Building Code for Public
6288 Educational Facilities Construction adopted pursuant to s.
6289 1013.37, or with applicable state minimum building codes
6290 pursuant to chapter 553, and state minimum fire protection codes
6291 pursuant to s. 633.208 ~~633.025~~, adopted by the authority in
6292 whose jurisdiction the facility is located. If K-12 public
6293 school funds are used for construction, the facility must remain

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6294 on the local school district's Florida Inventory of School
6295 Houses (FISH) school building inventory of the district school
6296 board and must revert to the district school board if the
6297 consortium dissolves and the program is discontinued. If Florida
6298 College System institution public school funds are used for
6299 construction, the facility must remain on the local Florida
6300 College System institution's facilities inventory and must
6301 revert to the local Florida College System institution board of
6302 trustees if the consortium dissolves and the program is
6303 discontinued. The additional student capacity created by the
6304 addition of the center to the local school district's FISH may
6305 not be calculated in the permanent student capacity for the
6306 purpose of determining need or eligibility for state capital
6307 outlay funds while the facility is used as a center. If the
6308 construction of the center is funded jointly by K-12 public
6309 school funds and Florida College System institution funds, the
6310 sponsoring entities must agree, before granting the charter, on
6311 the appropriate owner and terms of transfer of the facility if
6312 the charter is dissolved.

6313 Section 158. Subsection (1), paragraph (c) of subsection
6314 (2), and paragraphs (a) and (c) of subsection (6) of section
6315 1013.12, Florida Statutes, are amended to read:

6316 1013.12 Casualty, safety, sanitation, and firesafety
6317 standards and inspection of property.—

6318 (1) FIRESAFETY.—The State Board of Education shall adopt
6319 and administer rules prescribing standards for the safety and
6320 health of occupants of educational and ancillary plants as a
6321 part of State Requirements for Educational Facilities or the
6322 Florida Building Code for educational facilities construction as

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6323 provided in s. 1013.37, except that the State Fire Marshal in
6324 consultation with the Department of Education shall adopt
6325 uniform firesafety standards for educational and ancillary
6326 plants and educational facilities, as provided in s.
6327 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system
6328 to be used as an alternate firesafety inspection standard for
6329 existing educational and ancillary plants and educational
6330 facilities. The uniform firesafety standards and the alternate
6331 firesafety evaluation system shall be administered and enforced
6332 by fire officials certified by the State Fire Marshal under s.
6333 633.216 ~~633.081~~. These standards must be used by all public
6334 agencies when inspecting public educational and ancillary
6335 plants, and the firesafety standards must be used by county,
6336 municipal, or independent special fire control district
6337 inspectors when performing firesafety inspections of public
6338 educational and ancillary plants and educational facilities. In
6339 accordance with such standards, each board shall prescribe
6340 policies and procedures establishing a comprehensive program of
6341 safety and sanitation for the protection of occupants of public
6342 educational and ancillary plants. Such policies must contain
6343 procedures for periodic inspections as prescribed in this
6344 section or chapter 633 and for withdrawal of any educational and
6345 ancillary plant, or portion thereof, from use until unsafe or
6346 unsanitary conditions are corrected or removed.

6347 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6348 BOARDS.—

6349 (c) Under the direction of the fire official appointed by
6350 the board under s. 1013.371(2), firesafety inspections of each
6351 educational and ancillary plant located on property owned or

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6352 leased by the board, or other educational facilities operated by
6353 the board, must be made no sooner than 1 year after issuance of
6354 a certificate of occupancy and annually thereafter. Such
6355 inspections shall be made by persons certified by the Division
6356 of State Fire Marshal under s. 633.216 ~~633.081~~ to conduct
6357 firesafety inspections in public educational and ancillary
6358 plants. The board shall submit a copy of the firesafety
6359 inspection report to the county, municipality, or independent
6360 special fire control district providing fire protection services
6361 to the school facility within 10 business days after the date of
6362 the inspection. Alternate schedules for delivery of reports may
6363 be agreed upon between the school district and the county,
6364 municipality, or independent special fire control district
6365 providing fire protection services to the site in cases in which
6366 delivery is impossible due to hurricanes or other natural
6367 disasters. Regardless, if immediate life-threatening
6368 deficiencies are noted in the report, the report shall be
6369 delivered immediately. In addition, the board and any other
6370 authority conducting the fire safety inspection shall certify to
6371 the State Fire Marshal that the annual inspection has been
6372 completed. The certification shall be made electronically or by
6373 such other means as directed by the State Fire Marshal.

6374 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
6375 FACILITIES.—

6376 (a) Firesafety inspections of public college facilities,
6377 including charter schools located on board-owned or board-leased
6378 facilities or otherwise operated by public college boards, shall
6379 be made in accordance with the Florida Fire Prevention Code, as
6380 adopted by the State Fire Marshal. Notwithstanding s. 633.202

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6381 ~~633.0215~~, provisions of the code relating to inspections of such
6382 facilities are not subject to any local amendments as provided
6383 by s. 1013.371. Each public college facility shall be inspected
6384 annually by persons certified under s. 633.216 ~~633.081~~.

6385 (c) Firesafety inspections of state universities shall
6386 comply with the Florida Fire Prevention Code, as adopted by the
6387 State Fire Marshal under s. 633.202 ~~633.0215~~.

6388 Section 159. Paragraphs (a), (b), and (d) of subsection (2)
6389 and paragraph (a) of subsection (4) of section 1013.38, Florida
6390 Statutes, are amended to read:

6391 1013.38 Boards to ensure that facilities comply with
6392 building codes and life safety codes.—

6393 (2) In addition to the submission of site plans, boards may
6394 provide compliance as follows:

6395 (a) Boards or consortia may individually or cooperatively
6396 provide review services under the insurance risk management
6397 oversight through the use of board employees or consortia
6398 employees registered pursuant to chapter 471, chapter 481, or
6399 part XII of chapter 468 and firesafety inspectors certified
6400 under s. 633.216 ~~633.081~~.

6401 (b) Boards may elect to review construction documents using
6402 their own employees registered pursuant to chapter 471, chapter
6403 481, or part XII of chapter 468 and firesafety inspectors
6404 certified under s. 633.216 ~~633.081~~.

6405 (d) Boards or consortia may contract for plan review
6406 services directly with engineers and architects registered
6407 pursuant to chapter 471 or chapter 481 and firesafety inspectors
6408 certified under s. 633.216 ~~633.081~~.

6409 (4) (a) Before the commencement of any new construction,

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6410 renovation, or remodeling, the board shall:

6411 1. Approve or cause to be approved the construction
6412 documents and evaluate such documents for compliance with the
6413 Florida Building Code and the Florida Fire Prevention Code.

6414 2. Ensure compliance with all applicable firesafety codes
6415 and standards by contracting with a firesafety inspector
6416 certified by the State Fire Marshal under s. 633.216 ~~633.081~~.

6417 Section 160. Subsection (2) of section 191.009, Florida
6418 Statutes, is amended to read:

6419 191.009 Taxes; non-ad valorem assessments; impact fees and
6420 user charges.—

6421 (2) NON-AD VALOREM ASSESSMENTS.—

6422 (a) A district may levy non-ad valorem assessments as
6423 defined in s. 197.3632 to construct, operate, and maintain those
6424 district facilities and services provided pursuant to the
6425 general powers listed in s. 191.006, the special powers listed
6426 in s. 191.008, any applicable general laws of local application,
6427 and a district's enabling legislation. The rate of such
6428 assessments must be fixed by resolution of the board pursuant to
6429 the procedures contained in s. 191.011. Non-ad valorem
6430 assessment rates set by the board may exceed the maximum rates
6431 established by special act, county ordinance, the previous
6432 year's resolution, or referendum in an amount not to exceed the
6433 average annual growth rate in Florida personal income over the
6434 previous 5 years. Non-ad valorem assessment rate increases
6435 within the personal income threshold are deemed to be within the
6436 maximum rate authorized by law at the time of initial
6437 imposition. Proposed non-ad valorem assessment increases that
6438 ~~which~~ exceed the rate set the previous fiscal year or the rate

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6439 previously set by special act or county ordinance, whichever is
6440 more recent, by more than the average annual growth rate in
6441 Florida personal income over the last 5 years, or the first-time
6442 levy of non-ad valorem assessments in a district, must be
6443 approved by referendum of the electors of the district. The
6444 referendum on the first-time levy of an assessment shall include
6445 a notice of the future non-ad valorem assessment rate increases
6446 permitted by this act without a referendum. Non-ad valorem
6447 assessments shall be imposed, collected, and enforced pursuant
6448 to s. 191.011.

6449 (b)1. The non-ad valorem assessments in paragraph (a) may
6450 be used to fund emergency medical services and emergency
6451 transport services. However, if a district levies a non-ad
6452 valorem assessment for emergency medical services or emergency
6453 transport services, the district shall cease collecting ad
6454 valorem taxes under subsection (1) of this section for that
6455 particular service.

6456 2. It is recognized that the provision of emergency medical
6457 services and emergency transport services constitutes a benefit
6458 to real property the same as any other improvement performed by
6459 a district, such as fire suppression services, fire protection
6460 services, fire prevention services, emergency rescue services,
6461 and first response medical aid.

6462 Section 161. Subsection (1) of section 191.011, Florida
6463 Statutes, is amended to read:

6464 191.011 Procedures for the levy and collection of non-ad
6465 valorem assessments.—

6466 (1) A district may provide for the levy of non-ad valorem
6467 assessments under this act on the lands within the district for

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6468 ~~and real estate benefited by~~ the exercise of the powers
6469 authorized by this act, or any part thereof, for all or any part
6470 of the cost thereof. ~~Non-ad valorem assessments may be levied~~
6471 ~~only on benefited real property at a rate of assessment based on~~
6472 ~~the special benefit accruing to such property from such services~~
6473 ~~or improvements.~~ The district may use any assessment
6474 apportionment methodology that meets fair apportionment
6475 standards.

6476 Section 162. This act shall take effect July 1, 2013.