



Government Operations Appropriations Subcommittee

**Wednesday, March 27, 2013
4:30 PM – 6:30 PM
Morris Hall (17 HOB)**

MEETING PACKET

**Will Weatherford
Speaker**

**Clay Ingram
Chair**



The Florida House of Representatives
Appropriations Committee
Government Operations Appropriations Subcommittee

Will Weatherford
Speaker

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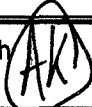

March 27, 2013

AGENDA
4:30 PM – 6:30 PM
Morris Hall

- I. Call to Order/Roll Call
- II. Chair's Budget Proposal for FY 2013-14
- III. PCB GOAS 13-03 Transparency in State Contracting
- IV. CS/HB 819 Florida Commission on Hurricane Loss Projection Methodology
by Rep. Raschein
- V. CS/HB 883 Fire Safety and Prevention by Rep. Boyd
- VI. Closing/Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GOAS 13-03 Transparency in State Contracting
SPONSOR(S): Government Operations Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations Appropriations Subcommittee		Keith 	Topp 

SUMMARY ANALYSIS

The Chief Financial Officer (CFO) is responsible for setting and approving accounts against the state and keeping all state funds and securities. The CFO's duties also include contract review, procurement training, and auditing. The Transparency Florida Act requires the CFO to provide a state contract management system for purposes of providing access to information and documentation relating to contracts procured by governmental entities; however, the contract itself is not part of the information disclosed on the website.

Effective July 1, 2013, the bill expands the contract information that agencies are required to upload onto the Florida Accountability Contract Tracking System (FACTS). Specifically, the bill requires state agencies to upload the following information into FACTS:

- The names of the contracting entities.
- The procurement method utilized.
- The contract beginning and ending dates.
- The nature and type of commodities or services purchased.
- Applicable contract unit prices and deliverables.
- Total compensation to be paid or received under the contract.
- All payments made to the contractor to date.
- Applicable contract performance measures.
- An electronic copy of the contract that has been redacted to conceal confidential or exempt information.

The Department of Legal Affairs, Department of Agriculture and Consumer Services, Department of Financial Services, and the Judicial Branch are exempt from the contract posting requirements; however, they may choose to upload contract information to FACTS.

The bill requires each agency to redact confidential or exempt information from the contract before posting it to the website. The bill provides a process for state agencies to follow when a document has been posted that has not been properly redacted. The website is required to display a notice of the right of an affected party to request redaction.

The bill also provides a disclaimer from liability to the CFO and the Department of Financial Services for failure to properly redact information. The bill authorizes the CFO to adopt rules.

The bill conforms to the proposed House of Representatives' FY 2013-14 General Appropriations Act which provides \$713,167 in funding to implement the FACTS System. The provisions of this bill provide the CFO with the statutory authority to compel the agencies to post the contracts to the FACTS System. The bill will likely have a minimal fiscal impact on state agencies in uploading contracts to the FACTS System as well as redacting the confidential or exempt information prior to uploading the contracts. It is anticipated that the provisions of the bill will be handled within existing agency resources.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Chief Financial Officer and Department of Financial Services

The CFO is an elected constitutional Cabinet member.¹ The CFO serves as the chief financial officer of the state and is responsible for setting and approving accounts against the state and keeping all state funds and securities.² Such responsibilities include, but are not limited to, auditing and adjusting accounts of officers and those indebted to the state,³ paying state employee salaries,⁴ and reporting all disbursements of funds administered by the CFO.⁵

The CFO also serves as the head of the Department of Financial Services (DFS), which executes the duties of the CFO.⁶ DFS consists of the following divisions:

- The Division of Accounting and Auditing;
- The Division of State Fire Marshall;
- The Division of Risk Management;
- The Division of Treasury;
- The Division of Insurance Fraud;
- The Division of Rehabilitation and Liquidation;
- The Division of Insurance Agents and Agency Services;
- The Division of Consumer Services;
- The Division of Consumer Services;
- The Division of Workers' Compensation;
- The Division of Administration;
- The Division of Legal Services;
- The Division of Information Systems;
- The Office of Insurance Consumer Advocate;
- The Division of Funeral, Cemetery, and Consumer Services; and
- The Division of Public Assistance Fraud.⁷

The Financial Services Commission; Board of Funeral, Cemetery, and Consumer Services; and Strategic Markets Research and Assessment Unit also are established within DFS.⁸

Florida Accountability Contract Tracking System

Section 215.985(16), F.S., requires the CFO to provide public access to a state contract management system that provides information and documents related to contracts procured by governmental entities. The data collected in the system must include the contracting agency, the procurement method, and other pertinent contract information. Each time a major change to an existing contract is made, the agency must update the information in the contracting management system within 30 days. The website is known as the Florida Accountability Contract Tracking System (FACTS).⁹

¹ Art. 4, s. 4(a) and (c) of the State Constitution.

² Art. 4, s. 4(c) of the State Constitution, and s. 17.001, F.S.

³ Section 17.04, F.S.

⁴ See s. 17.09, F.S.

⁵ Section 17.11, F.S.

⁶ See s. 20.121, F.S.

⁷ Section 20.121(2), F.S.

⁸ Sections 20.121(3), (4), and (6), F.S.

⁹ The FACTS website can be found online at: <http://www.myfloridacfo.com/aadir/statewidecontractreporting.htm> (last visited on March 14, 2013).

Current law also requires each state agency to report to DFS, within three working days of executing a contract, the following information relating to certain contracted activities:¹⁰

- The nature of the commodities or services provided;
- The term of the contract;
- The final obligation made by the agency;
- A summary of any time constraints that apply to the procurement;
- The justification for not using the competitive solicitation, including any statutory exemption or exception; and
- Other information regarding the contract or the procurement that DFS requires.¹¹

All of the information provided to DFS, however, is not included in FACTS. The contracting agency is not required to upload the contract into FACTS.

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹²

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Government Sunset Review Act¹³ provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

Effect of the Bill

The bill requires state agencies¹⁴ to upload contracts that have been redacted to exclude confidential or exempt information to the contract management website within 30 days after execution. In addition to uploading the redacted contract, the agency must provide on the website information pertaining to the contract, including the following information:

- The names of the contracting entities.
- The procurement method.
- The contract beginning and ending dates.
- The nature or type of the commodities or services purchased.
- Applicable contract unit prices and deliverables.

¹⁰ Agencies must submit the information to DFS for contracts in excess of Category Two (\$35,000) if the goods and services were not purchased by competitive solicitation or from a state term contract. Section 216.0111(2), F.S.

¹¹ Section 216.0111, F.S.

¹² Article I, s. 24(c) of the State Constitution.

¹³ See s. 119.15, F.S.

¹⁴ The bill provides that "state agency" has the same meaning as defined in s. 216.011, F.S., excluding the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the Department of Financial Services, and the Judicial Branch. However, the bill permits those entities to utilize the contract management website.

- Total compensation to be paid or received under the contract.
- All payments made to the contractor to date.
- Applicable contract measures.

Agencies must update the information in the system within 30 days of an amendment to the existing contract. Agencies also must post to the system the information required for each existing contract that was executed more than 30 days prior to July 1, 2013.

The Department of Legal Affairs, Department of Agriculture and Consumer Services, Department of Financial Services, and the Judicial Branch are exempt from the contract posting requirements; however, they may choose to upload contract information to FACTS.

The bill provides that contracts available on the contract tracking system must not reveal information made confidential or exempt by law. If a party to the contract discovers that an electronic copy of the contract has not been properly redacted, the bill provides a process for the agency to follow, upon being notified or discovering the error. The agency must immediately remove the contract, redact the confidential or exempt information, and republish the contract to the website within seven days. Agencies must notify the CFO upon becoming aware that an electronic copy of a contract posted on the website has not been properly redacted. The contract tracking system must display a notice of the right of an affected party to request redaction of confidential or exempt information.

The bill provides that the CFO, DFS, and any officer, employee, or contractor thereof, is not liable for failure of a state agency to redact confidential or exempt information. It provides that posting the contract on the contract tracking system does not supersede the duty of an agency to respond to a public records request or to a subpoena. The bill provides that the CFO may adopt rules to administer the section. In addition, the bill requires the CFO to use appropriate Internet security measures to ensure that no person has the ability to alter or modify records available on the website.

B. SECTION DIRECTORY:

Section 1. amends s. 215.985, F.S., relating to transparency in government spending.

Section 2. provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill conforms to the proposed House of Representatives' Appropriation Act for FY 2013-14 as \$713,167 and 4.00 FTE are provided in the GAA to implement the FACTS System. The provisions of this bill provide the CFO with the statutory authority to compel the agencies to post the contracts to the FACTS System as well as redacting the confidential or exempt information prior to uploading the contracts. The bill will likely have a minimal fiscal impact on state agencies in uploading contracts to the FACTS System. It is anticipated that the provisions of the bill will be handled within existing agency resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires executive agencies to upload contracts and contract related information on a secure contract management website. The bill may have a minimal fiscal impact on agencies, because staff responsible for complying with the uploading requirements could require training on the system and on public records exemptions. Agencies also could incur minimal costs associated with redacting the confidential or exempt information prior to uploading the contract documents. It is anticipated that the provisions of the bill will be handled within existing agency resources. The bill conforms to the proposed House of Representatives' General Appropriation Act for FY 2013-14 as \$713,167 and 4.00 FTE are provided to implement the FACTS System.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the CFO to create rules pertaining to the contract management website and provides a grant of rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to transparency in state contracting;
 3 amending s. 215.985, F.S.; requiring the Chief
 4 Financial Officer to establish and maintain a secure
 5 website for public viewing of information contained in
 6 the contract tracking system; requiring state agencies
 7 to post certain information to the contract tracking
 8 system; requiring that exempt and confidential
 9 information be redacted from contracts posted on the
 10 system; providing a process for state agencies when a
 11 document has not been properly redacted; providing a
 12 method for a party to a contract to notify a state
 13 agency that a document has not been properly redacted
 14 and to request redaction; requiring the display of a
 15 notice of the right of an affected party to request
 16 redaction; providing that certain persons are not
 17 responsible for redacting confidential or exempt
 18 information and are not liable for failure of a state
 19 agency to redact the information; providing that
 20 posting information on the contract tracking system
 21 does not supersede the duty of a state agency to
 22 respond to a public records request; providing for
 23 service of a subpoena; authorizing the Chief Financial
 24 Officer to adopt rules; defining the term "state
 25 agency"; providing an effective date.

26
 27 Be It Enacted by the Legislature of the State of Florida:
 28

29 Section 1. Subsection (16) of section 215.985, Florida
 30 Statutes, is amended to read:

31 215.985 Transparency in government spending.—

32 (16) The Chief Financial Officer shall establish and
 33 maintain a secure contract tracking ~~provide public access to a~~
 34 ~~state contract management~~ system available for viewing and
 35 downloading by the public through a secure website. The Chief
 36 Financial Officer shall use appropriate Internet security
 37 measures to ensure that no person has the ability to alter or
 38 modify records available on the website ~~that provides~~
 39 ~~information and documentation relating to contracts procured by~~
 40 ~~governmental entities.~~

41 (a) Within 30 calendar days after executing a contract,
 42 each state agency shall post the following information relating
 43 to the contract on the contract tracking system:

- 44 1. The names of the contracting entities.
- 45 2. The procurement method.
- 46 3. The contract beginning and ending dates.
- 47 4. The nature or type of the commodities or services
 48 purchased.
- 49 5. Applicable contract unit prices and deliverables.
- 50 6. Total compensation to be paid or received under the
 51 contract.
- 52 7. All payments made to the contractor to date.
- 53 8. Applicable contract performance measures.
- 54 9. Electronic copies of the contract that have been
 55 redacted to exclude confidential or exempt information ~~The data~~
 56 ~~collected in the system must include, but need not be limited~~

57 | ~~to, the contracting agency; the procurement method; the contract~~
 58 | ~~beginning and ending dates; the type of commodity or service;~~
 59 | ~~the purpose of the commodity or service; the compensation to be~~
 60 | ~~paid; compliance information, such as performance metrics for~~
 61 | ~~the service or commodity; contract violations; the number of~~
 62 | ~~extensions or renewals; and the statutory authority for~~
 63 | ~~providing the service.~~

64 | (b) Within 30 days after an amendment ~~a major change~~ to an
 65 | existing contract, ~~or the execution of a new contract,~~ agency
 66 | ~~procurement staff of the~~ state agency that is a party to the
 67 | contract must ~~affected state governmental entity shall~~ update
 68 | the ~~necessary~~ information described in paragraph (a) in the
 69 | state contract tracking management system. An amendment ~~A major~~
 70 | ~~change~~ to a contract includes, but is not limited to, a renewal,
 71 | termination, or extension of the contract or a modification of
 72 | ~~an amendment to the~~ terms of the contract.

73 | (c) By January 1, 2014, each state agency shall post to
 74 | the contract tracking system the information required in
 75 | paragraph (a) for each existing contract that was executed
 76 | before July 1, 2013.

77 | (d)1. Records made available on the contract tracking
 78 | system may not reveal information made confidential or exempt by
 79 | law.

80 | 2. Each state agency that is a party to a contract must
 81 | redact confidential or exempt information from the contract
 82 | before posting an electronic copy on the contract tracking
 83 | system. If a state agency that is a party to the contract
 84 | becomes aware that an electronic copy of a contract has been

85 posted but has not been properly redacted, the state agency must
 86 immediately notify the Chief Financial Officer and must
 87 immediately remove the contract from the contract tracking
 88 system. Within 7 business days, the state agency must post a
 89 properly redacted copy of the contract on the contract tracking
 90 system.

91 3.a. If a party to a contract, or an authorized
 92 representative of a party to a contract, discovers that an
 93 electronic copy of a contract has been posted to the contract
 94 tracking system but has not been properly redacted, the party or
 95 representative may request the state agency that is a party to
 96 the contract to redact the confidential or exempt information.
 97 Upon receipt of the request, the state agency shall redact the
 98 confidential or exempt information.

99 b. A request to redact confidential or exempt information
 100 must be made in writing and delivered by mail, facsimile,
 101 electronic transmission, or in person to the state agency that
 102 is a party to the contract. The request must identify the
 103 specific document, the page numbers that include the
 104 confidential or exempt information, the information that is
 105 confidential or exempt, and the applicable statutory exemption.
 106 A fee may not be charged for a redaction made pursuant to the
 107 request.

108 4. The contract tracking system shall display a notice of
 109 the right of an affected party to request redaction of
 110 confidential or exempt information contained on the system.

111 5.a. The Chief Financial Officer, the Department of
 112 Financial Services, or an officer, employee, or contractor

113 thereof, is not responsible for redacting confidential or exempt
 114 information from an electronic copy of a contract posted by
 115 another state agency on the system.

116 b. The Chief Financial Officer, the Department of
 117 Financial Services, or any officer, employee, or contractor
 118 thereof, is not liable for the failure of a state agency to
 119 redact the confidential or exempt information.

120 (e)1. The posting of information on the contract tracking
 121 system or the provision of contract information on a website for
 122 public viewing and downloading does not supersede the duty of a
 123 state agency to respond to a public records request or subpoena
 124 for the information.

125 2. A request for a copy of a contract or certified copy of
 126 a contract shall be made to the state agency that is party to
 127 the contract. The request may not be made to the Chief Financial
 128 Officer, the Department of Financial Services, or any officer,
 129 employee, or contractor thereof, unless the Chief Financial
 130 Officer or the department is a party to the contract.

131 3. A subpoena for a copy of a contract or certified copy
 132 of a contract must be served on the state agency that is a party
 133 to the contract and that maintains the original documents. The
 134 Chief Financial Officer, the Department of Financial Services,
 135 or any officer, employee, or contractor thereof, may not be
 136 served a subpoena for those records unless the Chief Financial
 137 Officer or the department is a party to the contract.

138 (f) The Chief Financial Officer may adopt rules to
 139 administer this subsection.

140 (g) For purposes of this subsection, the term "state

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ORIGINAL



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141 agency" means a state agency as defined in s. 216.011, excluding
 142 the judicial branch, the Department of Legal Affairs, the
 143 Department of Agriculture and Consumer Services, and the
 144 Department of Financial Services. However, the judicial branch,
 145 the Department of Legal Affairs, the Department of Agriculture
 146 and Consumer Services, and the Department of Financial Services
 147 may elect to comply with the provisions of this subsection in
 148 whole or in part.

149 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 819 Florida Commission on Hurricane Loss Projection Methodology
SPONSOR(S): Insurance & Banking Subcommittee; Raschein
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	11 Y, 0 N, As CS	Cooper	Cooper
2) Government Operations Appropriations Subcommittee		Keith 	Topp 
3) Regulatory Affairs Committee			

SUMMARY ANALYSIS

In 1995 the Legislature established the Florida Commission on Hurricane Loss Projection Methodology (Commission) to serve as an independent body within the State Board of Administration (SBA). The Commission adopts findings on the accuracy or reliability of the methods, standards, principles, models and other means used to project hurricane losses. Individual insurers are required to use the Commission's findings in order to support or justify a rate filing.

The Commission is comprised of 11 members. Members of the Commission include experts in insurance finance, statistics, computer system design, and meteorology who are full-time faculty members in the State University System and appointed by the Chief Financial Officer (CFO), an actuary member from the Florida Hurricane Catastrophe Fund's (FHCF) Advisory Council, an actuary employed with a property and casualty insurer appointed by the CFO, an actuary employed by the Office of Insurance Regulation, the Executive Director of Citizens Property Insurance Corporation, the senior employee responsible for FHCF operations, the Insurance Consumer Advocate, and the Director of Emergency Management. The Commission sets standards for loss projection methodology and examines the methods employed in proprietary hurricane loss models used by private insurers in setting rates to determine whether they meet the Commission's standards.

Only hurricane loss models or methods the Commission deems accurate or reliable can be used by insurers in rate filings to estimate hurricane losses used to set property insurance rates. Additionally, insurers have 60 days after the Commission finds a model accurate and reliable to use the model to predict the insurer's probable maximum loss levels in a rate filing.

The bill adds another member to the Commission, who will be appointed by the CFO. The member is to be a licensed professional structural engineer with expertise in wind mitigation techniques.

The bill will have an insignificant fiscal impact to the SBA due to travel and per diem expenditures for the additional member being added by the bill. The bill will not have a fiscal impact on the private sector.

The effective date of the bill is July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

In 1995 the Legislature established the Florida Commission on Hurricane Loss Projection Methodology (Commission) to serve as an independent body within the State Board of Administration.¹ The Commission adopts findings on the accuracy or reliability of the methods, standards, principles, models and other means used to project hurricane losses. Individual insurers are required to use the Commission's findings in order to support or justify a rate filing.

The Commission is comprised of 11 members. Members of the Commission include experts in insurance finance, statistics, computer system design, and meteorology who are full-time faculty members in the State University System and appointed by the CFO, an actuary member from the FHCF Advisory Council, an actuary employed with a property and casualty insurer appointed by the CFO, an actuary employed by OIR, the Executive Director of Citizens, the senior employee responsible for FHCF operations, the Insurance Consumer Advocate, and the Director of Emergency Management. The Commission sets standards for loss projection methodology and examines the methods employed in proprietary hurricane loss models used by private insurers in setting rates to determine whether they meet the Commission's standards.

Only hurricane loss models or methods the Commission deems accurate or reliable can be used by insurers in rate filings to estimate hurricane losses used to set property insurance rates. Additionally, insurers have 60 days after the Commission finds a model accurate and reliable to use the model to predict the insurer's probable maximum loss levels in a rate filing.

The bill adds another member to the Commission, who will be appointed by the CFO. The member is to be a licensed professional structural engineer with expertise in wind mitigation techniques. Structural engineering is a branch of civil engineering dealing primarily with the design and construction of structures.² Engineers in Florida are licensed and regulated by the Board of Professional Engineers created within the Department of Business and Professional Regulation.³ Wind mitigation specifically targets the structural and nonstructural aspects that prevent or lessen damage caused by high winds that occur with storms.⁴

B. SECTION DIRECTORY:

Section 1. Provides legislative intent.

Sections 2. Amends s. 627.0628(2)(b), F.S., relating to the membership of the Commission.

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

¹ The Commission is created in s. 627.0628, F.S. This statute also provides the composition and duties of the Commission.

² <http://www.merriam-webster.com/dictionary/structural%20engineering> (last viewed on March 17, 2013).

³ Chapter 471, F.S.

⁴ Booklet entitled "Florida's Foundation, Make Mitigation Happen," Florida's Division of Emergency Management, p.2, available at www.floridadisaster.org/mitigation/.../Wind%20Mitigation%20Book1 (last viewed on March 17, 2013).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will have an insignificant fiscal impact to the SBA due to travel and per diem expenses for the additional member being added by the bill. The State Board of Administration is required to cover the operating expenses of the Commission as a cost of administration of the FHCF. Members of the Commission serve without compensation, but are reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S. Thus, there will be an increase in those expenditures to reimburse the additional member to the Commission.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not grant nor require additional rule-making.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

The Insurance & Banking Subcommittee on March 19, 2013, considered and adopted a proposed committee substitute for HB 819.

The difference between the bill as filed and the committee substitute is the original bill added two members to the Commission, changed their review and approval of models to an annual basis, and required the Commission to undertake a study of the effects of wind versus water on projections of wind loss from hurricanes. The committee substitute only adds one member to the commission and does not include the other changes.

The staff analysis reflects the provision contained in the committee substitute.

1 A bill to be entitled
 2 An act relating to the Florida Commission on Hurricane
 3 Loss Projection Methodology; providing legislative
 4 intent; amending s. 627.0628, F.S.; revising
 5 membership of the commission; providing an effective
 6 date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. The Legislature intends to enhance the
 11 expertise immediately available to the commission by increasing
 12 the membership of the Florida Commission on Hurricane Loss
 13 Projection Methodology to provide for the appointment of an
 14 additional member with special qualifications or attributes.

15 Section 2. Subsection (2) of section 627.0628, Florida
 16 Statutes, is amended to read:

17 627.0628 Florida Commission on Hurricane Loss Projection
 18 Methodology; public records exemption; public meetings
 19 exemption.--

20 (2) COMMISSION CREATED.--

21 (a) There is created the Florida Commission on Hurricane
 22 Loss Projection Methodology, which is assigned to the State
 23 Board of Administration. For the purposes of this section, the
 24 term "commission" means the Florida Commission on Hurricane Loss
 25 Projection Methodology. The commission shall be administratively
 26 housed within the State Board of Administration, but it shall
 27 independently exercise the powers and duties specified in this
 28 section.

29 (b) The commission shall consist of the following 12 ~~11~~
 30 members:

- 31 1. The insurance consumer advocate.
- 32 2. The senior employee of the State Board of
 33 Administration responsible for operations of the Florida
 34 Hurricane Catastrophe Fund.
- 35 3. The Executive Director of the Citizens Property
 36 Insurance Corporation.
- 37 4. The Director of the Division of Emergency Management.
- 38 5. The actuary member of the Florida Hurricane Catastrophe
 39 Fund Advisory Council.
- 40 6. An employee of the office who is an actuary responsible
 41 for property insurance rate filings and who is appointed by the
 42 director of the office.
- 43 7. Six ~~Five~~ members appointed by the Chief Financial
 44 Officer, as follows:
 - 45 a. An actuary who is employed full time by a property and
 46 casualty insurer that was responsible for at least 1 percent of
 47 the aggregate statewide direct written premium for homeowner's
 48 insurance in the calendar year preceding the member's
 49 appointment to the commission.
 - 50 b. An expert in insurance finance who is a full-time
 51 member of the faculty of the State University System and who has
 52 a background in actuarial science.
 - 53 c. An expert in statistics who is a full-time member of
 54 the faculty of the State University System and who has a
 55 background in insurance.
 - 56 d. An expert in computer system design who is a full-time

57 member of the faculty of the State University System.

58 e. An expert in meteorology who is a full-time member of
 59 the faculty of the State University System and who specializes
 60 in hurricanes.

61 f. A licensed professional structural engineer with
 62 expertise in wind mitigation techniques.

63 (c) Members designated under subparagraphs (b)1.-5. shall
 64 serve on the commission as long as they maintain the respective
 65 offices designated in subparagraphs (b)1.-5. The member
 66 appointed by the director of the office under subparagraph (b)6.
 67 shall serve on the commission until the end of the term of
 68 office of the director who appointed him or her, unless removed
 69 earlier by the director for cause. Members appointed by the
 70 Chief Financial Officer under subparagraph (b)7. shall serve on
 71 the commission until the end of the term of office of the Chief
 72 Financial Officer who appointed them, unless earlier removed by
 73 the Chief Financial Officer for cause. Vacancies on the
 74 commission shall be filled in the same manner as the original
 75 appointment.

76 (d) The State Board of Administration shall annually
 77 appoint one of the members of the commission to serve as chair.

78 (e) Members of the commission shall serve without
 79 compensation, but shall be reimbursed for per diem and travel
 80 expenses pursuant to s. 112.061.

81 (f) The State Board of Administration shall, as a cost of
 82 administration of the Florida Hurricane Catastrophe Fund,
 83 provide for travel, expenses, and staff support for the
 84 commission.

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85 (g) There shall be no liability on the part of, and no
86 cause of action of any nature shall arise against, any member of
87 the commission, any member of the State Board of Administration,
88 or any employee of the State Board of Administration for any
89 action taken in the performance of their duties under this
90 section. In addition, the commission may, in writing, waive any
91 potential cause of action for negligence of a consultant,
92 contractor, or contract employee engaged to assist the
93 commission.

94 Section 3. This act shall take effect July 1, 2013.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Raschein offered the following:

4
 5 **Amendment**

6 Remove lines 43-62 and insert:

7 7. Five members appointed by the Chief Financial Officer,
 8 as follows:

9 a. An actuary who is employed full time by a property and
 10 casualty insurer that was responsible for at least 1 percent of
 11 the aggregate statewide direct written premium for homeowner's
 12 insurance in the calendar year preceding the member's
 13 appointment to the commission.

14 b. An expert in insurance finance who is a full-time
 15 member of the faculty of the State University System and who has
 16 a background in actuarial science.

17 c. An expert in statistics who is a full-time member of
 18 the faculty of the State University System and who has a
 19 background in insurance.

Amendment No. 1

20 d. An expert in computer system design who is a full-time
21 member of the faculty of the State University System.

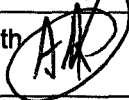

22 e. An expert in meteorology who is a full-time member of
23 the faculty of the State University System and who specializes
24 in hurricanes.

25 8. One member appointed by the Governor, who is a licensed
26 professional structural engineer with expertise in wind
27 mitigation techniques.

28

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 883 Fire Safety and Prevention
SPONSOR(S): Insurance & Banking Subcommittee; Boyd
TIED BILLS: IDEN./SIM. BILLS: SB 1410

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	11 Y, 0 N	Vanlandingham	Cooper
2) Government Operations Appropriations Subcommittee		Keith 	Topp 
3) Regulatory Affairs Committee			

SUMMARY ANALYSIS

An internal regulatory review by Florida's Division of the State Fire Marshal (SFM), located within the Department of Financial Services (DFS), has determined that numerous provisions of the statutes currently governing SFM and its regulatory authority are redundant, obsolete, difficult to administer, or complicated for the agency or public to interpret. DFS has put forward this proposal to rewrite and reorganize chapter 633, F.S.

In addition to deleting numerous provisions that are outdated or redundant, the bill makes several substantive policy changes. Most significant among these are more stringent requirements regarding criminal histories for firefighter certification. The bill effectively bars applicants with a prior felony conviction, a misdemeanor relating to perjury or false statements, or a dishonorable discharge, from ever gaining certification as a firefighter. These standards are enforced through expanded reporting requirements and better tracking of felony convictions.

DFS will compare records of convictions from the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers against DFS's licensing database. If the agency becomes aware of any matches, SFM will open a case to investigate the licensee. The bill provides new authority allowing the agency to require submission of fingerprints from licensees whom the agency suspects, after investigation, of being convicted of a felony.

The bill also extends the certification period for firefighters and fire safety inspectors from three to four years, and it gives firefighters new options for retaining their certifications. The bill grants SFM authority to establish new certificates for specialized firefighting instruction, and it allows the agency to contract with third parties to administer examinations.

Among numerous other provisions, the bill:

- expands statutes criminalizing impersonation of firefighters and tampering with fire protection systems;
- amends protocols addressing firefighter workplaces with a high frequency of employee injuries;
- requires that new boilers must meet the most current mandatory boiler code before they are installed;
- mandates that state-owned or leased buildings utilize the U.S. National Grid Coordinate System;
- reduces fees for downgrading fire equipment dealer's license to a lesser category;
- creates a system for out-of-state fire equipment dealers to obtain independent inspections; and
- requires outdoor fireworks displays to comply with the current Florida Fire Prevention Code.

The bill will have an insignificant positive fiscal impact on state government expenditures. In addition, the bill may have an insignificant negative impact on revenues to the Insurance Regulatory Trust Fund (IRTF) based on the proposed new option to downgrade Fire Equipment Dealer Licenses.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background on Division of State Fire Marshal

Florida's Division of State Fire Marshal (SFM), located within the Department of Financial Services (DFS), is a state agency whose primary responsibility is to minimize the loss of life and property due to fire and to protect the public from threats of fire, arson, and other natural or man-made disasters and hazards. SFM is organized into four bureaus:

- The Bureau of Fire and Arson Investigations is the law enforcement branch of the division, which conducts fire, arson, and explosives investigations as well as investigating other associated crimes, such as insurance fraud and homicide.
- The Bureau of Fire Prevention inspects state-owned and state-leased buildings and develops the statewide Florida Fire Prevention Code. The bureau also evaluates new building and renovation construction plans to determine compliance with fire safety codes and licenses fire protection contractors, fireworks manufacturers and distributors, explosive storage locations, and construction mining sites. In addition, the bureau assists local governments in providing fire prevention services, and inspects boiler systems to determine compliance with state codes.
- The Bureau of Fire Standards and Training provides state certification and training for both paid and volunteer firefighters. The bureau operates the Florida State Fire College, regulates certified fire training centers, and develops curricula for the state fire college, training centers, and colleges that provide courses accepted for certification.
- The Bureau of Forensic Fire and Explosives Analysis provides forensic laboratory services. The laboratory supports fire, explosion, and arson investigations by providing forensic analysis of fire and explosives debris as well as forensic video analysis, photographic and digital imaging evidence.

Regulatory review and proposed reorganization of Chapter 633, F.S.

Upon taking office, Florida's Chief Financial Officer ordered each division within DFS to undergo a regulatory review. Upon a thorough examination of the statutes currently governing SFM and its regulatory authority, DFS determined that numerous provisions are redundant, obsolete, difficult for DFS to administer, or complicated for DFS or the public to interpret.

As a result of this effort and discussions with stakeholders, DFS developed this proposal to effect a comprehensive rewrite and reorganization of Chapter 633, F.S., entitled Fire Prevention and Control. The bill is intended to provide clarity for SFM as well as firefighters, fire service providers, fire equipment dealers, and contractors. However, as well as deleting numerous provisions that are outdated or redundant, the bill also makes several substantive policy changes:

- **Creates more stringent requirements regarding criminal histories for firefighter certification.** The bill effectively bars applicants with a prior felony conviction, a misdemeanor relating to perjury or false statements, or a dishonorable discharge, from ever gaining certification as a firefighter. This is a change from current policy, which allows felony convicts to become certified after four years following the expiration of his or her felony sentence. The new language reflects the same standards DFS applies for other licensees such as insurance agents, adjusters, and bail bondsmen. These standards will be enforced through expanded reporting requirements and better tracking of felony convictions.
- **Expands reporting requirements.** To ensure that new standards barring criminal backgrounds are enforced, the bill expands reporting requirements to require that licensees must notify SFM in writing of any felony conviction or plea of guilty or nolo contendere. The bill also requires fire service

providers to notify SFM of important status changes and to exercise due diligence to determine the validity of an applicant's certification application. The bill also requires licensees to notify SFM of any change of address. DFS states that these changes will improve the accuracy of SFM's database, which is impaired by current statutes that encourage but do not require important notifications regarding firefighter status changes to be reported to SFM.

- **Requires fire service personnel with suspected criminal histories to submit digital fingerprints.** DFS will compare records of convictions from the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers¹ against DFS's licensing database.² If the agency becomes aware of any matches, SFM will open a case to investigate the licensee. The bill provides new authority allowing the agency to require submission of fingerprints from licensees whom the agency suspects, after investigation, of being convicted of a felony.³ DFS believes this approach will allow the agency to remove bad actors without unduly burdening fire safety personnel.
- **Extends certification period for firefighters and fire safety inspectors to four years.** Consistent with many other state certifications, the bill standardizes the certification period for firefighters and fire safety inspectors as four years, up from the current three years. The bill also gives fire safety instructors four years, instead of three, to complete an increased number of required continuing education hours.
- **Gives firefighters more options for retaining certifications.** The bill allows firefighters to retain certifications by:
 - being active as a firefighter for six months in the previous four year period;
 - maintaining a current valid fire safety instructor certificate and instructing at least 40 hours during the prior four years;
 - successfully completing a 40-hour refresher course; OR
 - retaking and passing the practical portion of the minimum standards exam within the six months before the four year certification period expires.
- **Creates new training options for fire safety personnel and allows for exams to be administered by contracting third parties.** The bill grants SFM rulemaking authority to establish additional certificates for specialized firefighting instruction such as hazardous materials and urban search and rescue. The bill also allows SFM the ability to contract with independent third parties to administer examinations, and it allows for direct payments from applicants to third party contractors conducting the exam.

The bill further provides for an electronic database to register training providers, and it requires providers to be registered to teach and have class curricula approved prior to their delivery. Such preapproval of providers and curricula ensures that students who register and attend such classes will receive credit from SFM.

- **Expands statutes criminalizing impersonation of firefighters and tampering with fire protection systems.** The bill strengthens the felony impersonation statute to cover impersonation of a volunteer firefighter and to mirror the language of statutes criminalizing impersonation of law enforcement officers. In addition, the bill expands the crime of rendering a fire extinguisher inoperable to cover disabling of fire protection systems.
- **Reduces fee for downgrading fire equipment dealer's license to a lesser category.** The bill consolidates all fees assessed by SFM into the same section, and it creates a new, reduced fee of

¹ Organized under s. 28.2405, F.S.

² Pursuant to s. 893.11, F.S., clerks of court are required to provide convictions database access to state agencies at no cost and also to provide agencies with certified copies of judgments upon request.

³ DFS has similar authority to fingerprint insurance licensees with suspected felony convictions under s. 626.601(5), F.S.

\$10 for fire equipment dealers seeking to downgrade their license to a lesser category. Currently, such dealers must pay \$10 to upgrade their license to a higher category, but if they wish to downgrade they must pay a higher fee of \$150 to \$250 depending on the license sought.

- **Amends protocols addressing firefighter workplaces with a high frequency of employee injuries.** The bill allows fire safety providers to collaborate with SFM on adopting a corrective action program. Current statute requires SFM to develop the corrective action plan on its own. The agency believes such plans are better implemented when the affected fire safety provider participates in drafting the corrective action program. The bill further authorizes SFM to seek new administrative remedies, including cease and desist orders and administrative fines, against dangerous workplaces that fail to comply with their corrective action programs.
- **Requires that new boilers must meet the most current mandatory boiler code before they are installed.** The bill adopts the most recent version of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers in statute, and requires that installers of new boilers present the ASME manufacturer's data report to the chief inspector before the boiler is placed in operation. Current statute only required such a report within 90 days following installation of the boiler.
- **Mandates that state-owned or state-leased buildings be identified through the use of the U.S. National Grid Coordinate System.** The bill furthers an ongoing effort by SFM, as the coordinating agency for search and rescue under the State Comprehensive Emergency Management Plan, to adopt the U.S. National Grid in partnership with the Division of Emergency Management as the standard in Florida maps for both emergency and other operations.
- **Creates system for out-of-state fire equipment dealers to obtain independent inspections.** Current law requires SFM to inspect any fire equipment dealer that does business in Florida, and SFM now sends inspectors to dealers located outside the state, incurring significant travel costs in excess of the fee assessed by SFM for the inspection. The bill allows such dealers to obtain an independent inspection from a licensed inspector, or alternatively to pay all travel costs incurred by SFM for inspecting the facility.
- **Increases membership of the Firefighters Employment, Standards, and Training Advisory Council (FESTAC).** FESTAC is a statutory advisory council that recommends uniform standards governing the employment, health, safety, training, and educational aspects of Florida's fire and emergency services. The bill adds an additional member to be nominated by the Florida Forest Service. The bill also clarifies language and codifies current practice relating to the council's organization, duties, travel, and expenses.
- **Mandates that the Florida Fire Code Advisory Council (FCAC) meet at least semiannually.** The bill codifies current practice, providing that FCAC may review proposed changes to the Florida Fire Prevention Code and uniform fire safety standards.
- **Requires standards governing outdoor fireworks displays to comply with the current Florida Fire Prevention Code.** Current statute only requires such displays to meet 1995 standards.

Administrative provisions of the bill

The bill also contains several elements that are more administrative than substantive in nature and are intended to make SFM's governing statutes easier to administer and interpret. These provisions include:

- Adopting delivery by e-mail to licensees as adequate notification, allowing SFM to save costs relating to postage, paper, and printing.

- Eliminating the need for annual rulemakings regulating line of duty death benefits for firefighters.
- Removing references to the Florida Life Safety Code, as the Life Safety Code is considered a part of the Florida Fire Prevention Code.
- Consolidating sections regarding SFM's investigative powers and clarifying that such powers extend to investigations of explosions.
- Clarifying that the registration fee of seasonal retailers of sparklers is \$200 per location. Current law is arguably ambiguous regarding the registration fee owed by seasonal retailers of sparklers that do business in Florida.

B. SECTION DIRECTORY:

Section 1: Amends s. 112.011, F.S., to strike disciplinary language that is moved to s. 633.304, F.S.

Section 2: Amends s. 112.191, F.S., to provide that existing line of duty death benefits for firefighters adjust annually based on cost of living, eliminating the need for annual rulemaking to that effect.

Section 3: Creates and entitles Part I of Chapter 633 "General Provisions".

Section 4: Renumbers s. 633.021, F.S., as s. 633.102, F.S., and adds and deletes definitions.

Section 5: Renumbers s. 633.01, F.S., as s. 633.104, F.S., and amends language to require the renewal of fire safety inspector certifications every four years and allow the SFM to contract with a third party to administer examinations.

Section 6: Renumbers ss. 633.163 and 633.167, F.S., as s. 633.106, F.S., and amends language to consolidate disciplinary proceedings into the same section and allow for new disciplinary proceedings against SFM licensees who lack qualifications for licensure.

Section 7: Renumbers s. 633.15, F.S., as s. 633.108, F.S.

Section 8: Renumbers and combines parts of ss. 633.101, 633.18, 633.03, and 633.111, F.S., as s. 633.112, F.S., to consolidate sections regarding SFM's investigative powers and clarify that such powers extend to investigations of explosions.

Section 9: Renumbers and combines ss. 633.02 and 633.13, F.S., as s. 633.114, F.S.

Section 10: Renumbers s. 633.14, F.S., as s. 633.116, F.S.

Section 11: Renumbers s. 633.121, F.S., as s. 633.118, F.S., and amends to change "fire department" to "fire service provider."

Section 12: Renumbers s. 633.151, F.S., as s. 633.122, F.S., and amends to add penalties for impersonation of a volunteer firefighter.

Section 13: Renumbers s. 633.171, F.S., as s. 633.124, F.S., and amends to add penalties for rendering a fire protection system inoperable.

Section 14: Renumbers s. 633.175, F.S., as s. 633.126, F.S., and amends to add definition of "consultant" and clarify that SFM's investigatory powers extend to investigations of explosions.

Section 15: Renumbers s. 633.45, F.S., as s. 633.128, F.S., and amends to give instructors four years to complete an increased number of continuing education hours.

Section 16: Creates s. 633.132, F.S., to codify current fees assessed by FSM and to reduce fee for downgrading to a lesser fire equipment dealer license.

Section 17: Renumbers s. 633.39, F.S., as s. 633.134, F.S.

Section 18: Renumbers s. 633.115, F.S., as s. 633.036, F.S, and amends for consistency of language.

Section 19: Creates s. 633.138, F.S., to impose expanded reporting requirements on licensees.

Section 20: Renumbers ss. 633.042, and 633.0421, F.S., as s. 633.142, F.S.

Section 21: Creates and entitles Part II of Chapter 633 "Fire Safety and Prevention".

Section 22: Renumbers s. 633.0215, F.S., as s. 633.202, F.S, and amends to remove obsolete provisions.

Section 23: Renumbers s. 633.72, F.S., as s. 633.204, F.S, and amends to codify current practices relating to the Florida Fire Code Advisory Council.

Section 24: Renumbers s. 633.022, F.S., as s. 633.206, F.S, and amends to remove obsolete provisions and to clarify that state universities are state owned facilities.

Section 25: Renumbers s. 633.025, F.S., as s. 633.208, F.S, and amends for consistency of language.

Section 26: Renumbers s. 633.026, F.S., as s. 633.212, F.S, and amends for consistency of language.

Section 27: Renumbers s. 633.052, F.S., as s. 633.214, F.S, and amends for consistency of language.

Section 28: Renumbers s. 633.081, F.S., as s. 633.216, F.S, and amends to remove transferred language and to extend fire safety inspector certification period to four years.

Section 29: Renumbers s. 633.085, F.S., as s. 633.218, F.S, and amends to add definitions and to require state-owned or state-leased buildings to be identified through the use of the U.S. National Grid Coordinate System.

Section 30: Renumbers s. 633.027, F.S., as s. 633.222, F.S.

Section 31: Renumbers s. 633.60, F.S., as s. 633.224, F.S.

Section 32: Renumbers s. 633.557, F.S., as s. 633.226, F.S.

Section 33: Renumbers s. 633.161, F.S., as s. 633.228, F.S.

Section 34: Creates and entitles Part III of Chapter 633 "Fire Protection and Suppression".

Section 35: Renumbers ss. 633.511, and 633.514, F.S., as s. 633.302, F.S, and amends for consistency of language.

Section 36: Renumbers s. 633.061, F.S., as s. 633.304, F.S, and amends to remove transferred provisions, add definitions, and provides procedures for out-of-state applicants and licensees to obtain a facility inspection.

Section 37: Renumbers s. 633.065, F.S., as s. 633.306, F.S.

- Section 38:** Renumbers s. 633.071, F.S., as s. 633.308, F.S.
- Section 39:** Renumbers s. 633.082, F.S., as s. 633.312, F.S, and amends for consistency of language.
- Section 40:** Renumbers s. 633.083, F.S., as s. 633.314, F.S, and amends for consistency of language.
- Section 41:** Renumbers s. 633.162, F.S., as s. 633.316, F.S, and amends for consistency of language.
- Section 42:** Renumbers s. 633.521, F.S., as s. 633.318, F.S, and amends for consistency of language.
- Section 43:** Renumbers s. 633.551, F.S., as s. 633.322, F.S, and amends for consistency of language.
- Section 44:** Renumbers s. 633.527, F.S., as s. 633.324, F.S.
- Section 45:** Renumbers s. 633.531, F.S., as s. 633.326, F.S.
- Section 46:** Renumbers s. 633.534, F.S., as s. 633.328, F.S, and amends for consistency of language.
- Section 47:** Renumbers s. 633.537, F.S., as s. 633.332, F.S, and amends for consistency of language.
- Section 48:** Renumbers s. 633.539, F.S., as s. 633.334, F.S, and amends for consistency of language.
- Section 49:** Renumbers s. 633.541, F.S., as s. 633.336, F.S, and amends for consistency of language.
- Section 50:** Renumbers s. 633.547, F.S., as s. 633.338, F.S, and amends for consistency of language.
- Section 51:** Renumbers s. 633.549, F.S., as s. 633.342, F.S, and amends for consistency of language.
- Section 52:** Renumbers s. 633.554, F.S., as s. 633.344, F.S.
- Section 53:** Renumbers s. 633.70, F.S., as s. 633.346, F.S.
- Section 54:** Renumbers s. 633.701, F.S., as s. 633.348, F.S.
- Section 55:** Renumbers s. 633.702, F.S., as s. 633.3482, F.S, and amends for consistency of language.
- Section 56:** Creates and entitles Part IV of Chapter 633 "Fire Standards and Training".
- Section 57:** Renumbers ss. 633.31, 633.32, and 633.33, F.S., as s. 633.402, F.S, and amends to increase membership of Firefighters Employment, Standards, and Training Advisory Council.
- Section 58:** Renumbers s. 633.42, F.S., as s. 633.404, F.S, and amends for consistency of language.
- Section 59:** Creates s. 633.406, F.S., to codify current certificates awarded by the division and grants rulemaking authority to establish additional certificates for specialized firefighting instruction.
- Section 60:** Renumbers ss. 633.35 and 633.37, F.S., as s. 633.408, F.S., and amends to clarify courses that must be taken to attain certificates.
- Section 61:** Renumbers s. 633.34, F.S., as s. 633.412, F.S., and amends to impose new requirements related to criminal history on applicants for firefighter certification.
- Section 62:** Renumbers s. 633.352, F.S., as s. 633.414, F.S., and amends to extend firefighter certifications to four years and to offer new options to retain firefighter certifications.

Section 63: Renumbers s. 633.41, F.S., as s. 633.416, F.S, and amends to add reporting requirements for fire service providers.

Section 64: Renumbers s. 633.38, F.S., as s. 633.418, F.S, and amends for consistency of language.

Section 65: Renumbers s. 633.382, F.S., as s. 633.422, F.S, and amends to remove obsolete provisions and to add "full time employee" to qualifications for supplement compensation.

Section 66: Renumbers s. 633.353, F.S., as s. 633.424, F.S, and amends for consistency of language.

Section 67: Renumbers s. 633.351, F.S., as s. 633.426, F.S, and amends to create felony tracking system for fire service personnel through digital fingerprinting.

Section 68: Renumbers s. 633.43, F.S., as s. 633.428, F.S, and amends for consistency of language.

Section 69: Renumbers s. 633.44, F.S., as s. 633.432, F.S, and amends for consistency of language.

Section 70: Renumbers s. 633.48, F.S., as s. 633.434, F.S.

Section 71: Renumbers s. 633.461, F.S., as s. 633.436, F.S, and amends for consistency of language.

Section 72: Renumbers s. 633.46, F.S., as s. 633.446, F.S.

Section 73: Renumbers s. 633.47, F.S., as s. 633.438, F.S.

Section 74: Renumbers s. 633.49, F.S., as s. 633.442, F.S.

Section 75: Renumbers s. 633.50, F.S., as s. 633.444, F.S., and amends to require training providers to be licensed and have class curricula approved prior to delivery.

Section 76: Creates and entitles Part V of Chapter 633 "Florida Firefighters Occupational Safety and Health Act".

Section 77: Renumbers s. 633.801, F.S., as s. 633.502, F.S.

Section 78: Renumbers s. 633.802, F.S., as s. 633.504, F.S., and amends to clarify definitions.

Section 79: Renumbers s. 633.803, F.S., as s. 633.506, F.S., and amends with conforming language.

Section 80: Renumbers ss. 633.821 and 633.808, F.S., as s. 633.508, F.S., and amends to remove obsolete provisions.

Section 81: Renumbers s. 633.817, F.S., as s. 633.512, F.S., and amends with conforming language.

Section 82: Renumbers s. 633.805, F.S., as s. 633.514, F.S.

Section 83: Renumbers ss. 633.806 and 633.815, F.S., as s. 633.516, F.S., and amends for consistency of language.

Section 84: Renumbers s. 633.807, F.S., as s. 633.518, F.S., and amends for consistency of language.

Section 85: Renumbers ss. 633.809, 633.810, and 633.813, F.S., as s. 633.522, F.S., and amends to allow fire safety providers with high frequencies of injuries to collaborate with SFM on adopting a corrective action program.

Section 86: Renumbers s. 633.811, F.S., as s. 633.526, F.S., and amends to allow SFM to seek new administrative remedies against workplaces that fail to comply with corrective action programs.

Section 87: Renumbers s. 633.812, F.S., as s. 633.528, F.S., and amends with conforming language.

Section 88: Renumbers s. 633.816, F.S., as s. 633.532, F.S., and amends with conforming language.

Section 89: Renumbers ss. 633.818 and 633.819, F.S., as s. 633.534, F.S., and amends to remove obsolete language.

Section 90: Renumbers s. 633.814, F.S., as s. 633.536, F.S., and amends to remove obsolete cross-references.

Section 91: Amends s. 554.103, F.S., to require new boilers to meet the most current mandatory boiler code before they are installed.

Section 92: Amends s. 791.012, F.S., to require outdoor fireworks displays to comply with the current Florida Fire Prevention Code.

Section 93: Amends s. 791.015, F.S., to clarify that the registration fee of seasonal retailers of sparklers is \$200 per location.

Section 94: Repeals ss. 633.024, 633.0245, 633.30, 633.445, 633.524, 633.804, and 633.820, F.S.

Sections 95 through 140: Corrects cross references to reflect new chapter organization.

Section 141: Establishes an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will have an insignificant fiscal impact on state government revenues. The DFS indicates that there may be a loss of \$300 in revenue to the Insurance Regulatory Trust Fund (IRTF) based on the new option to downgrade Fire Equipment Dealer Licenses. Only 2 Fire Equipment Dealers that would qualify as a downgrade in license have been recorded since December of 2011.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will allow for the SFM to adopt delivery by e-mail as adequate notification to licensees for any official communication by the division. This will reduce the expenditures related to postage and printing currently used by the department to notify licensees and produce an estimated annual savings of \$26,000.

The bill also eliminates the SFM's travel expenditures associated with inspections of out-of-state fire equipment dealers. Current law requires the SFM to send inspectors to dealers located outside the state, incurring significant travel expenditures in excess of the fee assessed by the SFM for the inspection. The bill eliminates these expenditures by allowing such dealers to obtain an independent inspection from a licensed inspector, or alternatively, to pay all travel expenditures incurred by the SFM for inspecting the facility.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or, reduce the percentage of a state tax shared with counties or municipalities.

2. Other: *Incorporation by reference and delegation of legislative authority*

Currently, s. 554.103, F.S., gives rulemaking authority to DFS to adopt by rule a State Boiler Code for the safe construction, installation, inspection, maintenance, and repair of boilers in this state.

Lines 6034-6040 of the bill mandate that "new boilers installed or imported into this state shall be constructed to the most current mandatory boiler code, known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, *including all amendments, code cases, and interpretations approved thereto* by the Council on Codes and Standards of A.S.M.E." (emphasis added). It appears that DFS intends this provision to enable the agency to use the most recent boiler code instead of adopting the new code each year via rule.⁴

As a general rule, a cross-reference to a specific statute or model act incorporates the language of the referenced act as it existed at the time the reference was enacted, unaffected by any subsequent amendments to the incorporated act.⁵ For example, the legislature may adopt provisions of federal statutes and administrative rules made by a federal administrative body "that are in existence and in effect at the time the legislature acts, but it would be an unconstitutional delegation of legislative power for the legislature to adopt in advance any federal act or the ruling of any federal administrative body that Congress or such administrative body might see fit to adopt in the future."⁶

⁴ Material on file with Banking & Insurance Subcommittee staff.

⁵ See *Overstreet v. Blum*, 227 So. 2d 197 (Fla. 1969); *Hecht v. Shaw*, 151 So. 333 (1933).

⁶ *Florida Industrial Commission v. State*, 155 Fla. 772, 21 So.2d 599 (1945). See also *Freimuth v. State*, 272 So.2d 473 (Fla.1972); *State v. Camil*, 279 So.2d 832 (Fla.1973).

A court would likely apply this same principle when reviewing a statute that incorporates a model act promulgated by an organization such as ASME. Accordingly, while the bill may adopt the current ASME model act in effect, it is possible that a reviewing court would not uphold that part of a statute that adopts any future amendments to that model act.⁷

B. RULE-MAKING AUTHORITY:

The bill provides that SFM has rulemaking authority to achieve the following objectives:

- Establish uniform minimum standards for firefighter training.⁸
- Establish criteria for the approval of fire safety education or training providers and the approval of fire safety instruction course curricula.⁹
- Establish procedures for reporting by insurance companies of suspected intentional fires to SFM.¹⁰
- Administer required reporting by fire service providers of important changes in status of fire safety personnel.¹¹
- Create a system for inspecting out-of-state fire equipment dealers or to recoup travel costs incurred by SFM.¹²
- Approve course work or degrees that qualify a firefighter for supplemental compensation while pursuing higher education.¹³

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 13, 2013, the Insurance & Banking Subcommittee considered the bill and adopted a strike-all amendment removing provisions requiring FDLE to search and retain the fingerprints of currently employed firefighters. This change removed the bill's negative fiscal impact to DFS. In addition, the amendment removed a provision that provided DFS new rulemaking authority for creating new fees, and it restored language contained in current law providing the agency authority to fix and collect admission fees for fire safety training purposes. Furthermore, the amendment extended from two to four years the period during which fire equipment dealers may maintain an inactive permit; clarified definitions to reflect current practices; restored current law providing locations for which SFM is required to adopt minimum firesafety standards; clarified the scope of contractor licenses; and corrected drafting errors. The analysis has been updated to reflect the change made by adoption of the amendment.

⁷ Courts may sever a valid portion of laws from the remainder and continue to enforce the valid portion. *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936); *Florida Hosp. Waterman, Inc. v. Buster*, 984 So.2d 478 (Fla. 2008); *Ray v. Mortham*, 742 So.2d 1276 (Fla. 1999); *Wright v. State*, 351 So.2d 708 (Fla. 1977).

⁸ Sections 15, 59, 60, and 62, CS/HB 883.

⁹ Section 75, CS/HB 883.

¹⁰ Section 14, CS/HB 883.

¹¹ Section 63, CS/HB 883.

¹² Section 36, CS/HB 883.

¹³ Section 64, CS/HB 883.

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1 A bill to be entitled

2 An act relating to fire safety and prevention;

3 amending s. 112.011, F.S.; removing provisions that

4 exclude from employment for a specified period an

5 applicant for employment with any fire department who

6 has a prior felony conviction; reenacting and amending

7 s. 112.191, F.S.; revising provisions relating to

8 adjustments in payments of accidental death benefits

9 for firefighters; creating part I of chapter 633,

10 F.S., entitled "General Provisions"; transferring,

11 renumbering, and amending s. 633.021, F.S.; revising

12 and providing definitions; transferring, renumbering,

13 and amending ss. 633.01 and 633.517, F.S.;

14 consolidating and revising provisions relating to the

15 authority of the State Fire Marshal; removing the

16 references to the Life Safety Code; revising the

17 renewal period for firesafety inspector requirements

18 for certification; conforming cross-references;

19 removing provisions relating to rulemaking,

20 application fees for certification, and deposit of

21 moneys collected by the State Fire Marshal that are

22 relocated within ch. 633; transferring, renumbering,

23 and amending ss. 633.163 and 633.167, F.S.;

24 consolidating provisions which prescribe disciplinary

25 authority of the State Fire Marshal; transferring and

26 renumbering s. 633.15, F.S., relating to the force and

27 effect of ch. 633, F.S., and rules promulgated by the

28 State Fire Marshal on municipalities, counties, and

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29 special districts having firesafety responsibilities;

30 transferring, renumbering, and amending ss. 633.101,

31 633.18, 633.03, and 633.111, F.S.; consolidating

32 provisions relating to hearings, investigations, and

33 recordkeeping duties and the authority of the State

34 Fire Marshal; including explosions within such

35 investigatory and recordkeeping authority;

36 transferring, renumbering, and amending ss. 633.02 and

37 633.13, F.S.; consolidating provisions relating to the

38 authority, duties, and compensation of agents of the

39 State Fire Marshal; transferring and renumbering s.

40 633.14, F.S., relating to the powers of agents of the

41 State Fire Marshal to make arrests, conduct searches

42 and seizures, serve summonses, and carry firearms;

43 transferring, renumbering, and amending s. 633.121,

44 F.S., relating to persons authorized to enforce laws

45 and rules of the State Fire Marshal; revising

46 terminology; making an editorial change; transferring,

47 renumbering, and amending s. 633.151, F.S.; clarifying

48 provisions relating to impersonating the State Fire

49 Marshal, a firefighter, or firesafety inspector, or

50 volunteer firefighter, for which a criminal penalty is

51 provided; transferring, renumbering, and amending s.

52 633.171, F.S.; providing penalties for rendering a

53 fire protection system required by statute or by rule

54 inoperative; providing penalties for using the

55 certificate of another person, holding a license or

56 certificate and allowing another person to use the

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

85 specify by rule standards for the certification,
 86 denial of certification, probation, and revocation of
 87 certification for instructors; requiring the division
 88 to establish by rule minimum training qualifications
 89 for persons serving as specified firesafety
 90 coordinators; requiring the division to issue
 91 specified licenses, certificates, and permits;
 92 conforming cross-references; creating s. 633.132,
 93 F.S.; establishing fees to be collected by the
 94 division; providing for the appropriation and deposit
 95 of all funds collected by the State Fire Marshal
 96 pursuant to ch. 633, F.S.; transferring and
 97 renumbering s. 633.39, F.S., relating to acceptance by
 98 the division of donations of property and grants of
 99 money; transferring, renumbering, and amending s.
 100 633.115, F.S., relating to the Fire and Emergency
 101 Incident Information Reporting Program; making
 102 editorial changes; conforming a cross-reference;
 103 creating s. 633.138, F.S.; providing requirements with
 104 respect to notice of change of address of record for,
 105 and notice of felony actions against, a licensee,
 106 permittee, or certificateholder; transferring,
 107 renumbering, and amending ss. 633.042 and 633.0421,
 108 F.S.; consolidating the "Reduced Cigarette Ignition
 109 Propensity Standard and Firefighter Protection Act"
 110 and specified preemption provisions; creating part II
 111 of chapter 633, F.S., entitled "Fire Safety and
 112 Prevention"; transferring, renumbering, and amending

113 s. 633.0215, F.S., the Florida Fire Prevention Code;
 114 authorizing the State Fire Marshal to adopt rules;
 115 conforming cross-references; deleting an obsolete
 116 provision; transferring, renumbering, and amending s.
 117 633.72, F.S., relating to the Florida Fire Code
 118 Advisory Council; revising membership of the council;
 119 providing for semiannual meetings of the council;
 120 authorizing the council to review proposed changes to
 121 the Florida Fire Prevention Code and specified uniform
 122 fire safety standards; conforming cross-references;
 123 transferring, renumbering, and amending s. 633.022,
 124 F.S., relating to uniform firesafety standards;
 125 revising applicability of uniform firesafety
 126 standards; removing obsolete provisions; transferring,
 127 renumbering, and amending s. 633.025, F.S., relating
 128 to minimum firesafety standards; eliminating
 129 references to the Life Safety Code; revising
 130 references to firesafety code and fire official, to
 131 conform; conforming a cross-reference; transferring,
 132 renumbering, and amending s. 633.026, F.S., relating
 133 to informal interpretations of the Florida Fire
 134 Prevention Code and legislative intent with respect
 135 thereto; making editorial changes; conforming cross-
 136 references; revising terminology to provide for
 137 declaratory statements rather than formal
 138 interpretations in nonbinding interpretations of
 139 Florida Fire Prevention Code provisions; transferring,
 140 renumbering, and amending s. 633.052, F.S., relating

141 to ordinances relating to firesafety and penalties for
 142 violation; conforming terminology; providing that a
 143 special district may enact any ordinance relating to
 144 firesafety codes that is identical to ch. 633, F.S.,
 145 or any state law, except as to penalty; transferring,
 146 renumbering, and amending s. 633.081, F.S.; clarifying
 147 persons authorized to inspect buildings and structures
 148 subject to the requirements of ch. 633, F.S., or s.
 149 509.215, F.S.; conforming cross-references; revising
 150 requirements of persons conducting firesafety
 151 inspections; revising period of validity of, and
 152 continuing education requirements for, firesafety
 153 inspector certificates; requiring repeat training for
 154 certified fire safety inspectors whose certification
 155 has lapsed for a specified period; revising grounds
 156 for denial, refusal to renew, suspension, or
 157 revocation of a firesafety inspector certificate;
 158 requiring the department to provide by rule for the
 159 certification of Fire Code Administrators;
 160 transferring, renumbering, and amending s. 633.085,
 161 F.S.; defining the terms "high-hazard occupancy" and
 162 "state-owned building"; providing for identification
 163 of state-owned buildings or state-leased buildings or
 164 space; authorizing, rather than requiring, the State
 165 Fire Marshal or agents thereof to conduct performance
 166 tests on any electronic fire warning and smoke
 167 detection system, and any pressurized air-handling
 168 unit, in any state-owned building or state-leased

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

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197 transferring, renumbering, and amending s. 633.161,
 198 F.S., relating to violations and enforcement of ch.
 199 633, F.S., orders resulting from violations, and
 200 penalties for violation; conforming cross-references;
 201 creating part III of chapter 633, F.S., entitled "Fire
 202 Protection and Suppression"; transferring and
 203 renumbering ss. 633.511 and 633.514, F.S.;
 204 consolidating provisions relating to the Florida Fire
 205 Safety Board; making editorial changes; conforming
 206 cross-references; transferring, renumbering, and
 207 amending s. 633.061, F.S., relating to licensure to
 208 install or maintain fire suppression equipment;
 209 removing the fee schedule from such provisions;
 210 revising provisions relating to fire equipment dealers
 211 who wish to withdraw a previously filed halon
 212 equipment exemption affidavit; providing conditions
 213 that an applicant for a license of any class who has
 214 facilities located outside the state must meet in
 215 order to obtain a required equipment inspection;
 216 providing for the adoption of rules with respect to
 217 the establishment and calculation of inspection costs;
 218 revising and clarifying provisions which exclude from
 219 licensure for a specified period applicants having a
 220 previous criminal conviction; defining the term
 221 "convicted"; providing conditions under which a
 222 licensed fire equipment dealer may apply to convert
 223 the license currently held to a lower licensing
 224 category; providing procedure for an applicant who

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253 applicant and the extent of confidentiality;
 254 transferring and renumbering s. 633.531, F.S.,
 255 relating to statewide effectiveness and
 256 nontransferability of certificates; transferring,
 257 renumbering, and amending s. 633.534, F.S., relating
 258 to the issuance of certificates to individuals and
 259 business organizations; conforming a reference;
 260 transferring, renumbering, and amending s. 633.537,
 261 F.S., relating to renewal and expiration of
 262 certificates; removing an obsolete provision; removing
 263 a provision which prescribes the biennial renewal fee
 264 for an inactive status certificate; making editorial
 265 changes; transferring, renumbering, and amending s.
 266 633.539, F.S., relating to requirements for
 267 installation, inspection, and maintenance of fire
 268 protection systems; correcting a cross-reference;
 269 conforming a reference; clarifying provisions relating
 270 to specified installation of a cross-connection
 271 backflow prevention device; transferring, renumbering,
 272 and amending s. 633.541, F.S., relating to the
 273 prohibition against contracting as a fire protection
 274 contractor without a certificate and penalty for
 275 violation thereof; conforming cross-references;
 276 transferring, renumbering, and amending s. 633.547,
 277 F.S.; revising provisions which authorize the State
 278 Fire Marshal to suspend a fire protection system
 279 contractor's or permittee's certificate; removing
 280 provisions authorizing revocation of a certificate for

225 passes an examination for licensure or permit but
 226 fails to meet remaining qualifications within 1 year
 227 after the application date; transferring,
 228 renumbering, and amending s. 633.065, F.S.; conforming
 229 a cross-reference; transferring, renumbering, and
 230 amending s. 633.071, F.S., relating to standard
 231 service tags required on all fire extinguishers and
 232 preengineered systems; conforming a cross-reference;
 233 transferring, renumbering, and amending s. 633.082,
 234 F.S., relating to inspection of fire control systems,
 235 fire hydrants, and fire protection systems; conforming
 236 a cross-reference; making an editorial change;
 237 transferring, renumbering, and amending s. 633.083,
 238 F.S., relating to the prohibited sale or use of
 239 certain types of fire extinguishers and penalty
 240 therefor; transferring, renumbering, and amending s.
 241 633.162, F.S., relating to fire suppression system
 242 contractors and disciplinary actions with respect
 243 thereto; conforming cross-references; clarifying
 244 provisions; transferring, renumbering, and amending
 245 s. 633.521, F.S., relating to certification as fire
 246 protection system contractor; clarifying provisions
 247 and making editorial changes; conforming cross-
 248 references; transferring, renumbering, and amending s.
 249 633.551, F.S., relating to county and municipal powers
 250 and the effect of ch. 75-240, Laws of Florida; making
 251 editorial changes; transferring and renumbering s.
 252 633.527, F.S., relating to records concerning

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281 a specified period; conforming a cross-reference;
 282 transferring, renumbering, and amending s. 633.549,
 283 F.S., relating to violations that are subject to
 284 injunction; making an editorial change; transferring
 285 and renumbering s. 633.554, F.S., relating to
 286 application of ch. 633, F.S., regulating contracting
 287 and contractors; transferring, renumbering, and
 288 amending s. 633.70, F.S., relating to jurisdiction of
 289 the State Fire Marshal over alarm system contractors
 290 and certified unlimited electrical contractors;
 291 conforming a cross-reference; transferring and
 292 renumbering s. 633.701, F.S., relating to requirements
 293 for fire alarm system equipment; transferring,
 294 renumbering, and amending s. 633.702, F.S., relating
 295 to prohibited acts regarding alarm system contractors
 296 or certified unlimited electrical contractors and
 297 penalties for violations; making editorial changes;
 298 creating part IV of chapter 633, F.S., entitled "Fire
 299 Standards and Training"; transferring, renumbering,
 300 and amending ss. 633.31 and 633.33, F.S., and
 301 transferring and renumbering s. 633.32, F.S.;
 302 consolidating provisions relating to the Firefighters
 303 Employment, Standards, and Training Council; providing
 304 for an additional member of the council; revising
 305 special powers of the council in connection with the
 306 employment and training of firefighters; transferring,
 307 renumbering, and amending s. 633.42, F.S., relating to
 308 authority of fire service providers to establish

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309 qualifications and standards for hiring, training, or
 310 promoting firefighters that exceed the minimum set by
 311 the department; conforming terminology; creating s.
 312 633.406, F.S.; specifying classes of certification
 313 awarded by the division; authorizing the division to
 314 establish specified additional certificates by rule;
 315 transferring, renumbering, and amending ss. 633.35 and
 316 633.37 F.S.; consolidating and revising provisions
 317 relating to firefighter and volunteer firefighter
 318 training and certification; requiring the division to
 319 establish by rule specified courses and course
 320 examinations; providing that courses may only be
 321 administered by specified education or training
 322 providers and taught by certified instructors;
 323 revising provisions with respect to payment of
 324 training costs and payment of tuition for attendance
 325 at approved courses; providing requirements for
 326 issuance by the division of a firefighter certificate
 327 of compliance; providing requirements for issuance by
 328 the division of a Volunteer Firefighter Certificate of
 329 Completion; authorizing the division to issue a
 330 Special Certificate of Compliance; providing
 331 requirements and limitations with respect thereto;
 332 providing procedures and requirements for
 333 reexamination subsequent to failure of an examination;
 334 increasing the required number of hours of the
 335 structural fire training program; providing for a
 336 Forestry Certificate of Compliance and prescribing the

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337 rights, privileges, and benefits thereof;
 338 transferring, renumbering, and amending s. 633.34,
 339 F.S.; revising and reorganizing provisions relating to
 340 qualifications for certification as a firefighter;
 341 providing requirements of the division with respect to
 342 suspension or revocation of a certificate;
 343 transferring, renumbering, and amending s. 633.352,
 344 F.S.; revising provisions relating to retention of
 345 certification as a firefighter; defining the term
 346 "active"; transferring, renumbering, and amending s.
 347 633.41, F.S.; prohibiting a fire service provider from
 348 employing an individual as a firefighter or supervisor
 349 of firefighters and from retaining the services of an
 350 individual volunteering as a firefighter or a
 351 supervisor of firefighters without required
 352 certification; requiring a fire service provider to
 353 make a diligent effort to determine possession of
 354 required certification prior to employing or retaining
 355 an individual for specified services; defining the
 356 term "diligent effort"; requiring a fire service
 357 provider to notify the division of specified hirings,
 358 retentions, terminations, decisions not to retain a
 359 firefighter, and determinations of failure to meet
 360 certain requirements; authorizing the division to
 361 conduct site visits to fire departments to monitor
 362 compliance; defining the term "employ"; conforming
 363 cross-references; transferring, renumbering, and
 364 amending s. 633.38, F.S., relating to curricula and

365 standards for advanced and specialized training
 366 prescribed by the division; revising terminology to
 367 conform; conforming cross-references; transferring,
 368 renumbering, and amending s. 633.382, F.S.; revising
 369 provisions relating to supplemental compensation for
 370 firefighters who pursue specified higher educational
 371 opportunities; removing definitions; requiring the
 372 State Fire Marshal to determine course work or degrees
 373 that represent the best practices toward supplemental
 374 compensation goals; authorizing the adoption of rules;
 375 specifying that supplemental compensation shall be
 376 paid to qualifying full-time employees of a fire
 377 service provider; conforming terminology; clarifying
 378 provisions; specifying that policy guidelines be
 379 adopted by rule; classifying the division as a fire
 380 service provider responsible for the payment of
 381 supplemental compensation to full-time firefighters
 382 employed by the division; transferring, renumbering,
 383 and amending s. 633.353, F.S.; clarifying provisions
 384 which provide a penalty for falsification of
 385 qualifications provided to the Bureau of Fire
 386 Standards and Training of the division; transferring,
 387 renumbering, and amending s. 633.351, F.S.; providing
 388 definitions; providing conditions for ineligibility to
 389 apply for certification under ch. 633, F.S.; providing
 390 conditions for permanent revocation of certification,
 391 prospective application of such provisions, and
 392 retroactive application with respect to specified

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393 convictions; revising provisions relating to
 394 revocation of certification; providing division
 395 procedure with respect to an individual's conviction
 396 of a felony or specified misdemeanor subsequent to
 397 certification; authorizing the division to charge a
 398 fingerprint processing fee; transferring, renumbering,
 399 and amending s. 633.43, F.S., relating to the
 400 establishment of the Florida State Fire College;
 401 conforming a reference; transferring, renumbering,
 402 and amending s. 633.44, F.S.; expanding the purposes
 403 of the Florida State Fire College and pt. IV of ch.
 404 633, F.S.; conforming a cross-reference; transferring,
 405 renumbering, and amending s. 633.48, F.S., relating to
 406 the superintendent of the Florida State Fire College;
 407 correcting a cross-reference, to conform;
 408 transferring, renumbering, and amending s. 633.461,
 409 F.S.; revising uses of funds received by the Florida
 410 State Fire College from the Insurance Regulatory Trust
 411 Fund; transferring and renumbering s. 633.46, F.S.,
 412 relating to fees charged for training; transferring
 413 and renumbering s. 633.47, F.S., relating to procedure
 414 for making expenditures on behalf of the Florida State
 415 Fire College; transferring, renumbering, and amending
 416 s. 633.49, F.S., relating to the use of buildings,
 417 equipment, and other facilities of the fire college;
 418 conforming a cross-reference; transferring,
 419 renumbering, and amending s. 633.50, F.S.; providing
 420 additional duties of the division of State Fire

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421 Marshal related to the Florida State Fire College;
 422 conforming cross-references; creating part V of ch.
 423 633, F.S., entitled "Florida Firefighters Occupational
 424 Safety and Health Act"; transferring, renumbering, and
 425 amending s. 633.801, F.S., which provides a short
 426 title; transferring, renumbering, and amending s.
 427 633.802, F.S.; revising definitions of "firefighter
 428 employee," "firefighter employer," and "firefighter
 429 place of employment"; transferring, renumbering, and
 430 amending s. 633.803, F.S., relating to legislative
 431 intent to enhance firefighter occupational safety and
 432 health in the state; clarifying provisions; conforming
 433 references; transferring, renumbering, and amending
 434 ss. 633.821 and 633.808, F.S.; revising provisions
 435 relating to assistance by the division in facilitating
 436 firefighter employee workplace safety; revising
 437 references to publications; removing obsolete
 438 provisions; revising requirements of the division;
 439 transferring, renumbering, and amending s. 633.817,
 440 F.S., relating to remedies available to the division
 441 for noncompliance with pt. V of ch. 633, F.S., the
 442 Florida Firefighters Occupational Safety and Health
 443 Act; transferring and renumbering s. 633.805, F.S.,
 444 relating to a required study by the division of
 445 firefighter employee occupational diseases;
 446 transferring, renumbering, and amending ss. 633.806
 447 and 633.815, F.S.; revising and consolidating
 448 provisions which require the division to make studies,

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449 investigations, inspections, and inquiries with
 450 respect to compliance with pt. V of ch. 633, F.S., or
 451 rules authorized thereunder, and the causes of
 452 firefighter employee injuries, illnesses, safety-based
 453 complaints, or line-of-duty deaths in firefighter
 454 employee places of employment; authorizing the
 455 division to adopt by rule procedures for conducting
 456 inspections and inquiries of firefighter employers
 457 under pt. V of ch. 633, F.S.; conforming references;
 458 transferring, renumbering, and amending s. 633.807,
 459 F.S., relating to safety responsibilities of
 460 firefighter employers; revising definition of the
 461 terms "safe" and "safety"; transferring, renumbering,
 462 and amending ss. 633.809, 633.810, and 633.813, F.S.;
 463 consolidating and revising provisions relating to
 464 firefighter employers with a high frequency of
 465 firefighter employee work-related injuries, corrective
 466 plans for noncompliance issues, and workplace safety
 467 committees and coordinators; revising provisions
 468 relating to required safety inspections; clarifying
 469 that the division may not assess penalties as a result
 470 of such inspections; requiring firefighter employers
 471 to submit a plan for the correction of any
 472 noncompliance issues to the division for approval in
 473 accordance with division rule; providing procedures if
 474 a plan is not submitted, does not provide corrective
 475 actions, is incomplete, or is not implemented;
 476 transferring, renumbering, and amending s. 633.811,

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477 F.S.; prescribing additional administrative penalties
 478 for firefighter employers for violation of, or refusal
 479 to comply with, pt. V of ch. 633, F.S.; providing for
 480 location of hearings; transferring, renumbering, and
 481 amending s. 633.812, F.S. relating to specified
 482 cooperation by the division with the Federal
 483 Government; clarifying requirements from which private
 484 firefighter employers are exempt; eliminating a
 485 prerequisite to exemption for specified firefighter
 486 employers; requiring reinspection subsequent to
 487 specified noncompliance; transferring, renumbering,
 488 and amending s. 633.816, F.S., relating to firefighter
 489 employee rights and responsibilities; conforming
 490 references; transferring, renumbering, and amending
 491 ss. 633.818 and 633.819, F.S.; consolidating
 492 provisions relating to penalties for prohibited false,
 493 fictitious, or fraudulent acts, statements, and
 494 representations and the statute of limitations
 495 thereon; conforming a cross-reference; transferring,
 496 renumbering, and amending s. 633.814, F.S., relating
 497 to disbursement of expenses to administer pt. V of ch.
 498 633, F.S.; conforming a cross-reference; amending s.
 499 554.103, F.S.; revising provisions of the State Boiler
 500 Code; establishing construction standards for new
 501 boilers installed or imported into this state;
 502 requiring the installer, rather than the owner, of a
 503 boiler placed in use after a specified date to submit
 504 a data report prior to operation; amending s.

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505 627.4107, F.S.; providing that a life or health
 506 insurer may not cancel or fail or refuse to renew a
 507 life or health insurance policy or certificate of
 508 insurance that provides coverage to a volunteer
 509 firefighter based on specified circumstances;
 510 amending s. 791.012, F.S., relating to minimum
 511 fireworks safety standards; updating a reference;
 512 amending s. 791.015, F.S.; authorizing seasonal
 513 retailers of sparklers to submit one registration form
 514 for multiple locations; requiring each seasonal
 515 retailer of sparklers to pay an annual registration
 516 fee for each retail location registered; repealing s.
 517 633.024, F.S., relating to legislative findings and
 518 intent with respect to ensuring effective fire
 519 protection of vulnerable nursing home residents, the
 520 expedited retrofit of existing nursing homes through a
 521 limited state loan guarantee, and funding thereof;
 522 repealing s. 633.0245, F.S., relating to the State
 523 Fire Marshal Nursing Home Fire Protection Loan
 524 Guarantee Program; repealing s. 633.30, F.S., relating
 525 to definitions with respect to standards for
 526 firefighting; repealing s. 633.445, F.S., relating to
 527 the State Fire Marshal Scholarship Grant Program;
 528 repealing s. 633.524, F.S., relating to certificate
 529 and permit fees assessed under ch. 633, F.S., and the
 530 use and deposit thereof; repealing s. 633.804, F.S.,
 531 which requires the division to adopt rules governing
 532 firefighter employer and firefighter employee safety

533 inspections and consultations; repealing s. 633.820,
 534 F.S., relating to the applicability of specified
 535 sections of ch. 633, F.S., to volunteer firefighters
 536 and volunteer fire departments; amending ss. 112.1815,
 537 112.191, 112.81, 119.071, 120.541, 120.80, 121.0515,
 538 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121,
 539 196.081, 218.23, 252.515, 255.45, 258.0145, 281.02,
 540 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44,
 541 429.73, 447.203, 468.602, 468.609, 489.103, 489.105,
 542 496.404, 509.032, 513.05, 553.73, 553.77, 553.79,
 543 590.02, 893.13, 934.03, 943.61, 1002.33, 1002.34,
 544 1013.12, and 1013.38, F.S.; correcting cross-
 545 references, to conform; providing an effective date.
 546
 547 Be It Enacted by the Legislature of the State of Florida:
 548
 549 Section 1. Paragraph (b) of subsection (2) of section
 550 112.011, Florida Statutes, is amended to read:
 551 112.011 Disqualification from licensing and public
 552 employment based on criminal conviction.—
 553 (2)
 554 (b) This section does not apply to the employment
 555 practices of any fire department relating to the hiring of
 556 firefighters. ~~An applicant for employment with any fire~~
 557 ~~department who has a prior felony conviction shall be excluded~~
 558 ~~from employment for a period of 4 years after expiration of~~
 559 ~~sentence or final release by the Parole Commission unless the~~
 560 ~~applicant, before the expiration of the 4-year period, has~~

561 ~~received a full pardon or has had his or her civil rights~~
 562 ~~restored.~~
 563 Section 2. Paragraph (i) of subsection (2) of section
 564 112.191, Florida Statutes, is amended, and paragraphs (a), (b),
 565 and (c) of subsection (2) are reenacted, to read:
 566 112.191 Firefighters; death benefits.—
 567 (2)(a) The sum of \$50,000, as adjusted pursuant to
 568 paragraph (i), shall be paid as provided in this section when a
 569 firefighter, while engaged in the performance of his or her
 570 firefighter duties, is accidentally killed or receives
 571 accidental bodily injury which subsequently results in the loss
 572 of the firefighter's life, provided that such killing is not the
 573 result of suicide and that such bodily injury is not
 574 intentionally self-inflicted. Notwithstanding any other
 575 provision of law, in no case shall the amount payable under this
 576 subsection be less than the actual amount stated therein.
 577 (b) The sum of \$50,000, as adjusted pursuant to paragraph
 578 (i), shall be paid as provided in this section if a firefighter
 579 is accidentally killed as specified in paragraph (a) and the
 580 accidental death occurs as a result of the firefighter's
 581 response to what is reasonably believed to be an emergency
 582 involving the protection of life or property or the
 583 firefighter's participation in a training exercise. This sum is
 584 in addition to any sum provided in paragraph (a).
 585 Notwithstanding any other provision of law, the amount payable
 586 under this subsection may not be less than the actual amount
 587 stated therein.
 588 (c) If a firefighter, while engaged in the performance of

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589 his or her firefighter duties, is unlawfully and intentionally
 590 killed, is injured by an unlawful and intentional act of another
 591 person and dies as a result of such injury, dies as a result of
 592 a fire which has been determined to have been caused by an act
 593 of arson, or subsequently dies as a result of injuries sustained
 594 therefrom, the sum of \$150,000, as adjusted pursuant to
 595 paragraph (i), shall be paid as provided in this section.
 596 Notwithstanding any other provision of law, the amount payable
 597 under this subsection may not be less than the actual amount
 598 stated therein.
 599 (i) Any payments made pursuant to paragraph (a), paragraph
 600 (b), or paragraph (c) shall consist of the statutory amount
 601 adjusted to reflect price level changes in the Consumer Price
 602 Index for all Urban Consumers published by the United States
 603 Department of Labor since July 1, 2002 ~~the effective date of the~~
 604 ~~act.~~ The Division of State Fire Marshal, using the most recent
 605 month for which Consumer Price Index data is available, shall on
 606 June 15 of each year calculate and publish on the division's
 607 internet website the amount resulting from the adjustments to ~~by~~
 608 ~~re-adjust~~ the statutory amounts ~~amount-based on the Consumer~~
 609 ~~Price Index for All Urban Consumers published by the United~~
 610 ~~States Department of Labor.~~ The adjusted statutory amounts
 611 ~~Adjustment shall be effective on made July 1 of each year using~~
 612 ~~the most recent month for which data are available at the time~~
 613 ~~of the adjustment.~~
 614 Section 3. Part I of chapter 633, Florida Statutes,
 615 consisting of sections 633.102, 633.104, 633.106, 633.108,
 616 633.112, 633.114, 633.116, 633.118, 633.122, 633.124, 633.126,

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617 633.128, 633.132, 633.134, 633.136, 633.138, and 633.142, is
 618 created and entitled "General Provisions."
 619 Section 4. Section 633.021, Florida Statutes, is
 620 transferred, renumbered as section 633.102, Florida Statutes,
 621 and amended to read:
 622 633.102 ~~633.021~~ Definitions.—As used in this chapter:
 623 (1) "Board" means the Florida Fire Safety Board.
 624 ~~(2) "Certificate" means a certificate of competency issued~~
 625 ~~by the State Fire Marshal.~~
 626 ~~(3) "Certification" means the act of obtaining or holding~~
 627 ~~a certificate of competency from the State Fire Marshal.~~
 628 (2)(4) "Contracting" means engaging in business as a
 629 contractor.
 630 (3)(5)(a) "Contractor I" means a contractor whose business
 631 includes the execution of contracts requiring the ability to lay
 632 out, fabricate, install, inspect, alter, repair, and service all
 633 types of fire protection systems, excluding preengineered
 634 systems. A Contractor I may also perform all of the duties
 635 specified for a Contractor II, Contractor III, Contractor IV,
 636 and Contractor V.
 637 (b) "Contractor II" means a contractor whose business is
 638 limited to the execution of contracts requiring the ability to
 639 lay out, fabricate, install, inspect, alter, repair, and service
 640 water sprinkler systems, water spray systems, foam-water
 641 sprinkler systems, foam-water spray systems, standpipes,
 642 combination standpipes and sprinkler risers, all piping that is
 643 an integral part of the system beginning at the point of service
 644 as defined in this section, sprinkler tank heaters, air lines,

645 thermal systems used in connection with sprinklers, and tanks
 646 and pumps connected thereto, excluding preengineered systems. A
 647 Contractor II may also perform the duties specified for a
 648 Contractor IV and Contractor V.
 649 (c) "Contractor III" means a contractor whose business is
 650 limited to the execution of contracts requiring the ability to
 651 fabricate, install, inspect, alter, repair, and service carbon
 652 dioxide CO₂ systems, foam extinguishing systems, dry chemical
 653 systems, and Halon and other chemical systems, excluding
 654 preengineered systems.
 655 (d) "Contractor IV" means a contractor whose business is
 656 limited to the execution of contracts requiring the ability to
 657 lay out, fabricate, install, inspect, alter, repair, and service
 658 automatic fire sprinkler systems for detached one-family
 659 dwellings, detached two-family dwellings, and mobile homes,
 660 excluding preengineered systems and excluding single-family
 661 homes in cluster units, such as apartments, condominiums, and
 662 assisted living facilities or any building that is connected to
 663 other dwellings. A Contractor IV is limited to the scope of
 664 practice specified in NFPA 13D.
 665 (e) "Contractor V" means a contractor whose business is
 666 limited to the execution of contracts requiring the ability to
 667 fabricate, install, inspect, alter, repair, and service the
 668 underground piping for a fire protection system using water as
 669 the extinguishing agent beginning at the point of service as
 670 defined in this act and ending no more than 1 foot above the
 671 finished floor.
 672

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

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

729 (a) Is portable and can be carried or is on wheels.
 730 (b) Is manually operated.
 731 (c) May use a variety of extinguishing agents that are
 732 expelled under pressure.
 733 (d) Is rechargeable or nonrechargeable.
 734 (e) Is installed, serviced, repaired, recharged,
 735 inspected, and hydrotested according to applicable procedures of
 736 the manufacturer, standards of the National Fire Protection
 737 Association, and the Code of Federal Regulations.
 738 (f) Is listed by a nationally recognized testing
 739 laboratory.
 740 (9) "Firefighter" means an individual who holds a current
 741 and valid Firefighter Certificate of Compliance or Special
 742 Certificate of Compliance issued by the division under s.
 743 633.408.
 744 (10) "Fire service support personnel" means an individual
 745 who does not hold a current and valid certificate issued by the
 746 division and who is authorized only to perform support services.
 747 (11)(9) A "Fire hydrant" means ~~is~~ a connection to a water
 748 main, elevated water tank, or other source of water for the
 749 purpose of supplying water to a fire hose or other fire
 750 protection apparatus for fire suppression operations. The term
 751 does not include a fire protection system.
 752 (12)(40) A "Fire protection system" means ~~is~~ a system
 753 individually designed to protect the interior or exterior of a
 754 specific building or buildings, structure, or other special
 755 hazard from fire. Such systems include, but are not limited to,
 756 water sprinkler systems, water spray systems, foam-water

757 sprinkler systems, foam-water spray systems, carbon dioxide ~~CO2~~
 758 systems, foam extinguishing systems, dry chemical systems, and
 759 Halon and other chemical systems used for fire protection use.
 760 Such systems also include any overhead and underground fire
 761 mains, fire hydrants and hydrant mains, standpipes and hoses
 762 connected to sprinkler systems, sprinkler tank heaters, air
 763 lines, thermal systems used in connection with fire sprinkler
 764 systems, and tanks and pumps connected to fire sprinkler
 765 systems.
 766 (13)(41) A "Firesafety inspector" means ~~is~~ an individual
 767 who holds a current and valid Fire Safety Inspector Certificate
 768 of Compliance issued ~~certified~~ by the division ~~State Fire~~
 769 ~~Marshals~~ under s. 633.216 ~~633-084~~ and who is officially assigned
 770 the duties of conducting firesafety inspections of buildings and
 771 facilities on a recurring or regular basis on behalf of the
 772 state or any county, municipality, or special district with fire
 773 safety responsibilities.
 774 (14) "Fire service provider" means a municipality or
 775 county, the state, or any political subdivision of the state,
 776 including authorities and special districts, employing
 777 firefighters or utilizing volunteer firefighters to provide fire
 778 extinguishment or fire prevention services for the protection of
 779 life and property. The term includes any organization under
 780 contract or other agreement with such entity to provide such
 781 services.
 782 (15)(42) "Handling" means touching, holding, taking up,
 783 moving, controlling, or otherwise affecting with the hand or by
 784 any other agency.

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785 ~~(13)(a) For the purposes of s. 633.085(1), the term "high-~~
 786 ~~hazard occupancy" means any building or structure-~~
 787 ~~1. That contains combustible or explosive matter or~~
 788 ~~flammable conditions dangerous to the safety of life or~~
 789 ~~property-~~
 790 ~~2. In which persons receive educational instruction-~~
 791 ~~3. In which persons reside, excluding private dwellings-~~
 792 ~~4. Containing three or more floor levels-~~
 793
 794 ~~Such buildings or structures include, but are not limited to,~~
 795 ~~all hospitals and residential health care facilities, nursing~~
 796 ~~homes and other adult care facilities, correctional or detention~~
 797 ~~facilities, public schools, public lodging establishments,~~
 798 ~~migrant labor camps, residential child care facilities, and~~
 799 ~~self-service gasoline stations-~~
 800 ~~(b) For the purposes of this subsection, the term "high-~~
 801 ~~hazard occupancy" does not include any residential condominium~~
 802 ~~where the declaration of condominium or the bylaws provide that~~
 803 ~~the rental of units shall not be permitted for less than 90~~
 804 ~~days-~~
 805 ~~(16)(14) "Highway" means every way or place of whatever~~
 806 ~~nature within the state open to the use of the public, as a~~
 807 ~~matter of right, for purposes of vehicular traffic and includes~~
 808 ~~public streets, alleys, roadways, or driveways upon grounds of~~
 809 ~~colleges, universities, and institutions and other ways open to~~
 810 ~~travel by the public, notwithstanding that the same have been~~
 811 ~~temporarily closed for the purpose of construction,~~
 812 ~~reconstruction, maintenance, or repair. The term does not~~

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813 include a roadway or driveway upon grounds owned by a private
 814 person.
 815 ~~(17) "Hot zone" means the area immediately around an~~
 816 ~~incident where serious threat of harm exists, which includes the~~
 817 ~~collapse zone for a structure fire-~~
 818 ~~(18)(15) "Keeping" means possessing, holding, retaining,~~
 819 ~~maintaining, or having habitually in stock for sale.~~
 820 ~~(19)(16) "Layout" as used in this chapter means the layout~~
 821 ~~of risers, cross mains, branch lines, sprinkler heads, sizing of~~
 822 ~~pipe, hanger locations, and hydraulic calculations in accordance~~
 823 ~~with the design concepts established through the provisions of~~
 824 ~~the Responsibility Rules adopted by the Board of Professional~~
 825 ~~Engineers.~~
 826 ~~(20)(17) "Manufacture" means the compounding, combining,~~
 827 ~~producing, or making of anything or the working of anything by~~
 828 ~~hand, by machinery, or by any other agency into forms suitable~~
 829 ~~for use.~~
 830 ~~(21)(18) A "Minimum firesafety standard" means is a~~
 831 ~~requirement or group of requirements adopted pursuant to s.~~
 832 ~~633.208 633-025 by a county, municipality, or special district~~
 833 ~~with firesafety responsibilities, or by the State Fire Marshal~~
 834 ~~pursuant to s. 394.879, for the protection of life and property~~
 835 ~~from loss by fire which shall be met, as a minimum, by every~~
 836 ~~occupancy, facility, building, structure, premises, device, or~~
 837 ~~activity to which it applies.~~
 838 ~~(22) "Minimum Standards Course" means training of at least~~
 839 ~~360 hours as prescribed by rule adopted by the division, which~~
 840 ~~is required to obtain a Firefighter Certificate of Compliance~~

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841 under s. 633.408.
 842 (23)(~~19~~) "Motor vehicle" means any device propelled by
 843 power other than muscular power in, upon, or by which any
 844 individual ~~person~~ or property is or may be transported or drawn
 845 upon a highway, except a device moved or used exclusively upon
 846 stationary rails or tracks.
 847 (24)(~~20~~) "Point-of-service" means the point at which the
 848 underground piping for a fire protection system as defined in
 849 this section using water as the extinguishing agent becomes used
 850 exclusively for the fire protection system.
 851 (25)(~~21~~)(a) A "Preengineered system" means is a fire
 852 suppression system which:
 853 1. Uses any of a variety of extinguishing agents.
 854 2. Is designed to protect specific hazards.
 855 3. Must be installed according to pretested limitations
 856 and configurations specified by the manufacturer and applicable
 857 National Fire Protection Association (NFPA) standards. Only
 858 those chapters within the National Fire Protection Association
 859 standards that pertain to servicing, recharging, repairing,
 860 installing, hydrotesting, or inspecting any type of
 861 preengineered fire extinguishing system may be used.
 862 4. Must be installed using components specified by the
 863 manufacturer or components that are listed as equal parts by a
 864 nationally recognized testing laboratory such as Underwriters
 865 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
 866 5. Must be listed by a nationally recognized testing
 867 laboratory.
 868 (b) Preengineered systems consist of and include all of

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869 the components and parts providing fire suppression protection,
 870 but do not include the equipment being protected, and may
 871 incorporate special nozzles, flow rates, methods of application,
 872 pressurization levels, and quantities of agents designed by the
 873 manufacturer for specific hazards.
 874 (26)(~~22~~) "Private carrier" means any motor vehicle,
 875 aircraft, or vessel operating intrastate in which there is
 876 identity of ownership between freight and carrier.
 877 (27)(~~23~~) "Sale" means the act of selling; the act whereby
 878 the ownership of property is transferred from one person to
 879 another for a sum of money or, loosely, for any consideration.
 880 The term includes the delivery of merchandise with or without
 881 consideration.
 882 (28)(~~24~~) "Special state firesafety inspector" means an
 883 individual officially assigned to the duties of conducting
 884 firesafety inspections required by law on behalf of or by an
 885 agency of the state having authority for inspections other than
 886 the division ~~of State Fire Marshal~~.
 887 (29)(~~25~~) A "Sprinkler system" means is a type of fire
 888 protection system, either manual or automatic, using water as an
 889 extinguishing agent and installed in accordance with applicable
 890 National Fire Protection Association standards.
 891 (30)(~~26~~) "Storing" means accumulating, laying away, or
 892 depositing for preservation or as a reserve fund in a store,
 893 warehouse, or other source from which supplies may be drawn or
 894 within which they may be deposited. The term is limited in
 895 meaning and application to storage having a direct relationship
 896 to transportation.

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897 (31) "Support services" means those activities that a fire
 898 service provider has trained an individual to perform safely
 899 outside the hot zone of an emergency scene, including pulling
 900 hoses, opening and closing fire hydrants, driving and operating
 901 apparatus, carrying tools, carrying or moving equipment,
 902 directing traffic, manning a resource pool, or similar
 903 activities.
 904 (32) "Suspension" means the temporary withdrawal of a
 905 license, certificate, or permit issued pursuant to this chapter.
 906 (33)(47) "Transportation" means the conveying or carrying
 907 of property from one place to another by motor vehicle (except a
 908 motor vehicle subject to the provisions of s. 316.302),
 909 aircraft, or vessel, subject to such limitations as are set
 910 forth in s. 552.12, in which only the motor vehicles, aircraft,
 911 or vessels of the Armed Forces and other federal agencies are
 912 specifically exempted.
 913 (34)(48) A "Uniform firesafety standard" means is a
 914 requirement or group of requirements for the protection of life
 915 and property from loss by fire which shall be met by every
 916 building and structure specified in s. 633.206 633-022(1), and
 917 is neither weakened nor exceeded by law, rule, or ordinance of
 918 any other state agency or political subdivision or county,
 919 municipality, or special district with firesafety
 920 responsibilities.
 921 (35)(49) "Use" means application, employment; that
 922 enjoyment of property which consists of its employment,
 923 occupation, exercise, or practice.
 924 (36) "Volunteer firefighter" means an individual who holds

925 a current and valid Volunteer Firefighter Certificate of
 926 Completion issued by the division under s. 633.408.
 927 Section 5. Section 633.01, Florida Statutes, is
 928 transferred and renumbered as subsections (1) through (7) of
 929 section 633.104, Florida Statutes, and subsections (1), (3),
 930 (5), (6), and (7) of that section are amended, subsection (2) of
 931 section 633.517, Florida Statutes, is transferred and renumbered
 932 as subsection (8) of that section and amended, and a new
 933 subsection (9) is added to that section, to read:
 934 633.104 633-01 State Fire Marshal; authority: powers and
 935 duties; rules.-
 936 (1) The Chief Financial Officer is designated as "State
 937 Fire Marshal." The State Fire Marshal has authority to adopt
 938 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 939 provisions of this chapter ~~conferring powers or duties upon the~~
 940 ~~department.~~ Rules shall be in substantial conformity with
 941 generally accepted standards of firesafety; shall take into
 942 consideration the direct supervision of children in
 943 nonresidential child care facilities; and shall balance and
 944 temper the need of the State Fire Marshal to protect all
 945 Floridians from fire hazards with the social and economic
 946 inconveniences that may be caused or created by the rules. The
 947 department shall adopt the Florida Fire Prevention Code ~~and the~~
 948 ~~Life-Safety Code.~~
 949 (2) Subject to the limitations of subsection (1), it is
 950 the intent of the Legislature that the State Fire Marshal shall
 951 have the responsibility to minimize the loss of life and
 952 property in this state due to fire. The State Fire Marshal shall

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953 enforce all laws and provisions of this chapter, and any rules
 954 adopted pursuant thereto, relating to:
 955 (a) The prevention of fire and explosion through the
 956 regulation of conditions which could cause fire or explosion,
 957 the spread of fire, and panic resulting therefrom;
 958 (b) Installation and maintenance of fire alarm systems and
 959 fire protection systems, including fire suppression systems,
 960 fire-extinguishing equipment, and fire sprinkler systems;
 961 (c)1. Servicing, repairing, recharging, testing, marking,
 962 inspecting, installing, maintaining, and tagging of fire
 963 extinguishers, preengineered systems, and individually designed
 964 fire protection systems;
 965 2. The training and licensing of persons engaged in the
 966 business of servicing, repairing, recharging, testing, marking,
 967 inspecting, installing, maintaining, and tagging fire
 968 extinguishers, preengineered systems, and individually designed
 969 fire protection systems;
 970 (d) The maintenance of fire cause and loss records; and
 971 (e) Suppression of arson and the investigation of the
 972 cause, origin, and circumstances of fire.
 973 (3) The State Fire Marshal shall establish by rule
 974 guidelines and procedures for ~~the~~ renewal of firesafety
 975 inspector requirements for certification every 4 years.
 976 (4) It is the intent of the Legislature that the rules
 977 promulgated by the State Fire Marshal pursuant to this section
 978 be enforced in such a manner as to prohibit the displacement of
 979 currently placed mobile homes unless there is a threat of
 980 imminent danger to the health, safety, or welfare of the general

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981 public.
 982 (5) It is the intent of the Legislature that there are to
 983 be no conflicting requirements between the Florida Fire
 984 Prevention Code ~~and the Life-Safety Code authorized by this~~
 985 ~~chapter~~ and the provisions of the Florida Building Code or
 986 conflicts in their enforcement and interpretation. Potential
 987 conflicts shall be resolved through coordination and cooperation
 988 of the State Fire Marshal and the Florida Building Commission as
 989 provided by this chapter and part IV of chapter 553.
 990 (6) Only the State Fire Marshal may issue, and, when
 991 requested in writing by any substantially affected person or a
 992 local enforcing agency, the State Fire Marshal shall issue
 993 declaratory statements pursuant to s. 120.565 relating to the
 994 Florida Fire Prevention Code ~~and the Life-Safety Code~~.
 995 (7) The State Fire Marshal, in consultation with the
 996 Department of Education, shall adopt and administer rules
 997 prescribing standards for the safety and health of occupants of
 998 educational and ancillary facilities pursuant to ss. 633.206
 999 ~~633-022~~, 1013.12, 1013.37, and 1013.371. In addition, in any
 1000 county, municipality, or special district that does not employ
 1001 or appoint a firesafety inspector certified under s. 633.216
 1002 ~~633-041~~, the State Fire Marshal shall assume the duties of the
 1003 local county, municipality, or independent special fire control
 1004 district as defined in s. 191.003 with respect to firesafety
 1005 inspections of educational property required under s.
 1006 1013.12(3)(b), and the State Fire Marshal may take necessary
 1007 corrective action as authorized under s. 1013.12(7).
 1008 ~~633-517. Authority of State Fire Marshal to adopt rules,~~

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1009 ~~administer oaths, and take testimony.~~
 1010 ~~(1) The State Fire Marshal is authorized, with the advice~~
 1011 ~~of the board, to adopt rules pursuant to ss. 120.536(1) and~~
 1012 ~~120.54 to implement the provisions of this act.~~
 1013 ~~(8)(2) The State Fire Marshal or her or his duly appointed~~
 1014 ~~hearing officer may administer oaths and take testimony about~~
 1015 ~~all matters within the jurisdiction of this chapter act. Chapter~~
 1016 ~~120 governs hearings conducted by or on behalf of the State Fire~~
 1017 ~~Marshal.~~
 1018 ~~(9) The State Fire Marshal may enter into a contract with~~
 1019 ~~any qualified public entity or private company in accordance~~
 1020 ~~with chapter 287 to provide examinations for any applicant for~~
 1021 ~~any examination administered under the jurisdiction of the State~~
 1022 ~~Fire Marshal. The State Fire Marshal may direct payments from~~
 1023 ~~each applicant for each examination directly to such contracted~~
 1024 ~~entity or company.~~
 1025 ~~Section 6. Section 633.163, Florida Statutes, is~~
 1026 ~~transferred, renumbered as subsections (1), (2), and (3) of~~
 1027 ~~section 633.106, Florida Statutes, and amended, and section~~
 1028 ~~633.167, Florida Statutes, is transferred, renumbered as~~
 1029 ~~subsection (4) of that section, and amended, to read:~~
 1030 ~~633.106 633.163 State Fire Marshal: disciplinary~~
 1031 ~~authority: administrative fine and probation in lieu of~~
 1032 ~~suspension, revocation, or refusal to issue a license, permit,~~
 1033 ~~or certificate.-~~
 1034 ~~(1) The State Fire Marshal is authorized to deny, suspend,~~
 1035 ~~or revoke the license, certificate, or permit of any individual~~
 1036 ~~who does not meet the qualifications established by, or who~~

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1037 ~~violates any provision under, this chapter or any rule~~
 1038 ~~authorized by this chapter.~~
 1039 ~~(2)(1) If the State Fire Marshal finds that one or more~~
 1040 ~~grounds exist for the suspension, revocation, or refusal to~~
 1041 ~~issue, renew, or continue any license, certificate, or permit~~
 1042 ~~issued under this chapter, the State Fire Marshal may, in his or~~
 1043 ~~her ~~the~~ discretion, in lieu of the suspension, revocation, or~~
 1044 ~~refusal to issue, renew, or continue, and, except on a second~~
 1045 ~~offense or when the suspension, revocation, or refusal to issue,~~
 1046 ~~renew, or continue is mandatory, impose upon the licensee,~~
 1047 ~~certificateholder, or permittee one or more of the following:~~
 1048 ~~(a) An administrative fine not to exceed \$1,000 for each~~
 1049 ~~violation, and not to exceed a total of \$10,000 in any one~~
 1050 ~~proceeding.~~
 1051 ~~(b) Probation for a period not to exceed 2 years, as~~
 1052 ~~specified by the State Fire Marshal in her or his order.~~
 1053 ~~(3)(2) The State Fire Marshal may allow the licensee,~~
 1054 ~~certificateholder, or permittee a reasonable period, not to~~
 1055 ~~exceed 30 days, within which to pay to the State Fire Marshal~~
 1056 ~~the amount of the fine. If the licensee, certificateholder, or~~
 1057 ~~permittee fails to pay the administrative fine in its entirety~~
 1058 ~~to the State Fire Marshal within such period, the license,~~
 1059 ~~permit, or certificate shall stand suspended until payment of~~
 1060 ~~the administrative fine.~~
 1061 ~~633.167 Probation.-~~
 1062 ~~(1) If the State Fire Marshal finds that one or more~~
 1063 ~~grounds exist for the suspension, revocation, or refusal to~~
 1064 ~~issue, renew, or continue any license, certificate, or permit~~

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1065 issued under this chapter, the State Fire Marshal may, in her or
 1066 his discretion, except when an administrative fine is not
 1067 permissible under this chapter or when the suspension,
 1068 revocation, or refusal is mandatory, in lieu of suspension,
 1069 revocation, or refusal to issue, renew, or continue or, in
 1070 connection with any administrative fine imposed, place the
 1071 offending licensee, certificateholder, or permittee on probation
 1072 for a period not to exceed 2 years, as specified by the State
 1073 Fire Marshal in her or his order.
 1074 (4)(2) As a condition to probation or in connection
 1075 therewith, the State Fire Marshal may specify in her or his
 1076 order reasonable terms and conditions to be fulfilled by the
 1077 probationer during the probation period. If during the probation
 1078 period the State Fire Marshal has good cause to believe that the
 1079 probationer has violated any of the terms and conditions, she or
 1080 he shall suspend, revoke, or refuse to issue, renew, or continue
 1081 the license, certificate, or permit of the probationer, as upon
 1082 the original ground or grounds referred to in subsection (2)(1).
 1083 Section 7. Section 633.15, Florida Statutes, is
 1084 transferred and renumbered as section 633.108, Florida Statutes.
 1085 Section 8. Section 633.101, Florida Statutes, is
 1086 transferred and renumbered as subsections (1), (2), (3), and (4)
 1087 of section 633.112, Florida Statutes, and subsections (2), (3),
 1088 and (4) are amended, section 633.18, Florida Statutes, is
 1089 transferred and renumbered as subsection (5) of that section,
 1090 section 633.03, Florida Statutes, is transferred and renumbered
 1091 as subsection (6) of that section and amended, and section
 1092 633.111, Florida Statutes, is transferred and renumbered as

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1093 subsections (7) and (8) of that section and amended, to read:
 1094 633.112 633.101 State Fire Marshal; hearings;
 1095 investigations; recordkeeping investigatory powers of State Fire
 1096 Marshal; costs of service and witness fees. -
 1097 (1) The State Fire Marshal may in his or her discretion
 1098 take or cause to be taken the testimony on oath of all persons
 1099 whom he or she believes to be cognizant of any facts in relation
 1100 to matters under investigation.
 1101 (2) If the State Fire Marshal shall be of the opinion that
 1102 there is sufficient evidence to charge any person with an
 1103 offense, he or she shall cause the arrest of such person and
 1104 shall furnish to the prosecuting officer of any court having
 1105 jurisdiction of said offense all information obtained by him or
 1106 her, including a copy of all pertinent and material testimony
 1107 taken, together with the names and addresses of all witnesses.
 1108 In the conduct of such investigations, the State Fire Marshal
 1109 ~~fire marshal~~ may request such assistance as may reasonably be
 1110 given by such prosecuting officers and other local officials.
 1111 (3) The State Fire Marshal ~~fire marshal~~ may summon and
 1112 compel the attendance of witnesses before him or her to testify
 1113 in relation to any matter ~~matter~~ which is, by the provisions of
 1114 this chapter, a subject of inquiry and investigation, and he or
 1115 she may require the production of any book, paper, or document
 1116 deemed pertinent thereto by him or her, and may seize furniture
 1117 and other personal property to be held for evidence.
 1118 (4) All persons so summoned and so testifying shall be
 1119 entitled to the same witness fees and mileage as provided for
 1120 witnesses testifying in the circuit courts of this state, and

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1121 officers serving subpoenas or orders of the State Fire Marshal
 1122 ~~fire marshal~~ shall be paid in like manner for like services in
 1123 such courts, from the funds herein provided.
 1124 ~~§33-18 State Fire Marshal, hearings and investigations;~~
 1125 ~~subpoena of witnesses; orders of circuit court.~~
 1126 (5) Any agent designated by the State Fire Marshal for
 1127 such purposes, may hold hearings, sign and issue subpoenas,
 1128 administer oaths, examine witnesses, receive evidence, and
 1129 require by subpoena the attendance and testimony of witnesses
 1130 and the production of such accounts, records, memoranda or other
 1131 evidence, as may be material for the determination of any
 1132 complaint or conducting any inquiry or investigation under this
 1133 law. In case of disobedience to a subpoena, the State Fire
 1134 Marshal or his or her agent may invoke the aid of any court of
 1135 competent jurisdiction in requiring the attendance and testimony
 1136 of witnesses and the production of accounts, records, memoranda
 1137 or other evidence and any such court may in case of contumacy or
 1138 refusal to obey a subpoena issued to any person, issue an order
 1139 requiring the person to appear before the State Fire Marshal's
 1140 agent or produce accounts, records, memoranda or other evidence,
 1141 as so ordered, or to give evidence touching any matter pertinent
 1142 to any complaint or the subject of any inquiry or investigation,
 1143 and any failure to obey such order of the court shall be
 1144 punished by the court as a contempt thereof.
 1145 ~~§33-03 Investigation of fire reports.~~
 1146 (6) The State Fire Marshal shall investigate the cause,
 1147 origin, and circumstances of every fire or explosion occurring
 1148 in this state wherein property has been damaged or destroyed

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1149 where there is probable cause to believe that the fire or
 1150 explosion was the result of carelessness or design. Report of
 1151 all such investigations shall be made on approved forms to be
 1152 furnished by the State Fire Marshal fire marshal.
 1153 ~~§33-111 State Fire Marshal to keep records of fires;~~
 1154 ~~reports of agents.~~
 1155 (7) The State Fire Marshal shall keep ~~in her or his office~~
 1156 a record of all fires and explosions occurring in this state
 1157 upon which she or he had caused an investigation to be made and
 1158 all facts concerning the same. These records, obtained or
 1159 prepared by the State Fire Marshal pursuant to her or his
 1160 investigation, include documents, papers, letters, maps,
 1161 diagrams, tapes, photographs, films, sound recordings, and
 1162 evidence. These records are confidential and exempt from the
 1163 provisions of s. 119.07(1) until the investigation is completed
 1164 or ceases to be active. For purposes of this section, an
 1165 investigation is considered "active" while such investigation is
 1166 being conducted by the department with a reasonable, good faith
 1167 belief that it may lead to the filing of administrative, civil,
 1168 or criminal proceedings. An investigation does not cease to be
 1169 active if the department is proceeding with reasonable dispatch,
 1170 and there is a good faith belief that action may be initiated by
 1171 the department or other administrative or law enforcement
 1172 agency. Further, these documents, papers, letters, maps,
 1173 diagrams, tapes, photographs, films, sound recordings, and
 1174 evidence relative to the subject of an investigation shall not
 1175 be subject to subpoena until the investigation is completed or
 1176 ceases to be active, unless the State Fire Marshal consents.

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1177 These records shall be made daily from the reports furnished the
 1178 State Fire Marshal by her or his agents or others.
 1179 (8) Whenever the State Fire Marshal releases an
 1180 investigative report, any person requesting a copy of the report
 1181 shall pay in advance, and the State Fire Marshal shall collect
 1182 in advance, notwithstanding the provisions of s. 624.501(19)(a)
 1183 and (b), a fee of \$10 for the copy of the report, which fee
 1184 shall be deposited into the Insurance Regulatory Trust Fund. The
 1185 State Fire Marshal may release the report without charge to any
 1186 state attorney or to any law enforcement agency or fire
 1187 department assisting in the investigation.
 1188 Section 9. Section 633.02, Florida Statutes, is
 1189 transferred, renumbered as subsection (1) of section 633.114,
 1190 Florida Statutes, and amended, and section 633.13, Florida
 1191 Statutes, is transferred and renumbered as subsection (2) of
 1192 that section, to read:
 1193 633.114 633-02 State Fire Marshal Agents; authority;
 1194 ~~powers and~~ duties; compensation.—
 1195 (1) The State Fire Marshal shall appoint such agents as
 1196 may be necessary to carry out effectively the provisions of this
 1197 chapter, who shall be reimbursed for travel expenses as provided
 1198 in s. 112.061, in addition to their salary, when traveling or
 1199 making investigations in the performance of their duties. Such
 1200 agents shall be at all times under the direction and control of
 1201 the State Fire Marshal fire marshal, who shall fix their
 1202 compensation, and all orders shall be issued in the State Fire
 1203 Marshal's fire marshal's name and by her or his authority.
 1204 ~~633.13 State Fire Marshal; authority of agents.—~~

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1205 (2) The authority given the State Fire Marshal under this
 1206 law may be exercised by his or her agents, either individually
 1207 or in conjunction with any other state or local official charged
 1208 with similar responsibilities.
 1209 Section 10. Section 633.14, Florida Statutes, is
 1210 transferred and renumbered as section 633.116, Florida Statutes.
 1211 Section 11. Section 633.121, Florida Statutes, is
 1212 transferred, renumbered as section 633.118, Florida Statutes,
 1213 and amended to read:
 1214 633.118 633-121 Persons authorized to enforce laws and
 1215 rules of State Fire Marshal.—The chiefs of county, municipal,
 1216 and special-district fire service providers ~~departments~~; other
 1217 fire service provider ~~department~~ personnel designated by their
 1218 respective chiefs; and personnel designated by local governments
 1219 having no organized fire service providers ~~departments~~ are
 1220 authorized to enforce this chapter law and all rules prescribed
 1221 by the State Fire Marshal within their respective jurisdictions.
 1222 Such personnel acting under the authority of this section shall
 1223 be deemed to be agents of their respective jurisdictions, not
 1224 agents of the State Fire Marshal.
 1225 Section 12. Section 633.151, Florida Statutes, is
 1226 transferred, renumbered as section 633.122, Florida Statutes,
 1227 and amended to read:
 1228 633.122 633-151 Impersonating State Fire Marshal,
 1229 firefighter firefighters, volunteer firefighter, or firesafety
 1230 inspector; criminal penalties.—A person who falsely assumes or
 1231 pretends to be the State Fire Marshal, an agent of the division
 1232 of ~~State Fire Marshal~~, a firefighter as defined in s. 112.01, a

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1233 volunteer firefighter, or a firesafety inspector by identifying
 1234 himself or herself as the State Fire Marshal, an agent of the
 1235 division, a firefighter, a volunteer firefighter, or a
 1236 firesafety inspector, by wearing a uniform or presenting or
 1237 displaying a badge as credentials that would cause a reasonable
 1238 person to believe that he or she is a State Fire Marshal, an
 1239 agent of the division, a firefighter, a volunteer firefighter,
 1240 or firesafety inspector ~~commits and who acts as such to require~~
 1241 a person to aid or assist him or her in any matter relating to
 1242 the duties of the State Fire Marshal, an agent of the division,
 1243 a firefighter, or a firesafety inspector is guilty of a felony
 1244 of the third degree, punishable as provided in ss. 775.082 and
 1245 775.083 or, if the impersonation occurs during the commission of
 1246 a separate felony by that person, ~~is guilty of~~ a felony
 1247 of the first degree, punishable as provided in ss. 775.082 and
 1248 775.083.
 1249 Section 13. Section 633.171, Florida Statutes, is
 1250 transferred, renumbered as section 633.124, Florida Statutes,
 1251 and amended to read:
 1252 633.124 ~~633.171~~ Penalty for violation of law, rule, or
 1253 order to cease and desist or for failure to comply with
 1254 corrective order.—
 1255 (1) Any person who violates any provision of this chapter
 1256 law, any order or rule of the State Fire Marshal, or any order
 1257 to cease and desist or to correct conditions issued under this
 1258 chapter commits a misdemeanor of the second degree, punishable
 1259 as provided in s. 775.082 or s. 775.083.
 1260 (2) It is a misdemeanor of the first degree, punishable as

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1261 provided in s. 775.082 or s. 775.083, to intentionally or
 1262 willfully:
 1263 (a) Render a fire protection system, fire extinguisher, or
 1264 preengineered system required by statute or by rule inoperative
 1265 except during such time as the fire protection system, fire
 1266 extinguisher, or preengineered system is being serviced,
 1267 hydrotested, tested, repaired, or recharged, except pursuant to
 1268 court order.
 1269 (b) Obliterate the serial number on a fire extinguisher
 1270 for purposes of falsifying service records.
 1271 (c) Improperly service, recharge, repair, hydrotest, test,
 1272 or inspect a fire extinguisher or preengineered system.
 1273 (d) Use the license, certificate, or permit ~~number~~ of
 1274 another person.
 1275 (e) Hold a license, certificate, or permit and allow
 1276 another person to use the license, certificate, or ~~said~~ permit
 1277 number.
 1278 (f) Use, or ~~allow~~ ~~permit~~ the use of, any license,
 1279 certificate, or permit by any individual or organization other
 1280 than the one to whom the license, certificate, or permit is
 1281 issued.
 1282 (3)(a) As used in this subsection, the term:
 1283 1. "Pyrotechnic display" means a special effect created
 1284 through the use of a pyrotechnic material or pyrotechnic device.
 1285 2. "Pyrotechnic device" means any device containing
 1286 pyrotechnic materials and capable of producing a special effect.
 1287 3. "Pyrotechnic material" means a chemical mixture used to
 1288 produce visible or audible effects by combustion, deflagration,

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1289 or detonation when such chemical mixture consists predominantly
 1290 of solids capable of producing a controlled, self-sustaining,
 1291 and self-contained exothermic chemical reaction that results in
 1292 heat, gas, sound, light, or a combination of such effects,
 1293 without requiring external oxygen.
 1294 (b) A person who initiates a pyrotechnic display within
 1295 any structure commits a felony of the third degree, punishable
 1296 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:
 1297 1. The structure has a fire protection system installed in
 1298 compliance with s. 633.334 ~~633-065~~.
 1299 2. The owner of the structure has authorized in writing
 1300 the pyrotechnic display.
 1301 3. If the local jurisdiction requires a permit for the use
 1302 of a pyrotechnic display in an occupied structure, such permit
 1303 has been obtained and all conditions of the permit complied with
 1304 or, if the local jurisdiction does not require a permit for the
 1305 use of a pyrotechnic display in an occupied structure, the
 1306 person initiating the display has complied with National Fire
 1307 Protection Association, Inc., Standard 1126, 2001 Edition,
 1308 Standard for the Use of Pyrotechnics before a Proximate
 1309 Audience.
 1310 (c) This subsection shall not be construed to preclude
 1311 prosecution for a more general offense resulting from the same
 1312 criminal transaction or episode. This subsection does not apply
 1313 to the manufacture, distribution, sale at wholesale or retail,
 1314 or seasonal sale of products regulated under chapter 791 if the
 1315 products are not used in an occupied structure.
 1316 Section 14. Section 633.175, Florida Statutes, is

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1317 transferred and renumbered as section 633.126, Florida Statutes,
 1318 and subsections (1), (2), (3), (6), and (9) of that section are
 1319 amended, to read:
 1320 633.126 ~~633-175~~ Investigation of fraudulent insurance
 1321 claims and crimes: immunity of insurance companies supplying
 1322 information.-
 1323 (1)(a) As used in this section, the term "consultant"
 1324 means any individual or entity, or employee of the individual or
 1325 entity, retained by an insurer to assist in the investigation of
 1326 a fire, explosion, or suspected fraudulent insurance act.
 1327 (b) The State Fire Marshal or an agent appointed pursuant
 1328 to s. 633.114 ~~633-02~~, any law enforcement officer as defined in
 1329 s. 111.065, any law enforcement officer of a federal agency, or
 1330 any fire service provider ~~department~~ official who is engaged in
 1331 the investigation of a fire or explosion loss may request any
 1332 insurance company or its agent, adjuster, employee, or attorney,
 1333 investigating a claim under an insurance policy or contract with
 1334 respect to a fire or explosion to release any information
 1335 whatsoever in the possession of the insurance company or its
 1336 agent, adjuster, employee, or attorney relative to a loss from
 1337 that fire or explosion. The insurance company shall release the
 1338 available information to and cooperate with any official
 1339 authorized to request such information pursuant to this section.
 1340 The information shall include, but shall not be limited to:
 1341 1.~~(a)~~ Any insurance policy relevant to a loss under
 1342 investigation and any application for such a policy.
 1343 2.~~(b)~~ Any policy premium payment records.
 1344 3.~~(e)~~ The records, reports, and all material pertaining to

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1345 any previous claims made by the insured with the reporting
 1346 company.
 1347 4. ~~(d)~~ Material relating to the investigation of the loss,
 1348 including statements of any person, proof of loss, and other
 1349 relevant evidence.
 1350 5. ~~(e)~~ Memoranda, notes, and correspondence relating to the
 1351 investigation of the loss in the possession of the insurance
 1352 company or its agents, adjusters, employees, or attorneys.
 1353 (2) If an insurance company has reason to suspect that a
 1354 fire or explosion loss to its insured's real or personal
 1355 property was caused by intentional ~~theft~~ means, the company
 1356 shall notify the State Fire Marshal and shall furnish her or him
 1357 with all material acquired by the company during the course of
 1358 its investigation. The State Fire Marshal may adopt rules to
 1359 implement this subsection.
 1360 (3) In the absence of fraud, bad faith, or malice, no
 1361 representative of or consultant to an insurance company or of
 1362 the National Insurance Crime Bureau employed to adjust or
 1363 investigate losses caused by fire or explosion shall be liable
 1364 for damages in a civil action for furnishing information
 1365 concerning fires or explosion suspected to be other than
 1366 accidental to investigators employed by other insurance
 1367 companies or the National Insurance Crime Bureau.
 1368 (4) No insurance company or person who furnishes
 1369 information on its behalf shall be liable for damages in a civil
 1370 action or subject to criminal prosecution for any oral or
 1371 written statement made or any other action taken that is
 1372 necessary and required by the provisions of this section.

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1373 (5) At such time as the release of the investigative
 1374 records is required by law, the official or agency in possession
 1375 of such records shall provide written notice to the insurance
 1376 company providing the information and to all parties, at least
 1377 10 days prior to releasing such records. Official, departmental,
 1378 or agency personnel may discuss such matters with other
 1379 official, departmental, or agency personnel, and any insurance
 1380 company complying with this section, and may share such
 1381 information, if such discussion is necessary to enable the
 1382 orderly and efficient conduct of the investigation. These
 1383 discussions are confidential and exempt from the provisions of
 1384 s. 286.011.
 1385 (6) The actions of an insurance company or of its agents,
 1386 employees, adjusters, consultants, or attorneys, in complying
 1387 with the statutory obligation of this section shall in no way be
 1388 construed by a court as a waiver or abandonment of any privilege
 1389 or confidentiality of attorney work product, attorney-client
 1390 communication, or such other privilege or immunity as is
 1391 provided by law.
 1392 (7) Any official described in subsection (1) may be
 1393 required to testify as to any information in her or his
 1394 possession regarding an insurance loss in any civil action in
 1395 which any person seeks recovery under a policy against an
 1396 insurance company for an insurance loss, subject to the
 1397 provisions of subsection (6).
 1398 (8) No person may intentionally refuse to release any
 1399 information requested pursuant to this section.
 1400 (9) Any person who willfully violates the provisions of

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1401 this section commits ~~is~~ guilty of a misdemeanor of the first
 1402 degree, punishable as provided in s. 775.082 or s. 775.083.
 1403 Section 15. Section 633.45, Florida Statutes, is
 1404 transferred, renumbered as section 633.128, Florida Statutes,
 1405 and amended to read:
 1406 633.128 633-45 Division of State Fire Marshal; powers,
 1407 duties.—
 1408 (1) The division shall:
 1409 (a) Establish, by rule, uniform minimum standards for the
 1410 employment ~~and~~ training of firefighters and volunteer
 1411 firefighters.
 1412 (b) Establish, by rule, minimum curriculum requirements
 1413 and criteria used to approve education or training providers,
 1414 including ~~for~~ schools operated by or for any fire service
 1415 provider, employing agency for the specific purpose of training
 1416 individuals seeking to become a firefighter ~~recruits~~ or
 1417 volunteer firefighter firefighters.
 1418 (c) Specify, by rule, standards for the approval, denial
 1419 of approval, probation, suspension, and revocation of approval
 1420 of education or training providers and facilities for training
 1421 firefighters and volunteer firefighters. Approve institutions~~7~~
 1422 ~~instructors, and facilities for school operation by or for any~~
 1423 employing agency for the specific purpose of training
 1424 firefighters and firefighter recruits.
 1425 (d) Specify, by rule, standards for the certification,
 1426 denial of certification, probation, and revocation of
 1427 certification for instructors, approval, denial of approval,
 1428 probation, and revocation of approval of institutions,

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1429 ~~instructors, and facilities for training firefighters and~~
 1430 ~~firefighter recruits~~ including a rule requiring each ~~that an~~
 1431 instructor must complete 40 hours of continuing education
 1432 every 4 ~~3~~ years in order to maintain his or her certification
 1433 ~~the approval of the department~~.
 1434 (e) Issue certificates of competency to persons who, by
 1435 reason of experience and completion of basic inservice training,
 1436 advanced education, or specialized training, are especially
 1437 qualified for particular aspects or classes of firefighting
 1438 ~~firefighter~~ duties.
 1439 (f) Establish, by rule, minimum training qualifications
 1440 for persons serving as firesafety coordinators for their
 1441 respective departments of state government and certify all
 1442 persons who satisfy such qualifications.
 1443 (g) Establish a uniform lesson plan to be followed by
 1444 firesafety instructors in the training of state employees in
 1445 firesafety and emergency evacuation procedures.
 1446 (h) Have complete jurisdiction over, and complete
 1447 management and control of, the Florida State Fire College and be
 1448 invested with full power and authority to make all rules and
 1449 regulations necessary for the governance of said institution.
 1450 (i) Appoint a superintendent of the Florida State Fire
 1451 College and such other instructors, experimental helpers, and
 1452 laborers as may be necessary and remove the same as in the
 1453 division's ~~its~~ judgment and discretion may be best, fix their
 1454 compensation, and provide for their payment.
 1455 (j) Have full management, possession, and control of the
 1456 lands, buildings, structures, and property belonging to the

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1457 Florida State Fire College.

1458 (k) Provide for the courses of study and curriculum of the

1459 Florida State Fire College.

1460 (l) Make rules and regulations for the admission of

1461 trainees to the Florida State Fire College.

1462 (m) Visit and inspect the Florida State Fire College and

1463 every department thereof and provide for the proper keeping of

1464 accounts and records thereof.

1465 (n) Make and prepare all necessary budgets of expenditures

1466 for the enlargement, proper furnishing, maintenance, support,

1467 and conduct of the Florida State Fire College.

1468 (o) Select and purchase all property, furniture, fixtures,

1469 and paraphernalia necessary for the Florida State Fire College.

1470 (p) Build, construct, change, enlarge, repair, and

1471 maintain any and all buildings or structures of the Florida

1472 State Fire College that may at any time be necessary for said

1473 institution and purchase and acquire all lands and property

1474 necessary for same, of every nature and description whatsoever.

1475 (q) Care for and maintain the Florida State Fire College

1476 and do and perform every other matter or thing requisite to the

1477 proper management, maintenance, support, and control of said

1478 institution, necessary or requisite to carry out fully the

1479 purpose of this chapter and for raising it to, and

1480 maintaining it at, the proper efficiency and standard as

1481 required in and by the provisions of part IV ss. 633.43-633.49.

1482 (r) Issue a license, certificate, or permit of a specific

1483 class to an individual who successfully completes the training,

1484 education, and examination required under this chapter or by

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1485 rule for such class of license, certificate, or permit.

1486 (2) The division, subject to the limitations and

1487 restrictions ~~elsewhere herein~~ imposed in this chapter, may:

1488 (a) Adopt rules and regulations for the administration of

1489 this chapter ~~ss. 633-30-633-49~~ pursuant to chapter 120.

1490 (b) Adopt a seal and alter the same at its pleasure.

1491 (c) Sue and be sued.

1492 (d) Acquire any real or personal property by purchase,

1493 gift, or donation, and have water rights.

1494 (e) Exercise the right of eminent domain to acquire any

1495 property and lands necessary to the establishment, operation,

1496 and expansion of the Florida State Fire College.

1497 (f) Make contracts and execute necessary or convenient

1498 instruments.

1499 (g) Undertake by contract or contracts, or by its own

1500 agent and employees, and otherwise than by contract, any project

1501 or projects, and operate and maintain such projects.

1502 (h) Accept grants of money, materials, or property of any

1503 kind from a federal agency, private agency, county, city, town,

1504 corporation, partnership, or individual upon such terms and

1505 conditions as the grantor may impose.

1506 (i) Perform all acts and do all things necessary or

1507 convenient to carry out the powers granted herein and the

1508 purposes of this chapter ~~ss. 633-30-633-49~~.

1509 (3) The title to all property referred to in part IV ~~ss.~~

1510 ~~633-43-633-49~~, however acquired, shall be vested in the

1511 department and shall only be transferred and conveyed by it.

1512 Section 16. Section 633.132, Florida Statutes, is created

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1541 installer/repairer/inspector: \$90.
 1542 11. Permit for a preengineered fire extinguishing system
 1543 installer/repairer/inspector: \$120.
 1544 12. Conversion of a fire equipment dealer's license to a
 1545 different category: \$10 for each permit and license.
 1546 (b) Pursuant to part IV of this chapter:
 1547 1. Certificate of compliance: \$30.
 1548 2. Certificate of competency: \$30.
 1549 3. Renewal fee for a certificate of compliance,
 1550 competency, or instruction: \$15.
 1551 (c) Duplicate or change of address for any license,
 1552 permit, or certificate: \$10.
 1553 (2) All moneys collected by the State Fire Marshal
 1554 pursuant to this chapter are hereby appropriated for the use of
 1555 the State Fire Marshal in the administration of this chapter and
 1556 shall be deposited in the Insurance Regulatory Trust Fund.
 1557 Section 17. Section 633.39, Florida Statutes, is
 1558 transferred and renumbered as section 633.134, Florida Statutes.
 1559 Section 18. Section 633.115, Florida Statutes, is
 1560 transferred, renumbered as section 633.136, Florida Statutes,
 1561 and amended to read:
 1562 633.136 ~~633.115~~ Fire and Emergency Incident Information
 1563 Reporting Program; duties; fire reports.—
 1564 (1)(a) The Fire and Emergency Incident Information
 1565 Reporting Program is created within the division of ~~State Fire~~
 1566 ~~Marshal~~. The program shall:
 1567 1. Establish and maintain an electronic communication
 1568 system capable of transmitting fire and emergency incident

1513 to read:
 1514 633.132 Fees.—
 1515 (1) The division shall collect in advance the following
 1516 fees which it deems necessary to be charged:
 1517 (a) Pursuant to part III of this chapter:
 1518 1. Contractor certificate initial application: \$300 for
 1519 each class of certificate.
 1520 2. Contractor biennial renewal fee: \$150 for each class of
 1521 certificate.
 1522 3. Contractor permit initial application fee: \$100 for
 1523 each class of permit.
 1524 4. Contractor permit biennial renewal fee: \$50 for each
 1525 class of permit.
 1526 5. Contractor examination or reexamination fee: \$100 for
 1527 each class of certificate.
 1528 6. Fire equipment dealer license:
 1529 a. Class A: \$250.
 1530 b. Class B: \$150.
 1531 c. Class C: \$150.
 1532 d. Class D: \$200.
 1533 7. Fire equipment dealer or contractor application and
 1534 renewal fee for an inactive license: \$75.
 1535 8. Fire equipment dealer license or permit exam or
 1536 reexamination: \$50.
 1537 9. Reinspection fee for a dealer equipment inspection
 1538 conducted by the State Fire Marshal under s. 633.304(1): \$50 for
 1539 each reinspection.
 1540 10. Permit for a portable fire extinguisher

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1569 information to and between fire protection agencies.
 1570 2. Initiate a Fire and Emergency Incident Information
 1571 Reporting System that shall be responsible for:
 1572 a. Receiving fire and emergency incident information from
 1573 fire protection agencies.
 1574 b. Preparing and disseminating annual reports to the
 1575 Governor, the President of the Senate, the Speaker of the House
 1576 of Representatives, fire protection agencies, and, upon request,
 1577 the public. Each report shall include, but not be limited to,
 1578 the information listed in the National Fire Incident Reporting
 1579 System.
 1580 c. Upon request, providing other states and federal
 1581 agencies with fire and emergency incident data of this state.
 1582 3. Adopt rules to effectively and efficiently implement,
 1583 administer, manage, maintain, and use the Fire and Emergency
 1584 Incident Information Reporting Program. The rules shall be
 1585 considered minimum requirements and shall not preclude a fire
 1586 protection agency from implementing its own requirements which
 1587 shall not conflict with the rules of the division of ~~State Fire~~
 1588 ~~Marshal~~.
 1589 4. By rule, establish procedures and a format for each
 1590 fire protection agency to voluntarily monitor its records and
 1591 submit reports to the program.
 1592 5. Establish an electronic information database which is
 1593 accessible and searchable by fire protection agencies.
 1594 (b) The division of ~~State Fire Marshal~~ shall consult with
 1595 the Florida Forest Service of the Department of Agriculture and
 1596 Consumer Services and the State Surgeon General of the

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1597 Department of Health to coordinate data, ensure accuracy of the
 1598 data, and limit duplication of efforts in data collection,
 1599 analysis, and reporting.
 1600 (2) The Fire and Emergency Incident Information System
 1601 Technical Advisory Panel is created within the division of ~~State~~
 1602 ~~Fire Marshal~~. The panel shall advise, review, and recommend to
 1603 the State Fire Marshal with respect to the requirements of this
 1604 section. The membership of the panel shall consist of the
 1605 following 15 members:
 1606 (a) The current 13 members of the Firefighters Employment,
 1607 Standards, and Training Council as established in s. 633.402
 1608 ~~633.31~~.
 1609 (b) One member from the Florida Forest Service of the
 1610 Department of Agriculture and Consumer Services, appointed by
 1611 the director of the Florida Forest Service.
 1612 (c) One member from the Department of Health, appointed by
 1613 the State Surgeon General.
 1614 (3) For the purpose of this section, the term "fire
 1615 protection agency" shall be defined by rule by the division of
 1616 ~~State Fire Marshal~~.
 1617 Section 19. Section 633.138, Florida Statutes, is created
 1618 to read:
 1619 633.138 Notice of change of address of record; notice of
 1620 felony actions.—
 1621 (1) Any individual issued a license, permit, or
 1622 certificate under this chapter shall notify the division in
 1623 writing of any changes to his or her current mailing address, e—
 1624 mail address, and place of practice as specified in rule adopted

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1625 by the division.
 1626 (2) Notwithstanding any other provision of law, delivery
 1627 by regular mail or e-mail to a licensee, permittee, or
 1628 certificateholder, using the last known mailing address or e-
 1629 mail address on record with the division, constitutes adequate
 1630 and sufficient notice to the licensee, permittee, or
 1631 certificateholder of any official communication by the division.
 1632 (3) Any individual issued a license, permit, or
 1633 certificate under this chapter shall notify the division in
 1634 writing within 30 days after pleading guilty or nolo contendere
 1635 to, or being convicted or found guilty of, any felony or a crime
 1636 punishable by imprisonment of 1 year or more under the law of
 1637 the United States or of any state thereof, or under the law of
 1638 any other country, without regard to whether a judgment of
 1639 conviction has been entered by the court having jurisdiction of
 1640 the case.
 1641 Section 20. Section 633.042, Florida Statutes, is
 1642 transferred and renumbered as subsections (1) through (11) of
 1643 section 633.142, Florida Statutes, and amended, and section
 1644 633.0421, Florida Statutes, is transferred and renumbered as
 1645 paragraph (b) of subsection (11) of that section and amended, to
 1646 read:
 1647 633.142 ~~633-042~~ Reduced Cigarette Ignition Propensity
 1648 Standard and Firefighter Protection Act; preemption.-
 1649 (1) SHORT TITLE.-This section may be cited as the "Reduced
 1650 Cigarette Ignition Propensity Standard and Firefighter
 1651 Protection Act."
 1652 (2) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds

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1653 and declares that:
 1654 (a) Cigarettes are the leading cause of fire deaths in
 1655 this state and in the nation.
 1656 (b) Each year in the United States, between 700 and 900
 1657 persons are killed and around 3,000 persons are injured in fires
 1658 ignited by cigarettes, while in this state 153 residential fires
 1659 and 5 fatalities were attributable to fires caused by cigarettes
 1660 in 2006.
 1661 (c) A high percentage of the victims of cigarette fires
 1662 are nonsmokers, including senior citizens and young children.
 1663 (d) Fires caused by cigarettes result in billions of
 1664 dollars in property losses and damages in the United States and
 1665 millions of dollars in property losses and damages in this
 1666 state.
 1667 (e) Cigarette fires unnecessarily jeopardize the safety of
 1668 firefighters and result in avoidable emergency response costs
 1669 for municipalities.
 1670 (f) In 2004, the State of New York implemented a cigarette
 1671 firesafety regulation requiring cigarettes sold in that state to
 1672 meet a firesafety performance standard; in 2005, Vermont and
 1673 California enacted cigarette firesafety laws directly
 1674 incorporating New York's regulation into statute; and in 2006,
 1675 Illinois, New Hampshire, and Massachusetts joined these states
 1676 in enacting similar laws.
 1677 (g) In 2005, Canada implemented the New York State
 1678 firesafety standard, becoming the first country to have a
 1679 nationwide cigarette firesafety standard.
 1680 (h) New York State's cigarette firesafety standard is

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1681 based upon decades of research by the National Institute of
 1682 Standards and Technology, Congressional research groups, and
 1683 private industry. This cigarette firesafety standard minimizes
 1684 costs to the state; minimally burdens cigarette manufacturers,
 1685 distributors, and retail sellers; and, therefore, should become
 1686 law in this state.
 1687 (i) It is therefore fitting and proper for this state to
 1688 adopt the cigarette firesafety standard that is in effect in the
 1689 State of New York to reduce the likelihood that cigarettes will
 1690 cause fires and result in deaths, injuries, and property
 1691 damages.
 1692 (3) DEFINITIONS.—For the purposes of this section:
 1693 (a) "Agent" means any person authorized by the Division of
 1694 Alcoholic Beverages and Tobacco of the Department of Business
 1695 and Professional Regulation to purchase and affix stamps on
 1696 packages of cigarettes.
 1697 (b) "Cigarette" means:
 1698 1. Any roll for smoking, whether made wholly or in part of
 1699 tobacco or any other substance, irrespective of size or shape,
 1700 and whether such tobacco or substance is flavored, adulterated,
 1701 or mixed with any other ingredient, the wrapper or cover of
 1702 which is made of paper or any other substance or material other
 1703 than tobacco; or
 1704 2. Any roll for smoking that is wrapped in any substance
 1705 containing tobacco and that, because of the type of tobacco used
 1706 in the filler or its packaging and labeling, is likely to be
 1707 offered to, or purchased by, consumers as a cigarette as
 1708 described in subparagraph 1.

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1709 (c) "Division" means the Division of Alcoholic Beverages
 1710 and Tobacco of the Department of Business and Professional
 1711 Regulation.
 1712 (d) "Manufacturer" means:
 1713 1. Any entity that manufactures or produces, or causes to
 1714 be manufactured or produced, regardless of location, cigarettes
 1715 that such manufacturer intends to be sold in this state,
 1716 including cigarettes intended to be sold in the United States
 1717 through an importer;
 1718 2. Any entity, regardless of location, that first
 1719 purchases cigarettes manufactured anywhere and not intended by
 1720 the original manufacturer or maker to be sold in the United
 1721 States and that intends to resell such cigarettes in the United
 1722 States; or
 1723 3. Any entity that becomes a successor of an entity
 1724 described in subparagraph 1. or subparagraph 2.
 1725 (e) "Quality control and quality assurance program" means
 1726 laboratory procedures implemented to ensure that operator bias,
 1727 systematic and nonsystematic methodological errors, and
 1728 equipment-related problems do not affect the results of
 1729 laboratory testing. Such a program shall ensure that the testing
 1730 repeatability remains within the required repeatability values
 1731 stated in subparagraph (4)(a)6. for all test trials used to
 1732 certify cigarettes in accordance with this section.
 1733 (f) "Repeatability" means the range of values within which
 1734 the results of repeated cigarette test trials from a single
 1735 laboratory will fall 95 percent of the time.
 1736 (g) "Retail dealer" means:

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1737 1. Any person, other than a manufacturer or wholesale
 1738 dealer, engaged in selling cigarettes; or
 1739 2. Any person who owns, operates, or maintains one or more
 1740 cigarette or tobacco-product vending machines in, at, or upon
 1741 premises owned or occupied by any other person.
 1742 (h) "Sale" means any transfer of title or possession or
 1743 both, exchange or barter, conditional or otherwise, in any
 1744 manner or by any means whatever or any agreement therefor. In
 1745 addition to cash and credit sales, the giving of cigarettes as
 1746 samples, prizes, or gifts and the exchanging of cigarettes for
 1747 any consideration other than money are considered sales.
 1748 (i) "Sell" means to execute a sale or to offer or agree to
 1749 execute a sale.
 1750 (j) "Wholesale dealer" means any person, other than a
 1751 manufacturer, who sells cigarettes to retail dealers or other
 1752 persons for purposes of resale.
 1753 (4) TEST METHOD AND PERFORMANCE STANDARD.--
 1754 (a) Except as provided in paragraph (f), no cigarettes may
 1755 be sold or offered for sale in this state, or sold or offered
 1756 for sale to persons located in this state, unless the cigarettes
 1757 have been tested in accordance with the test method and meet the
 1758 performance standard specified in this subsection, a written
 1759 certification has been filed by the manufacturer with the
 1760 division in accordance with subsection (5), and the cigarettes
 1761 have been marked in accordance with subsection (6).
 1762 1. Testing of cigarettes shall be conducted in accordance
 1763 with the American Society for Testing and Materials standard
 1764 E2187-04, "Standard Test Method for Measuring the Ignition

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1765 Strength of Cigarettes."
 1766 2. Testing shall be conducted on 10 layers of filter
 1767 paper.
 1768 3. No more than 25 percent of the cigarettes tested in a
 1769 test trial in accordance with this subsection shall exhibit
 1770 full-length burns. Forty replicate tests shall comprise a
 1771 complete test trial for each cigarette tested.
 1772 4. The performance standard required by this subsection
 1773 shall only be applied to a complete test trial.
 1774 5. Written certifications shall be based upon testing
 1775 conducted by a laboratory that has been accredited pursuant to
 1776 standard ISO/IEC 17025 of the International Organization for
 1777 Standardization or another comparable accreditation standard
 1778 required by the State Fire Marshal.
 1779 6. Laboratories conducting testing in accordance with this
 1780 subsection shall implement a quality control and quality
 1781 assurance program that includes a procedure that will determine
 1782 the repeatability of the testing results. The repeatability
 1783 value shall be no greater than 0.19.
 1784 7. This subsection does not require additional testing if
 1785 cigarettes are tested consistently with this section for any
 1786 other purpose.
 1787 8. The State Fire Marshal may, in his or her discretion or
 1788 upon the request of the division, perform or sponsor testing to
 1789 determine a cigarette's compliance with the required performance
 1790 standard. Any such discretionary compliance testing by the State
 1791 Fire Marshal shall be conducted in accordance with this
 1792 subsection.

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1793 (b) Each cigarette listed in a certification submitted
 1794 pursuant to subsection (5) that uses lowered permeability bands
 1795 in the cigarette paper to achieve compliance with the
 1796 performance standard set forth in this subsection shall have at
 1797 least two nominally identical bands on the paper surrounding the
 1798 tobacco column. At least one complete band shall be located at
 1799 least 15 millimeters from the lighting end of the cigarette. For
 1800 cigarettes on which the bands are positioned by design, there
 1801 shall be at least two bands fully located at least 15
 1802 millimeters from the lighting end and 10 millimeters from the
 1803 filter end of the tobacco column, or 10 millimeters from the
 1804 labeled end of the tobacco column for nonfiltered cigarettes.
 1805 (c) A manufacturer of a cigarette that the State Fire
 1806 Marshal determines cannot be tested in accordance with the test
 1807 method prescribed in subparagraph (a)1. shall propose a test
 1808 method and performance standard for the cigarette to the State
 1809 Fire Marshal. Upon approval of the proposed test method and a
 1810 determination by the State Fire Marshal that the performance
 1811 standard proposed by the manufacturer is equivalent to the
 1812 performance standard prescribed in subparagraph (a)3., the
 1813 manufacturer may employ such test method and performance
 1814 standard to certify such cigarette pursuant to subsection (5).
 1815 If the State Fire Marshal determines that another state has
 1816 enacted reduced cigarette ignition propensity standards that
 1817 include a test method and performance standard that are the same
 1818 as those contained in this section, and if the State Fire
 1819 Marshal finds that the officials responsible for implementing
 1820 those requirements have approved the proposed alternative test

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1821 method and performance standard for a particular cigarette
 1822 proposed by a manufacturer as meeting the firesafety standards
 1823 of that state's law or regulation under a legal provision
 1824 comparable to this subsection, the State Fire Marshal shall
 1825 authorize that manufacturer to employ the alternative test
 1826 method and performance standard to certify that cigarette for
 1827 sale in this state unless the State Fire Marshal demonstrates a
 1828 reasonable basis why the alternative test should not be accepted
 1829 under this section. All other applicable requirements of this
 1830 subsection shall apply to the manufacturer.
 1831 (d) Each manufacturer shall maintain copies of the reports
 1832 of all tests conducted on all cigarettes offered for sale for a
 1833 period of 3 years and shall make copies of the reports available
 1834 to the division, the State Fire Marshal, and the Attorney
 1835 General upon written request. Any manufacturer who fails to make
 1836 copies of the reports available within 60 days after receiving a
 1837 written request shall be subject to a civil penalty not to
 1838 exceed \$10,000 for each day after the 60th day that the
 1839 manufacturer does not make such copies available.
 1840 (e) The State Fire Marshal may adopt a subsequent American
 1841 Society for Testing and Materials Standard Test Method for
 1842 Measuring the Ignition Strength of Cigarettes upon a finding
 1843 that such subsequent method does not result in a change in the
 1844 percentage of full-length burns exhibited by any tested
 1845 cigarette when compared to the percentage of full-length burns
 1846 the same cigarette would exhibit when tested in accordance with
 1847 American Society for Testing and Materials Standard E2187-04 and
 1848 the performance standard in subparagraph (a)3.

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1849 (f) The requirements of paragraph (a) shall not prohibit:
 1850 1. Wholesale or retail dealers from selling their existing
 1851 inventory of cigarettes on or after the effective date of this
 1852 section if the wholesale or retail dealer can establish that
 1853 state tax stamps were affixed to the cigarettes prior to the
 1854 effective date and the wholesale or retail dealer can establish
 1855 that the inventory was purchased prior to the effective date in
 1856 comparable quantity to the inventory purchased during the same
 1857 period of the prior year; or
 1858 2. The sale of cigarettes solely for the purpose of
 1859 consumer testing. For purposes of this subparagraph, the term
 1860 "consumer testing" means an assessment of cigarettes that is
 1861 conducted by or is under the control and direction of a
 1862 manufacturer for the purpose of evaluating consumer acceptance
 1863 of such cigarettes and that uses only the quantity of cigarettes
 1864 that is reasonably necessary for such assessment.
 1865 (g) It is the intent of the Legislature by this section to
 1866 promote uniformity among the states in the regulation of reduced
 1867 cigarette ignition propensity. As a result, the resolution of
 1868 issues regarding the interpretation and implementation of this
 1869 section should be made in a manner consistent with the New York
 1870 Fire Safety Standards for Cigarettes, New York Executive Law,
 1871 Section 156-C, as amended, and Part 429 of Title 19 New York
 1872 Codes, Rules, and Regulations, as amended, and the
 1873 interpretation and implementation thereof, as they exist on
 1874 March 1, 2008.
 1875 (5) CERTIFICATION AND PRODUCT CHANGE.—
 1876 (a) Each manufacturer shall submit to the division a

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1877 written certification attesting that:
 1878 1. Each cigarette listed in the certification has been
 1879 tested in accordance with subsection (4).
 1880 2. Each cigarette listed in the certification meets the
 1881 performance standard set forth in subsection (4).
 1882 (b) Each cigarette listed in the certification shall be
 1883 described with the following information:
 1884 1. Brand, or trade name, on the package.
 1885 2. Style, such as light or ultra light.
 1886 3. Length in millimeters.
 1887 4. Circumference in millimeters.
 1888 5. Flavor, such as menthol or chocolate, if applicable.
 1889 6. Filter or nonfilter.
 1890 7. Package description, such as soft pack or box.
 1891 8. Marking pursuant to subsection (6).
 1892 9. The name, address, and telephone number of the testing
 1893 laboratory, if different from the name, address, and telephone
 1894 number of the manufacturer that conducted the test.
 1895 10. The date the testing occurred.
 1896 (c) Each certification shall be made available to the
 1897 Attorney General for purposes consistent with this section and
 1898 to the State Fire Marshal for the purposes of ensuring
 1899 compliance with this subsection.
 1900 (d) Each cigarette certified under this subsection shall
 1901 be recertified every 3 years.
 1902 (e) If a manufacturer has certified a cigarette pursuant
 1903 to this subsection and thereafter makes any change to such
 1904 cigarette that is likely to alter its compliance with the

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1905 reduced cigarette ignition propensity standards required by this
 1906 section, that cigarette shall not be sold or offered for sale in
 1907 this state until the manufacturer retests the cigarette in
 1908 accordance with the testing standards set forth in subsection
 1909 (4) and maintains records of that retesting as required by
 1910 subsection (4). Any altered cigarette that does not meet the
 1911 performance standard set forth in subsection (4) may not be sold
 1912 in this state.
 1913 (6) MARKING OF CIGARETTE PACKAGING.--
 1914 (a) Cigarettes that are certified by a manufacturer in
 1915 accordance with subsection (5) shall be marked to indicate
 1916 compliance with the requirements of subsection (4). The marking
 1917 shall be in 8-point type or larger and consist of:
 1918 1. Modification of the universal product code to include a
 1919 visible mark printed at or around the area of the universal
 1920 product code. The mark may consist of alphanumeric or symbolic
 1921 characters permanently stamped, engraved, embossed, or printed
 1922 in conjunction with the universal product code;
 1923 2. Any visible combination of alphanumeric or symbolic
 1924 characters permanently stamped, engraved, or embossed upon the
 1925 cigarette package or cellophane wrap; or
 1926 3. Printed, stamped, engraved, or embossed text that
 1927 indicates that the cigarettes meet the standards of this
 1928 section.
 1929 (b) A manufacturer shall use only one marking and shall
 1930 apply this marking uniformly for all brands and all packages,
 1931 including, but not limited to, packs, cartons, and cases,
 1932 marketed by that manufacturer.

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1933 (c) The division shall be notified as to the marking that
 1934 is selected.
 1935 (d) Prior to the certification of any cigarette, a
 1936 manufacturer shall present its proposed marking to the division
 1937 for approval. Upon receipt of the request, the division shall
 1938 approve or disapprove the marking offered, except that the
 1939 division shall approve:
 1940 1. Any marking in use and approved for sale in the State
 1941 of New York pursuant to the New York Fire Safety Standards for
 1942 Cigarettes; or
 1943 2. The letters "FSC," which signify "Fire Standards
 1944 Compliant," appearing in 8-point type or larger and permanently
 1945 printed, stamped, engraved, or embossed on the package at or
 1946 near the universal product code.
 1947
 1948 Proposed markings shall be deemed approved if the division fails
 1949 to act within 10 business days after receiving a request for
 1950 approval.
 1951 (e) No manufacturer shall modify its approved marking
 1952 unless the modification has been approved by the division in
 1953 accordance with this subsection.
 1954 (f) Manufacturers certifying cigarettes in accordance with
 1955 subsection (5) shall provide a copy of the certifications to all
 1956 wholesale dealers and agents to which they sell cigarettes and
 1957 shall also provide sufficient copies of an illustration of the
 1958 package marking used by the manufacturer pursuant to this
 1959 subsection for each retail dealer to which the wholesale dealers
 1960 or agents sell cigarettes. Wholesale dealers and agents shall

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1961 provide a copy of these package markings received from
 1962 manufacturers to all retail dealers to which they sell
 1963 cigarettes. Wholesale dealers, agents, and retail dealers shall
 1964 permit the division, the State Fire Marshal, the Attorney
 1965 General, and their employees to inspect markings of cigarette
 1966 packaging marked in accordance with this subsection.
 1967 (7) PENALTIES.—
 1968 (a) A manufacturer, wholesale dealer, agent, or any other
 1969 person or entity that knowingly sells or offers to sell
 1970 cigarettes, other than through retail sale, in violation of
 1971 subsection (4) shall be subject to a civil penalty not to exceed
 1972 \$100 for each pack of such cigarettes sold or offered for sale.
 1973 In no case shall the penalty against any such person or entity
 1974 exceed \$100,000 during any 30-day period.
 1975 (b) A retail dealer who knowingly sells or offers to sell
 1976 cigarettes in violation of subsection (4) shall be subject to a
 1977 civil penalty not to exceed \$100 for each pack of such
 1978 cigarettes sold or offered for sale. In no case shall the
 1979 penalty against any retail dealer exceed \$25,000 during any 30-
 1980 day period.
 1981 (c) In addition to any penalty prescribed by law, any
 1982 corporation, partnership, sole proprietor, limited partnership,
 1983 or association engaged in the manufacture of cigarettes that
 1984 knowingly makes a false certification pursuant to subsection (5)
 1985 shall be subject to a civil penalty of at least \$75,000 and not
 1986 to exceed \$250,000 for each such false certification.
 1987 (d) Any person violating any other provision of this
 1988 section shall be subject to a civil penalty not to exceed \$1,000

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1989 for a first offense and not to exceed \$5,000 for each subsequent
 1990 offense.
 1991 (e) Any penalties collected under this subsection shall be
 1992 deposited into the Insurance Regulatory Trust Fund of the
 1993 Department of Financial Services to support costs associated
 1994 with the responsibilities of the State Fire Marshal under this
 1995 section.
 1996 (f) In addition to any other remedy provided by law, the
 1997 division, the State Fire Marshal, or the Attorney General may
 1998 file an action in circuit court for a violation of this section,
 1999 including petitioning for injunctive relief or to recover any
 2000 costs or damages suffered by the state because of a violation of
 2001 this section, including enforcement costs relating to the
 2002 specific violation and attorney's fees. Each violation of this
 2003 section or of rules adopted under this section constitutes a
 2004 separate civil violation for which the division, the State Fire
 2005 Marshal, or the Attorney General may obtain relief.
 2006 (g) Whenever any law enforcement personnel or duly
 2007 authorized representative of the division discovers any
 2008 cigarettes that have not been marked in the manner required by
 2009 subsection (6), such personnel or representative is authorized
 2010 and empowered to seize and take possession of such cigarettes.
 2011 Such cigarettes shall be turned over to the division and shall
 2012 be forfeited to the state. Cigarettes seized pursuant to this
 2013 paragraph shall be destroyed; however, prior to the destruction
 2014 of any such cigarette, the true holder of the trademark rights
 2015 in the cigarette brand shall be permitted to inspect the
 2016 cigarette.

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2017 (8) IMPLEMENTATION. —
 2018 (a) The division and the State Fire Marshal may adopt
 2019 rules to implement the provisions of this section.
 2020 (b) The division, in the regular course of conducting
 2021 inspections of wholesale dealers, agents, and retail dealers as
 2022 authorized pursuant to chapter 210, may inspect such cigarettes
 2023 to determine if the cigarettes are marked as required by
 2024 subsection (6).
 2025 (9) INSPECTION.—To enforce the provisions of this section,
 2026 the Attorney General, the State Fire Marshal, the division, and
 2027 their duly authorized representatives and other law enforcement
 2028 personnel are authorized to examine the books, papers, invoices,
 2029 and other records of any person in possession, control, or
 2030 occupancy of any premises where cigarettes are placed, stored,
 2031 sold, or offered for sale, as well as the stock of cigarettes on
 2032 the premises. Every person in the possession, control, or
 2033 occupancy of any premises where cigarettes are placed, sold, or
 2034 offered for sale is directed and required to give the Attorney
 2035 General, the State Fire Marshal, the division, and their duly
 2036 authorized representatives and other law enforcement personnel
 2037 the means, facilities, and opportunity for the examinations
 2038 authorized by this subsection.
 2039 (10) SALE OUTSIDE OF FLORIDA.—Nothing in this section
 2040 shall be construed to prohibit any person or entity from
 2041 manufacturing or selling cigarettes that do not meet the
 2042 requirements of subsection (4) if the cigarettes are or will be
 2043 stamped for sale in another state or are packaged for sale
 2044 outside the United States and that person or entity has taken

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2045 reasonable steps to ensure that such cigarettes will not be sold
 2046 or offered for sale to persons located in this state.
 2047 (11) PREEMPTION.—
 2048 (a) This section shall be repealed if a federal reduced
 2049 cigarette ignition propensity standard that preempts this
 2050 section is adopted and becomes effective.
 2051 ~~633-0421—Preemption of reduced cigarette ignition~~
 2052 ~~propensity standard by state.—~~
 2053 (b) ~~Effective upon this act becoming a law, and~~
 2054 Notwithstanding any other provision of law, local government
 2055 units of this state may neither enact nor enforce any ordinance
 2056 or other local law or regulation conflicting with, or preempted
 2057 by, any provision of this act or any policy of this state
 2058 expressed by this act, whether that policy be expressed by
 2059 inclusion of a provision in this act or by exclusion of that
 2060 subject from this act.
 2061 Section 21. Part II of chapter 633, consisting of sections
 2062 633.202, 633.204, 633.206, 633.208, 633.212, 633.214, 633.216,
 2063 633.218, 633.222, 633.224, 633.226, and 633.228, Florida
 2064 Statutes, is created and entitled "Fire Safety and Prevention."
 2065 Section 22. Section 633.0215, Florida Statutes, is
 2066 transferred and renumbered as section 633.202, Florida Statutes,
 2067 and subsections (2), (4), (7), (9), (10), (12), (13), (14), and
 2068 (15) of that section are amended, to read:
 2069 ~~633.202~~ ~~633-0215~~ Florida Fire Prevention Code.—
 2070 (1) The State Fire Marshal shall adopt, by rule pursuant
 2071 to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code
 2072 which shall contain or incorporate by reference all firesafety

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2073 laws and rules that pertain to and govern the design,
 2074 construction, erection, alteration, modification, repair, and
 2075 demolition of public and private buildings, structures, and
 2076 facilities and the enforcement of such firesafety laws and
 2077 rules. The State Fire Marshal shall adopt a new edition of the
 2078 Florida Fire Prevention Code every third year.
 2079 (2) The State Fire Marshal shall adopt the current edition
 2080 of National Fire Protection Association's Standard 1, Fire
 2081 Prevention Code but shall not adopt a building, mechanical, or
 2082 plumbing code. The State Fire Marshal shall adopt the current
 2083 edition of Life Safety Code, NFPA ~~Paraphrase~~ 101, current
 2084 editions, by reference. The State Fire Marshal may modify the
 2085 selected codes and standards as needed to accommodate the
 2086 specific needs of the state. Standards or criteria in the
 2087 selected codes shall be similarly incorporated by reference. The
 2088 State Fire Marshal shall incorporate within sections of the
 2089 Florida Fire Prevention Code provisions that address uniform
 2090 firesafety standards as established in s. 633.206 ~~633-022~~. The
 2091 State Fire Marshal shall incorporate within sections of the
 2092 Florida Fire Prevention Code provisions addressing regional and
 2093 local concerns and variations.
 2094 (3) No later than 180 days before the triennial adoption
 2095 of the Florida Fire Prevention Code, the State Fire Marshal
 2096 shall notify each municipal, county, and special district fire
 2097 department of the triennial code adoption and steps necessary
 2098 for local amendments to be included within the code. No later
 2099 than 120 days before the triennial adoption of the Florida Fire
 2100 Prevention Code, each local jurisdiction shall provide the State

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2101 Fire Marshal with copies of its local fire code amendments. The
 2102 State Fire Marshal has the option to process local fire code
 2103 amendments that are received less than 120 days before the
 2104 adoption date of the Florida Fire Prevention Code.
 2105 (a) The State Fire Marshal shall review or cause the
 2106 review of local amendments to determine:
 2107 1. If the local amendment should be adopted as a statewide
 2108 provision;
 2109 2. That the local amendment does not provide a lesser
 2110 degree of lifesafety than the code otherwise provides; and
 2111 3. That the local amendment does not reference a different
 2112 edition of the national fire codes or other national standard
 2113 than the edition provided or referenced in the uniform or
 2114 minimum firesafety codes adopted by the State Fire Marshal or
 2115 prescribed by statute.
 2116 (b) Any local amendment to the Florida Fire Prevention
 2117 Code adopted by a local government shall be effective only until
 2118 the adoption of the new edition of the Florida Fire Prevention
 2119 Code, which shall be every third year. At such time, the State
 2120 Fire Marshal shall adopt such amendment as part of the Florida
 2121 Fire Prevention Code or rescind the amendment. The State Fire
 2122 Marshal shall immediately notify the respective local government
 2123 of the rescission of the amendment and the reason for the
 2124 rescission. After receiving such notice, the respective local
 2125 government may readopt the rescinded amendment. Incorporation of
 2126 local amendments as regional and local concerns and variations
 2127 shall be considered as adoption of an amendment pursuant to this
 2128 section.

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2129 (4) The State Fire Marshal shall update, by rule adopted
 2130 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
 2131 Prevention Code every 3 years. Once initially adopted and
 2132 subsequently updated, the Florida Fire Prevention Code ~~and the~~
 2133 ~~Life-Safety Code~~ shall be adopted for use statewide without
 2134 adoptions by local governments. When updating the Florida Fire
 2135 Prevention Code ~~and the most recent edition of the Life-Safety~~
 2136 ~~Code~~, the State Fire Marshal shall consider changes made by the
 2137 national model fire codes incorporated into the Florida Fire
 2138 Prevention Code, the State Fire Marshal's own interpretations,
 2139 declaratory statements, appellate decisions, and approved
 2140 statewide and local technical amendments.
 2141 (5) Upon the conclusion of a triennial update to the
 2142 Florida Fire Prevention Code and notwithstanding any other
 2143 provisions of law, the State Fire Marshal may address the issues
 2144 identified in this subsection by amending the Florida Fire
 2145 Prevention Code, subject only to the rule adoption procedures of
 2146 chapter 120. Following the approval of any amendments to the
 2147 Florida Fire Prevention Code by the State Fire Marshal and
 2148 publication on the State Fire Marshal's website, authorities
 2149 having jurisdiction to enforce the Florida Fire Prevention Code
 2150 may enforce the amendments to the code. The State Fire Marshal
 2151 may approve only amendments that are needed to address:
 2152 (a) Conflicts within the updated Florida Fire Prevention
 2153 Code;
 2154 (b) Conflicts between the updated Florida Fire Prevention
 2155 Code and the Florida Building Code adopted pursuant to chapter
 2156 553;

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2157 (c) The omission of Florida-specific amendments that were
 2158 previously adopted in the Florida Fire Prevention Code; or
 2159 (d) Unintended results from the integration of Florida-
 2160 specific amendments that were previously adopted with the model
 2161 code.
 2162 (6) The Florida Fire Prevention Code does not apply to,
 2163 and no code enforcement action shall be brought with respect to,
 2164 zoning requirements or land use requirements. Additionally, a
 2165 local code enforcement agency may not administer or enforce the
 2166 Florida Fire Prevention Code to prevent the siting of any
 2167 publicly owned facility, including, but not limited to,
 2168 correctional facilities, juvenile justice facilities, or state
 2169 universities, community colleges, or public education
 2170 facilities. This section shall not be construed to prohibit
 2171 local government from imposing built-in fire protection systems
 2172 or fire-related infrastructure requirements needed to properly
 2173 protect the intended facility.
 2174 (7) Any local amendment adopted by a local government must
 2175 strengthen the Fire Prevention Code requirements of the minimum
 2176 firesafety code.
 2177 (8) Within 30 days after a local government adopts a local
 2178 amendment, the local government must transmit the amendment to
 2179 the Florida Building Commission and the State Fire Marshal.
 2180 (9) The State Fire Marshal is authorized to adopt shall
 2181 ~~make rules to that implement this section and ss. 633.01 and~~
 2182 ~~633.025 for the purpose of accomplishing the objectives set~~
 2183 ~~forth in those sections.~~
 2184 (10) Notwithstanding other provisions of this chapter, if

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2185 a county or a municipality within that county adopts an
 2186 ordinance providing for a local amendment to the Florida Fire
 2187 Prevention Code and that amendment provides a higher level of
 2188 protection to the public than the level specified in the Florida
 2189 Fire Prevention Code, the local amendment becomes effective
 2190 without approval of the State Fire Marshal and is not rescinded
 2191 pursuant to the provisions of this section, provided that the
 2192 ordinance meets one or more of the following criteria:
 2193 (a) The local authority has adopted, by ordinance, a fire
 2194 service facilities and operation plan that outlines goals and
 2195 objectives for related equipment, personnel, and capital
 2196 improvement needs of the local authority related to the specific
 2197 amendment for the next 5 years;
 2198 (b) The local authority has adopted, by ordinance, a
 2199 provision requiring proportionate reduction in, or rebate or
 2200 waivers of, impact or other fees or assessments levied on
 2201 buildings that are built or modified in compliance with the more
 2202 stringent firesafety standards required by the local amendment;
 2203 or
 2204 (c) The local authority has adopted, by ordinance, a
 2205 growth management plan that requires buildings and structures to
 2206 be equipped with more stringent firesafety requirements required
 2207 by the local amendment when these firesafety requirements are
 2208 used as the basis for planning infrastructure development, uses,
 2209 or housing densities.
 2210
 2211 Except as provided in s. 633.206 ~~633-022~~, the local appeals
 2212 process shall be the venue if there is a dispute between parties

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2213 affected by the provisions of the more stringent local
 2214 firesafety amendment adopted as part of the Florida Fire
 2215 Prevention Code pursuant to the authority in this subsection.
 2216 Local amendments adopted pursuant to this subsection shall be
 2217 deemed local or regional variations and published as such in the
 2218 Florida Fire Prevention Code. The act of publishing locally
 2219 adopted firesafety amendments to the Florida Fire Prevention
 2220 Code shall not be construed to mean that the State Fire Marshal
 2221 approves or denies the authenticity or appropriateness of the
 2222 locally adopted firesafety provision, and the burden of
 2223 protecting the local firesafety amendment remains solely with
 2224 the adopting local governmental authority.
 2225 (11) The design of interior stairways within dwelling
 2226 units, including stair tread width and riser height, landings,
 2227 handrails, and guards, must be consistent with chapter 10 of the
 2228 Florida Building Code.
 2229 ~~(12) Notwithstanding other provisions of this section, the~~
 2230 ~~State Fire Marshal shall study the use of managed, facilities-~~
 2231 ~~based, voice-over-Internet-protocol telephone service for~~
 2232 ~~monitoring fire alarm signals. If the study determines that~~
 2233 ~~voice-over-Internet-protocol telephone service technology~~
 2234 ~~provides a level of protection equivalent to that required by~~
 2235 ~~NFPA 72: National Fire Alarm Code, the State Fire Marshal shall~~
 2236 ~~initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by~~
 2237 ~~December 1, 2008, to allow the use of this technology as an~~
 2238 ~~additional method of monitoring fire alarm systems.~~
 2239 (12)(13)(a) The State Fire Marshal shall issue an
 2240 expedited declaratory statement relating to interpretations of

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2241 provisions of the Florida Fire Prevention Code according to the
 2242 following guidelines:
 2243 1. The declaratory statement shall be rendered in
 2244 accordance with s. 120.565, except that a final decision must be
 2245 issued by the State Fire Marshal within 45 days after the
 2246 division's receipt of a petition seeking an expedited
 2247 declaratory statement. The State Fire Marshal shall give notice
 2248 of the petition and the expedited declaratory statement or the
 2249 denial of the petition in the next available issue of the
 2250 Florida Administrative Weekly after the petition is filed and
 2251 after the statement or denial is rendered.
 2252 2. The petitioner must be the owner of the disputed
 2253 project or the owner's representative.
 2254 3. The petition for an expedited declaratory statement
 2255 must be:
 2256 a. Related to an active project that is under construction
 2257 or must have been submitted for a permit.
 2258 b. The subject of a written notice citing a specific
 2259 provision of the Florida Fire Prevention Code which is in
 2260 dispute.
 2261 c. Limited to a single question that is capable of being
 2262 answered with a "yes" or "no" response.
 2263 (b) A petition for a declaratory statement which does not
 2264 meet all of the requirements of this subsection must be denied
 2265 without prejudice. This subsection does not affect the right of
 2266 the petitioner as a substantially affected person to seek a
 2267 declaratory statement under s. 633.104(6) ~~633.01(6)~~.
 2268 ~~(13)(f)~~ A condominium, cooperative, or multifamily

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2269 residential building that is less than four stories in height
 2270 and has an exterior corridor providing a means of egress is
 2271 exempt from installing a manual fire alarm system as required in
 2272 s. 9.6 of the most recent edition of the Life Safety Code
 2273 adopted in the Florida Fire Prevention Code. ~~This is intended to~~
 2274 ~~clarify existing law.~~
 2275 ~~(14)(f)~~ The Legislature finds that the electronic filing
 2276 of construction plans will increase governmental efficiency,
 2277 reduce costs, and increase timeliness of processing permits. If
 2278 the fire code administrator or fire official provides for
 2279 electronic filing, any construction plans, drawings,
 2280 specifications, reports, final documents, or documents prepared
 2281 or issued by a licensee may be dated and electronically signed
 2282 and sealed by the licensee in accordance with part I of chapter
 2283 668, and may be transmitted electronically to the fire code
 2284 administrator or fire official for approval.
 2285 Section 23. Section 633.72, Florida Statutes, is
 2286 transferred, renumbered as section 633.204, Florida Statutes,
 2287 and amended to read:
 2288 ~~633.204 633-72~~ Florida Fire Code Advisory Council.—
 2289 (1) There is created within the department the Florida
 2290 Fire Code Advisory Council with 11 members appointed by the
 2291 State Fire Marshal. The council shall advise and recommend to
 2292 the State Fire Marshal changes to and interpretation of the
 2293 uniform firesafety standards adopted under s. ~~633.206 633-022~~,
 2294 the Florida Fire Prevention Code, and those portions of the
 2295 Florida Fire Prevention Code that have the effect of conflicting
 2296 with building construction standards that are adopted pursuant

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2297 to ss. 633.202 and 633.206 ~~633.0215 and 633.022~~. The members of
 2298 the council shall represent the following groups and
 2299 professions:
 2300 (a) One member shall be the State Fire Marshal, or his or
 2301 her designated appointee who shall be an administrative employee
 2302 of the marshal;
 2303 (b) One member shall be an administrative officer from a
 2304 fire department representing a municipality, ~~or~~ a county, or a
 2305 special district selected from a list of persons submitted by
 2306 the Florida Fire Chiefs Association;
 2307 (c) One member shall be an architect licensed in the state
 2308 selected from a list of persons submitted by the Florida
 2309 Association/American Institute of Architects;
 2310 (d) One member shall be an engineer with fire protection
 2311 design experience registered to practice in the state selected
 2312 from a list of persons submitted by the Florida Engineering
 2313 Society;
 2314 (e) One member shall be an administrative officer from a
 2315 building department of a county or municipality selected from a
 2316 list of persons submitted by the Building Officials Association
 2317 of Florida;
 2318 (f) One member shall be a contractor licensed in the state
 2319 selected from a list submitted by the Florida Home Builders
 2320 Association;
 2321 (g) One member shall be a Florida ~~certified~~ firefighter
 2322 selected from a list submitted by the Florida Professional
 2323 Firefighters' Association;
 2324 (h) One member shall be a Florida certified firesafety

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2325 ~~municipal fire~~ inspector selected from a list submitted by the
 2326 Florida Fire Marshals' and Inspectors' ~~Marshals~~ Association;
 2327 (i) One member shall be selected from a list submitted by
 2328 the Department of Education;
 2329 (j) One member shall be selected from a list submitted by
 2330 the Chancellor of the State University System; and
 2331 (k) One member shall be representative of the general
 2332 public.
 2333 (2) The State Fire Marshal and the Florida Building
 2334 Commission shall coordinate efforts to provide consistency
 2335 between the Florida Building Code and the Florida Fire
 2336 Prevention Code ~~and the Life-Safety Code~~.
 2337 (3) The council shall meet at least semiannually if
 2338 necessary to advise the State Fire Marshal's Office on matters
 2339 subject to the provisions of this section.
 2340 (4) The council may review proposed changes to the Florida
 2341 Fire Prevention Code and the uniform fire safety standards
 2342 pursuant to s. 633.202(4).
 2343 (5) ~~(3)~~ The council and Florida Building Commission shall
 2344 cooperate through joint representation and coordination of codes
 2345 and standards to resolve conflicts in their development,
 2346 updating, and interpretation.
 2347 (6) ~~(4)~~ Each appointee shall serve a 4-year term. No member
 2348 shall serve more than two consecutive terms. No member of the
 2349 council shall be paid a salary as such member, but each shall
 2350 receive travel and expense reimbursement as provided in s.
 2351 112.061.
 2352 Section 24. Section 633.022, Florida Statutes, is

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2353 transferred and renumbered as section 633.206, Florida Statutes,
 2354 and paragraph (a) of subsection (1) and subsection (4) of that
 2355 section are amended, to read:
 2356 633.206 ~~633-022~~ Uniform firesafety standards.--The
 2357 Legislature hereby determines that to protect the public health,
 2358 safety, and welfare it is necessary to provide for firesafety
 2359 standards governing the construction and utilization of certain
 2360 buildings and structures. The Legislature further determines
 2361 that certain buildings or structures, due to their specialized
 2362 use or to the special characteristics of the person utilizing or
 2363 occupying these buildings or structures, should be subject to
 2364 firesafety standards reflecting these special needs as may be
 2365 appropriate.
 2366 (1) The department shall establish uniform firesafety
 2367 standards that apply to:
 2368 (a) All new, existing, and proposed state-owned and state-
 2369 leased buildings, including state universities as defined under
 2370 s. 1000.21(6).
 2371 (b) All new, existing, and proposed hospitals, nursing
 2372 homes, assisted living facilities, adult family-care homes,
 2373 correctional facilities, public schools, transient public
 2374 lodging establishments, public food service establishments,
 2375 elevators, migrant labor camps, mobile home parks, lodging
 2376 parks, recreational vehicle parks, recreational camps,
 2377 residential and nonresidential child care facilities, facilities
 2378 for the developmentally disabled, motion picture and television
 2379 special effects productions, tunnels, and self-service gasoline
 2380 stations, of which standards the State Fire Marshal is the final

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2381 administrative interpreting authority.
 2382
 2383 In the event there is a dispute between the owners of the
 2384 buildings specified in paragraph (b) and a local authority
 2385 requiring a more stringent uniform firesafety standard for
 2386 sprinkler systems, the State Fire Marshal shall be the final
 2387 administrative interpreting authority and the State Fire
 2388 Marshal's interpretation regarding the uniform firesafety
 2389 standards shall be considered final agency action.
 2390 (2)(a) With respect to the uniform firesafety standards,
 2391 the department shall develop uniform statewide standards which
 2392 are reasonably prudent with respect to protecting life, safety,
 2393 and property and which take into consideration the
 2394 characteristics of the people utilizing the subject buildings
 2395 and structures and other hazards associated with the subject
 2396 buildings and structures throughout the state.
 2397 (b) A local authority may not require more stringent
 2398 uniform firesafety standards with respect to buildings or
 2399 structures subject to such standards except as provided in
 2400 paragraph (c). A local authority may, on a case-by-case basis,
 2401 in order to meet special situations arising from historic,
 2402 geographic, or unusual conditions, with respect to a building or
 2403 structure which is subject to the uniform firesafety standards,
 2404 authorize equivalent alternative standards for such building or
 2405 structure; however, the alternative requirements shall not
 2406 result in a level of protection to life, safety, or property
 2407 less stringent than the applicable uniform firesafety standards.
 2408 All such local authorities shall enforce, within their

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2409 firesafety jurisdiction, the uniform firesafety standards for
 2410 those buildings specified in paragraph (1)(b) and the minimum
 2411 firesafety standards adopted pursuant to s. 394.879.
 2412 (c) A local authority may require more stringent uniform
 2413 firesafety standards for sprinkler systems in buildings
 2414 specified in paragraph (b), for which the construction contract
 2415 is let after January 1, 1994, if the following conditions are
 2416 met:
 2417 1. The local authority has adopted, by ordinance, a fire
 2418 service facilities and operation plan that outlines goals and
 2419 objectives for related equipment, personnel, and capital
 2420 improvement needs of the local authority for the next 5 years.
 2421 2. The local authority has adopted, by ordinance, a
 2422 provision requiring proportionate reductions in, or rebate or
 2423 waivers of, impact or other fees or assessments levied on
 2424 buildings that are built or modified in compliance with the more
 2425 stringent sprinkler standards.
 2426 3. The local authority has adopted, by ordinance, a plan
 2427 that requires buildings specified in paragraph (b) to be
 2428 equipped with an automatic sprinkler system installed in
 2429 compliance with the provisions prescribed in standards as
 2430 established by the National Fire Protection Association and
 2431 adopted by the State Fire Marshal.
 2432
 2433 In the event there is a dispute between the owners of the
 2434 buildings specified in paragraph (b) and a local authority
 2435 requiring a more stringent uniform firesafety standard for
 2436 sprinkler systems, the State Fire Marshal shall be the final

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2437 administrative interpreting authority and the State Fire
 2438 Marshal's interpretation regarding the uniform firesafety
 2439 standards shall be considered final agency action.
 2440 (3) In establishing the uniform firesafety standards and
 2441 the minimum firesafety standards, as required by s. 394.879, the
 2442 department shall consider types of construction materials and
 2443 their flame spread and smoke characteristics, occupancy levels,
 2444 means of egress, special hazard protection, smoke barriers,
 2445 interior finish, and fire protection systems or equipment and
 2446 occupancy features necessary to minimize danger to life from
 2447 fire, smoke, fumes, or panic. In considering these factors, the
 2448 department shall develop minimum standards which are reasonably
 2449 prudent with respect to protecting life, safety, and property.
 2450 (4) (a) Notwithstanding any provision of law to the
 2451 contrary, each nursing home licensed under part II of chapter
 2452 400 shall be protected throughout by an approved, supervised
 2453 automatic sprinkler system in accordance with s. 9 of National
 2454 Fire Protection Association, Inc., Life Safety Code, no later
 2455 than December 31, 2010. ~~A nursing home licensee shall submit~~
 2456 ~~complete sprinkler construction documents to the Agency for~~
 2457 ~~Health Care Administration for review by December 31, 2008, and~~
 2458 ~~the licensee must gain final approval to start construction from~~
 2459 ~~the agency by June 30, 2009. The agency shall grant a 6-month~~
 2460 ~~extension to a nursing home licensee if the completion and~~
 2461 ~~submission of the sprinkler construction documents are~~
 2462 ~~contingent upon the approval of the application for the loan~~
 2463 ~~guarantee program authorized under s. 623.0245. In such case,~~
 2464 ~~the agency may extend the deadline for final approval to begin~~

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2465 ~~construction beyond June 30, 2009, but the deadline may not be~~
 2466 ~~extended beyond December 31, 2009.~~
 2467 ~~(b) The division may grant up to two 1-year extensions of~~
 2468 ~~the time limits for compliance in subparagraph (a)2. If the~~
 2469 ~~division determines that the nursing home has been prevented~~
 2470 ~~from complying for reasons beyond its control.~~
 2471 ~~(b)(e)~~ The division is authorized to adopt any rule
 2472 necessary for the implementation and enforcement of this
 2473 subsection. The division shall enforce this subsection in
 2474 accordance with the provisions of this chapter, and any nursing
 2475 home licensed under part II of chapter 400 that is in violation
 2476 of this subsection may be subject to administrative sanctions by
 2477 the division pursuant to this chapter.
 2478 ~~(c)(e)~~ Adjustments shall be made to the provider Medicaid
 2479 rate to allow reimbursement over a 5-year period for Medicaid's
 2480 portion of the costs incurred to meet the requirements of this
 2481 subsection. Funding for this adjustment shall come from existing
 2482 nursing home appropriations.
 2483 Section 25. Section 633.025, Florida Statutes, is
 2484 transferred and renumbered as section 633.208, Florida Statutes,
 2485 and amended, to read:
 2486 ~~633.208 633-025~~ Minimum firesafety standards.—
 2487 (1) The Florida Fire Prevention Code ~~and the Life-Safety~~
 2488 ~~Code~~ adopted by the State Fire Marshal, which shall operate in
 2489 conjunction with the Florida Building Code, shall be deemed
 2490 adopted by each municipality, county, and special district with
 2491 firesafety responsibilities. The minimum firesafety codes shall
 2492 not apply to buildings and structures subject to the uniform

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2493 firesafety standards under s. 633.206 633-022 and buildings and
 2494 structures subject to the minimum firesafety standards adopted
 2495 pursuant to s. 394.879.
 2496 (2) Pursuant to subsection (1), each municipality, county,
 2497 and special district with firesafety responsibilities shall
 2498 enforce the Florida Fire Prevention Code ~~and the Life-Safety~~
 2499 ~~Code~~ as the minimum firesafety code required by this section.
 2500 ~~(3) The most current edition of the National Fire~~
 2501 ~~Protection Association (NFPA) 101, Life-Safety Code, adopted by~~
 2502 ~~the State Fire Marshal, shall be deemed to be adopted by each~~
 2503 ~~municipality, county, and special district with firesafety~~
 2504 ~~responsibilities as part of the minimum firesafety code.~~
 2505 ~~(3)(4)~~ Such code ~~codes~~ shall be a minimum code ~~codes~~ and a
 2506 municipality, county, or special district with firesafety
 2507 responsibilities may adopt more stringent firesafety standards,
 2508 subject to the requirements of this subsection. Such county,
 2509 municipality, or special district may establish alternative
 2510 requirements to those requirements which are required under the
 2511 minimum firesafety standards on a case-by-case basis, in order
 2512 to meet special situations arising from historic, geographic, or
 2513 unusual conditions, if the alternative requirements result in a
 2514 level of protection to life, safety, or property equal to or
 2515 greater than the applicable minimum firesafety standards. For
 2516 the purpose of this subsection, the term "historic" means that
 2517 the building or structure is listed on the National Register of
 2518 Historic Places of the United States Department of the Interior.
 2519 (a) The local governing body shall determine, following a
 2520 public hearing which has been advertised in a newspaper of

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2521 general circulation at least 10 days before the hearing, if
 2522 there is a need to strengthen the requirements of the minimum
 2523 firesafety code adopted by such governing body. The
 2524 determination must be based upon a review of local conditions by
 2525 the local governing body, which review demonstrates that local
 2526 conditions justify more stringent requirements than those
 2527 specified in the minimum firesafety code for the protection of
 2528 life and property or justify requirements that meet special
 2529 situations arising from historic, geographic, or unusual
 2530 conditions.
 2531 (b) Such additional requirements shall not be
 2532 discriminatory as to materials, products, or construction
 2533 techniques of demonstrated capabilities.
 2534 (c) Paragraphs (a) and (b) apply solely to the local
 2535 enforcing agency's adoption of requirements more stringent than
 2536 those specified in the Florida Fire Prevention Code and the Life
 2537 Safety Code that have the effect of amending building
 2538 construction standards. Upon request, the enforcing agency shall
 2539 provide a person making application for a building permit, or
 2540 any state agency or board with construction-related regulation
 2541 responsibilities, a listing of all such requirements and codes.
 2542 (d) A local government which adopts amendments to the
 2543 minimum firesafety code must provide a procedure by which the
 2544 validity of such amendments may be challenged by any
 2545 substantially affected party to test the amendment's compliance
 2546 with the provisions of this section.
 2547 1. Unless the local government agrees to stay enforcement
 2548 of the amendment, or other good cause is shown, the challenging

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2549 party shall be entitled to a hearing on the challenge within 45
 2550 days.
 2551 2. For purposes of such challenge, the burden of proof
 2552 shall be on the challenging party, but the amendment shall not
 2553 be presumed to be valid or invalid.
 2554 This subsection gives local government the authority to
 2555 establish firesafety codes that exceed the Florida Fire
 2556 Prevention Code ~~minimum firesafety codes and standards~~ adopted
 2557 by the State Fire Marshal. The Legislature intends that local
 2558 government give proper public notice and hold public hearings
 2559 before adopting more stringent firesafety codes ~~and standards~~. A
 2560 substantially affected person may appeal, to the department, the
 2561 local government's resolution of the challenge, and the
 2562 department shall determine if the amendment complies with this
 2563 section. Actions of the department are subject to judicial
 2564 review pursuant to s. 120.68. The department shall consider
 2565 reports of the Florida Building Commission, pursuant to part IV
 2566 of chapter 553, when evaluating building code enforcement.
 2567 ~~(4)(b)~~ The new building or structure provisions enumerated
 2568 within the Florida Fire Prevention Code ~~firesafety code~~ adopted
 2569 pursuant to this section shall apply only to buildings or
 2570 structures for which the building permit is issued on or after
 2571 the effective date of the current edition of the Florida Fire
 2572 Prevention Code ~~this act~~. Subject to the provisions of
 2573 subsection (6), the existing building or structure provisions
 2574 enumerated within the firesafety code adopted pursuant to this
 2575 section shall apply to buildings or structures for which the

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2577 building permit was issued or the building or structure was
 2578 constructed prior to the effective date of this act.
 2579 (5)(6) With regard to existing buildings, the Legislature
 2580 recognizes that it is not always practical to apply any or all
 2581 of the provisions of the Florida Fire Prevention Code minimum
 2582 ~~firesafety code~~ and that physical limitations may require
 2583 disproportionate effort or expense with little increase in fire
 2584 or life safety. ~~Prior to applying the minimum firesafety code to~~
 2585 ~~an existing building, the local fire official shall determine~~
 2586 ~~that a threat to lifesafety of property exists. If a threat to~~
 2587 ~~lifesafety or property exists, the firesafety inspector ~~fire~~~~
 2588 ~~official shall apply the applicable firesafety code for existing~~
 2589 ~~buildings to the extent practical to assure a reasonable degree~~
 2590 ~~of lifesafety and safety of property or the firesafety inspector~~
 2591 ~~fire official shall fashion a reasonable alternative which~~
 2592 ~~affords an equivalent degree of lifesafety and safety of~~
 2593 ~~property. The decision of the local firesafety inspector ~~fire~~~~
 2594 ~~official may be appealed to the local administrative board~~
 2595 ~~described in s. 553.73.~~
 2596 (6)(7) Nothing herein shall preclude a municipality,
 2597 county, or special district from requiring a structure to be
 2598 maintained in accordance with the Florida Fire Prevention Code
 2599 ~~applicable firesafety code.~~
 2600 (7)(8) Electrically operated single station smoke
 2601 detectors required for residential buildings are not required to
 2602 be interconnected within individual living units in all
 2603 buildings having direct access to the outside from each living
 2604 unit and having three stories or less. This subsection does not

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2605 apply to any residential building required to have a manual or
 2606 an automatic fire alarm system.
 2607 (8)(9) The provisions of the Life Safety Code, as
 2608 contained in the Florida Fire Prevention Code, shall not apply
 2609 to newly constructed one-family and two-family dwellings.
 2610 However, fire sprinkler protection may be permitted by local
 2611 government in lieu of other fire protection-related development
 2612 requirements for such structures. While local governments may
 2613 adopt fire sprinkler requirements for one- and two-family
 2614 dwellings under this subsection, it is the intent of the
 2615 Legislature that the economic consequences of the fire sprinkler
 2616 mandate on home owners be studied before the enactment of such a
 2617 requirement. After the effective date of this act, any local
 2618 government that desires to adopt a fire sprinkler requirement on
 2619 one- or two-family dwellings must prepare an economic cost and
 2620 benefit report that analyzes the application of fire sprinklers
 2621 to one- or two-family dwellings or any proposed residential
 2622 subdivision. The report must consider the tradeoffs and specific
 2623 cost savings and benefits of fire sprinklers for future owners
 2624 of property. The report must include an assessment of the cost
 2625 savings from any reduced or eliminated impact fees if
 2626 applicable, the reduction in special fire district tax,
 2627 insurance fees, and other taxes or fees imposed, and the waiver
 2628 of certain infrastructure requirements including the reduction
 2629 of roadway widths, the reduction of water line sizes, increased
 2630 fire hydrant spacing, increased dead-end roadway length and a
 2631 reduction in cul-de-sac sizes relative to the costs from fire
 2632 sprinkling. A failure to prepare an economic report shall result

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2633 in the invalidation of the fire sprinkler requirement to any
 2634 one- or two-family dwelling or any proposed subdivision. In
 2635 addition, a local jurisdiction or utility may not charge any
 2636 additional fee, above what is charged to a non-fire sprinklered
 2637 dwelling, on the basis that a one- or two-family dwelling unit
 2638 is protected by a fire sprinkler system.
 2639 (9)(10) Before imposing a fire sprinkler requirement on
 2640 any one- or two-family dwelling, a local government must provide
 2641 the owner of any one- or two-family dwelling a letter
 2642 documenting specific infrastructure or other tax or fee
 2643 allowances and waivers that are listed in but not limited to
 2644 those described in subsection (8)(9) for the dwelling. The
 2645 documentation must show that the cost savings reasonably
 2646 approximate the cost of the purchase and installation of a fire
 2647 protection system.
 2648 (10)(11) Notwithstanding the provisions of subsection
 2649 (8)(9), a property owner shall not be required to install fire
 2650 sprinklers in any residential property based upon the use of
 2651 such property as a rental property or any change in or
 2652 reclassification of the property's primary use to a rental
 2653 property.
 2654 Section 26. Section 633.026, Florida Statutes, is
 2655 transferred, renumbered as section 633.212, Florida Statutes,
 2656 and amended to read:
 2657 633.212 ~~633-026~~ Legislative intent; informal
 2658 interpretations of the Florida Fire Prevention Code.-It is the
 2659 intent of the Legislature that the Florida Fire Prevention Code
 2660 be interpreted by fire officials and local enforcement agencies

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2661 in a manner that reasonably and cost-effectively protects the
 2662 public safety, health, and welfare; ensures uniform
 2663 interpretations throughout this state; and provides just and
 2664 expeditious processes for resolving disputes regarding such
 2665 interpretations. It is the further intent of the Legislature
 2666 that such processes provide for the expeditious resolution of
 2667 the issues presented and that the resulting interpretation of
 2668 such issues be published on the website of the division of State
 2669 Fire Marshal.
 2670 (1) The division of State Fire Marshal shall by rule
 2671 establish an informal process of rendering nonbinding
 2672 interpretations of the Florida Fire Prevention Code. The
 2673 division of State Fire Marshal may contract with and refer
 2674 interpretive issues to a third party, selected based upon cost
 2675 effectiveness, quality of services to be performed, and other
 2676 performance-based criteria, which has experience in interpreting
 2677 and enforcing the Florida Fire Prevention Code. It is the intent
 2678 of the Legislature that the division of State Fire Marshal
 2679 establish a Fire Code Interpretation Committee composed of seven
 2680 persons and seven alternates, equally representing each area of
 2681 the state, to which a party can pose questions regarding the
 2682 interpretation of the Florida Fire Prevention Code provisions.
 2683 (2) Each member and alternate member of the Fire Code
 2684 Interpretation Committee must be certified as a firesafety
 2685 inspector pursuant to s. 633.216(2) ~~633-001(2)~~ and must have a
 2686 minimum of 5 years of experience interpreting and enforcing the
 2687 Florida Fire Prevention Code and the Life Safety Code. Each
 2688 member and alternate member must be approved by the division of

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2689 ~~State Fire Marshal~~ and deemed by the division to have met these
 2690 requirements for at least 30 days before participating in a
 2691 review of a nonbinding interpretation.
 2692 (3) Each nonbinding interpretation of code provisions must
 2693 be provided within 10 business days after receipt of a request
 2694 for interpretation. The response period established in this
 2695 subsection may be waived only with the written consent of the
 2696 party requesting the nonbinding interpretation and the division
 2697 of ~~State Fire Marshal~~. Nonbinding interpretations shall be
 2698 advisory only and nonbinding on the parties or the State Fire
 2699 Marshal.
 2700 (4) In order to administer this section, the division of
 2701 ~~State Fire Marshal~~ shall charge a fee for nonbinding
 2702 interpretations. The fee may not exceed \$150 for each request
 2703 for a review or interpretation. The division may authorize
 2704 payment of fees directly to the nonprofit organization under
 2705 contract pursuant to subsection (1).
 2706 (5) A party requesting a nonbinding interpretation who
 2707 disagrees with the interpretation issued under this section may
 2708 apply for a declaratory statement ~~from~~ ~~interpretation~~ from the
 2709 State Fire Marshal pursuant to s. ~~633.104(6)~~ ~~633-01(6)~~.
 2710 (6) The division of ~~State Fire Marshal~~ shall issue or
 2711 cause to be issued a nonbinding interpretation of the Florida
 2712 Fire Prevention Code pursuant to this section when requested to
 2713 do so upon submission of a petition by a fire official or by the
 2714 owner or owner's representative or the contractor or
 2715 contractor's representative of a project in dispute. The
 2716 division shall adopt a petition form by rule, and the petition

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2717 form must be published on the State Fire Marshal's website. The
 2718 form shall, at a minimum, require:
 2719 (a) The name and address of the local fire official,
 2720 including the address of the county, municipality, or special
 2721 district.
 2722 (b) The name and address of the owner or owner's
 2723 representative or the contractor or contractor's representative.
 2724 (c) A statement of the specific sections of the Florida
 2725 Fire Prevention Code being interpreted by the local fire
 2726 official.
 2727 (d) An explanation of how the petitioner's substantial
 2728 interests are being affected by the local interpretation of the
 2729 Florida Fire Prevention Code.
 2730 (e) A statement of the interpretation of the specific
 2731 sections of the Florida Fire Prevention Code by the local fire
 2732 official.
 2733 (f) A statement of the interpretation that the petitioner
 2734 contends should be given to the specific sections of the Florida
 2735 Fire Prevention Code and a statement supporting the petitioner's
 2736 interpretation.
 2737 (7) Upon receipt of a petition that meets the requirements
 2738 of subsection (6), the division of ~~State Fire Marshal~~ shall
 2739 immediately provide copies of the petition to the Fire Code
 2740 Interpretation Committee, and shall publish the petition and any
 2741 response submitted by the local fire official on the State Fire
 2742 Marshal's website.
 2743 (8) The committee shall conduct proceedings as necessary
 2744 to resolve the issues and give due regard to the petition, the

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2745 facts of the matter at issue, specific code sections cited, and
 2746 any statutory implications affecting the Florida Fire Prevention
 2747 Code. The committee shall issue an interpretation regarding the
 2748 provisions of the Florida Fire Prevention Code within 10 days
 2749 after the filing of a petition. The committee shall issue an
 2750 interpretation based upon the Florida Fire Prevention Code or,
 2751 if the code is ambiguous, the intent of the code. The
 2752 committee's interpretation shall be provided to the petitioner
 2753 and shall include a notice that if the petitioner disagrees with
 2754 the interpretation, the petitioner may file a request for a
 2755 declaratory statement ~~for~~~~the~~~~committee~~ by the State Fire
 2756 Marshal under s. 633.104(6) ~~633-04(6)~~. The committee's
 2757 interpretation shall be provided to the State Fire Marshal, and
 2758 the division shall publish the declaratory statement
 2759 ~~interpretation~~ on the State Fire Marshal's website and in the
 2760 Florida Administrative Weekly.
 2761 Section 27. Section 633.052, Florida Statutes, is
 2762 transferred and renumbered as section 633.214, Florida Statutes,
 2763 and paragraph (a) and (b) of subsection (1), paragraph (d) of
 2764 subsection (2), and subsections (3) and (4) of that section are
 2765 amended, to read:
 2766 633.214 ~~633-052~~ Ordinances relating to firesafety;
 2767 definitions; penalties.—
 2768 (1) As used in this section:
 2769 (a) A "firesafety inspector" is an individual certified by
 2770 the division ~~of State Fire Marshal~~, officially assigned the
 2771 duties of conducting firesafety inspections of buildings and
 2772 facilities on a recurring or regular basis, investigating civil

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2773 infractions relating to firesafety, and issuing citations
 2774 pursuant to this section on behalf of the state or any county,
 2775 municipality, or special district with firesafety
 2776 responsibilities.
 2777 (b) "Citation" means a written notice, issued only after a
 2778 written warning has been previously issued and a minimum time
 2779 period of 45 days, except for major structural changes, which
 2780 may be corrected within an extended adequate period of time,
 2781 from the date of the issuance of the warning whereby the party
 2782 warned may correct the alleged violation, issued to a person by
 2783 a firesafety inspector, that the firesafety inspector has
 2784 probable cause to believe that the person has committed a civil
 2785 infraction in violation of a duly enacted ordinance and that the
 2786 county court will hear the charge. The citation shall contain:
 2787 1. The date and time of issuance.
 2788 2. The name and address of the person.
 2789 3. The date and time the civil infraction was committed.
 2790 4. The facts constituting probable cause.
 2791 5. The Florida Fire Prevention Code ordinance violated.
 2792 6. The name and authority of the firesafety inspector
 2793 ~~efficee~~.
 2794 7. The procedure for the person to follow in order to pay
 2795 the civil penalty or to contest the citation.
 2796 8. The applicable civil penalty if the person elects to
 2797 contest the citation.
 2798 9. The applicable civil penalty if the person elects not
 2799 to contest the citation.
 2800 10. A conspicuous statement that if the person fails to

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2801 pay the civil penalty within the time allowed or fails to appear
 2802 in court to contest the citation, then she or he shall be deemed
 2803 to have waived her or his right to contest the citation and
 2804 that, in such case, judgment may be entered against the person
 2805 for an amount up to the maximum civil penalty.
 2806 (c) "Ordinance" means any ordinance enacted by the
 2807 governing body of a county or municipality that is a civil
 2808 infraction relating to firesafety codes.
 2809 (2) A county or municipality that has created a code
 2810 enforcement board or special magistrate system pursuant to
 2811 chapter 162 may enforce firesafety code violations as provided
 2812 in chapter 162. The governing body of a county or municipality
 2813 which has not created a code enforcement board or special
 2814 magistrate system for firesafety under chapter 162 is authorized
 2815 to enact ordinances relating to firesafety codes, which
 2816 ordinances shall provide:
 2817 (a) That a violation of such an ordinance is a civil
 2818 infraction.
 2819 (b) A maximum civil penalty not to exceed \$500.
 2820 (c) A civil penalty of less than the maximum civil penalty
 2821 if the person who has committed the civil infraction does not
 2822 contest the citation.
 2823 (d) For the issuance of a citation by an officer who has
 2824 probable cause to believe that a person has committed a
 2825 violation of an ordinance relating to firesafety or the Florida
 2826 Fire Prevention Code.
 2827 (e) For the contesting of a citation in the county court.
 2828 (f) Such procedures and provisions necessary to implement

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2829 any ordinances enacted under the authority of this section.
 2830 (3) Any person who willfully refuses to sign and accept a
 2831 citation issued by a firesafety inspector commits shall be
 2832 ~~guilty~~ of a misdemeanor of the second degree, punishable as
 2833 provided in s. 775.082 or s. 775.083.
 2834 (4) Nothing contained in this section shall prevent any
 2835 county, ~~or~~ municipality, or special district from enacting any
 2836 ordinance relating to firesafety codes which is identical to the
 2837 provisions of this chapter or any state law, except as to
 2838 penalty; however, no county or municipal ordinance relating to
 2839 firesafety codes shall conflict with the provisions of this
 2840 chapter or any other state law.
 2841 Section 28. Section 633.081, Florida Statutes, is
 2842 transferred, renumbered as section 633.216, Florida Statutes,
 2843 and amended to read:
 2844 633.216 ~~633.081~~ Inspection of buildings and equipment;
 2845 orders; firesafety inspection training requirements;
 2846 certification; disciplinary action.—The State Fire Marshal and
 2847 her or his agents or persons authorized to enforce laws and
 2848 rules of the State Fire Marshal shall, at any reasonable hour,
 2849 when the State Fire Marshal has reasonable cause to believe that
 2850 a violation of this chapter or s. 509.215, or a rule promulgated
 2851 thereunder, or a minimum firesafety code adopted by the State
 2852 Fire Marshal or a local authority, may exist, inspect any and
 2853 all buildings and structures which are subject to the
 2854 requirements of this chapter or s. 509.215 and rules promulgated
 2855 thereunder. The authority to inspect shall extend to all
 2856 equipment, vehicles, and chemicals which are located on or

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2857 within the premises of any such building or structure.

2858 (1) Each county, municipality, and special district that

2859 has firesafety enforcement responsibilities shall employ or

2860 contract with a firesafety inspector. Except as provided in s.

2861 633.312(2) ~~633-082(2)~~ and subsection (3), the firesafety

2862 inspector must conduct all firesafety inspections that are

2863 required by law. The governing body of a county, municipality,

2864 or special district that has firesafety enforcement

2865 responsibilities may provide a schedule of fees to pay only the

2866 costs of inspections conducted pursuant to this subsection and

2867 related administrative expenses. Two or more counties,

2868 municipalities, or special districts that have firesafety

2869 enforcement responsibilities may jointly employ or contract with

2870 a firesafety inspector.

2871 (2) Except as provided in s. 633.312(2) ~~633-082(2)~~, every

2872 firesafety inspection conducted pursuant to state or local

2873 firesafety requirements shall be by a person certified as having

2874 met the inspection training requirements set by the State Fire

2875 Marshal. Such person shall meet the requirements of s.

2876 633.412(1)(a)-(d), and:

2877 (a) ~~Be a high school graduate or the equivalent as~~

2878 ~~determined by the department;~~

2879 ~~(b) Not have been found guilty of, or having pleaded~~

2880 ~~guilty or nolo contendere to, a felony or a crime punishable by~~

2881 ~~imprisonment of 1 year or more under the law of the United~~

2882 ~~States, or of any state thereof, which involves moral turpitude,~~

2883 ~~without regard to whether a judgment of conviction has been~~

2884 ~~entered by the court having jurisdiction of such cases;~~

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2885 ~~(e) Have her or his fingerprints on file with the~~

2886 ~~department or with an agency designated by the department;~~

2887 ~~(d) Have good moral character as determined by the~~

2888 ~~department;~~

2889 ~~(e) Be at least 18 years of age;~~

2890 ~~(f) Have satisfactorily completed the firesafety inspector~~

2891 ~~certification examination as prescribed by division rule the~~

2892 ~~department; and~~

2893 (b)(9)1. Have satisfactorily completed, as determined by

2894 division rule the department, a firesafety inspector training

2895 program of not less than 200 hours established by the department

2896 and administered by education or training providers ~~agencies and~~

2897 ~~institutions~~ approved by the department for the purpose of

2898 providing basic certification training for firesafety

2899 inspectors; or

2900 2. Have received in another state training which is

2901 determined by the division department to be at least equivalent

2902 to that required by the department for approved firesafety

2903 inspector education and training programs in this state.

2904 (3)(a)1. Effective July 1, 2013, the classification of

2905 special state firesafety inspector is abolished, and all special

2906 state firesafety inspector certifications shall expire at

2907 midnight June 30, 2013.

2908 2. Any person who is a special state firesafety inspector

2909 on June 30, 2013, and who has failed to comply with paragraph

2910 (b) or paragraph (c) may not perform any firesafety inspection

2911 required by law.

2912 3. A special state firesafety inspector certificate may

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2913 not be issued after June 30, 2011.
 2914 (b)1. Any person who is a special state firesafety
 2915 inspector on July 1, 2011, and who has at least 5 years of
 2916 experience as a special state firesafety inspector as of July 1,
 2917 2011, may take the firesafety inspection examination as provided
 2918 in paragraph (2)(a)(~~f~~) for firesafety inspectors before July 1,
 2919 2013, to be certified as a firesafety inspector under this
 2920 section.
 2921 2. Upon passing the examination, the person shall be
 2922 certified as a firesafety inspector as provided in this section.
 2923 3. A person who fails to become certified must comply with
 2924 paragraph (c) to be certified as a firesafety inspector under
 2925 this section.
 2926 (c)1. To be certified as a firesafety inspector under this
 2927 section, any person who:
 2928 a. Is a special state firesafety inspector on July 1,
 2929 2011, and who does not have 5 years of experience as a special
 2930 state firesafety inspector as of July 1, 2011; or
 2931 b. Has 5 years of experience as a special state firesafety
 2932 inspector but has failed the examination taken as provided in
 2933 paragraph (2)(a)(~~f~~),
 2934
 2935 must take an additional 80 hours of the courses described in
 2936 paragraph (2)(b)(~~g~~).
 2937 2. After successfully completing the courses described in
 2938 this paragraph, such person may take the firesafety inspection
 2939 examination as provided in paragraph (2)(a)(~~f~~), if such
 2940 examination is taken before July 1, 2013.

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2941 3. Upon passing the examination, the person shall be
 2942 certified as a firesafety inspector as provided in this section.
 2943 4. A person who fails the course of study or the
 2944 examination described in this paragraph may not perform any
 2945 firesafety inspection required by law on or after July 1, 2013.
 2946 (4) A firefighter certified pursuant to s. 633.408 ~~633-35~~
 2947 may conduct firesafety inspections, under the supervision of a
 2948 certified firesafety inspector, while on duty as a member of a
 2949 fire department company conducting inservice firesafety
 2950 inspections without being certified as a firesafety inspector,
 2951 if such firefighter has satisfactorily completed an inservice
 2952 fire department company inspector training program of at least
 2953 24 hours' duration as provided by rule of the department.
 2954 (5) Every firesafety inspector certificate is valid for a
 2955 period of 4 ~~3~~ years from the date of issuance. Renewal of
 2956 certification is subject to the affected person's completing
 2957 proper application for renewal and meeting all of the
 2958 requirements for renewal as established under this chapter or by
 2959 rule adopted under this chapter, which shall include completion
 2960 of at least 54 ~~40~~ hours during the preceding 4-year ~~3-year~~
 2961 period of continuing education as required by the rule of the
 2962 department or, in lieu thereof, successful passage of an
 2963 examination as established by the department.
 2964 (6) A previously certified fire safety inspector whose
 2965 certification has lapsed for 8 years or more must repeat the
 2966 fire safety inspector training as specified by the division.
 2967 (~~7~~)(~~6~~) The State Fire Marshal may deny, refuse to renew,
 2968 suspend, or revoke the certificate of a firesafety inspector if

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2969 the State Fire Marshal finds that any of the following grounds
 2970 exist:
 2971 (a) Any cause for which issuance of a certificate could
 2972 have been refused had it then existed and been known to the
 2973 division State Fire Marshal.
 2974 (b) Violation of this chapter or any rule or order of the
 2975 State Fire Marshal.
 2976 (c) Falsification of records relating to the certificate.
 2977 ~~(d) Having been found guilty of or having pleaded guilty~~
 2978 ~~or not contended to a felony, whether or not a judgment of~~
 2979 ~~conviction has been entered.~~
 2980 (d)(e) Failure to meet any of the renewal requirements.
 2981 (f) ~~Having been convicted of a crime in any jurisdiction~~
 2982 ~~which directly relates to the practice of fire code inspection,~~
 2983 ~~plan review, or administration.~~
 2984 (e)(g) Making or filing a report or record that the
 2985 certificateholder knows to be false, or knowingly inducing
 2986 another to file a false report or record, or knowingly failing
 2987 to file a report or record required by state or local law, or
 2988 knowingly impeding or obstructing such filing, or knowingly
 2989 inducing another person to impede or obstruct such filing.
 2990 (f)(h) Failing to properly enforce applicable fire codes
 2991 or permit requirements within this state which the
 2992 certificateholder knows are applicable by committing willful
 2993 misconduct, gross negligence, gross misconduct, repeated
 2994 negligence, or negligence resulting in a significant danger to
 2995 life or property.
 2996 (g)(i) Accepting labor, services, or materials at no

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2997 charge or at a noncompetitive rate from any person who performs
 2998 work that is under the enforcement authority of the
 2999 certificateholder and who is not an immediate family member of
 3000 the certificateholder. For the purpose of this paragraph, the
 3001 term "immediate family member" means a spouse, child, parent,
 3002 sibling, grandparent, aunt, uncle, or first cousin of the person
 3003 or the person's spouse or any person who resides in the primary
 3004 residence of the certificateholder.
 3005 ~~(8)(7)~~ The division ~~of State Fire Marshal~~ and the Florida
 3006 Building Code Administrators and Inspectors Board, established
 3007 pursuant to s. 468.605, shall enter into a reciprocity agreement
 3008 to facilitate joint recognition of continuing education
 3009 recertification hours for certificateholders licensed under s.
 3010 468.609 and firesafety inspectors certified under subsection
 3011 (2).
 3012 (9)(e) The State Fire Marshal shall develop by rule an
 3013 advanced training and certification program for firesafety
 3014 inspectors having fire code management responsibilities. The
 3015 program must be consistent with the appropriate provisions of
 3016 NFPA 1037, or similar standards adopted by the division, and
 3017 establish minimum training, education, and experience levels for
 3018 firesafety inspectors having fire code management
 3019 responsibilities.
 3020 (10)(f) The department shall provide by rule for the
 3021 certification of firesafety inspectors and Fire Code
 3022 Administrators.
 3023 Section 29. Section 633.085, Florida Statutes, is
 3024 transferred, renumbered as section 633.218, Florida Statutes,

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3025 and amended to read:

3026 633.218 ~~633-005~~ Inspections of state buildings and

3027 premises; tests of firesafety equipment; building plans to be

3028 approved.—

3029 (1)(a) It is the duty of the State Fire Marshal and her or

3030 his agents to inspect, or cause to be inspected, each state-

3031 owned building on a recurring basis established by rule, and to

3032 ensure that high-hazard occupancies are inspected at least

3033 annually, for the purpose of ascertaining and causing to be

3034 corrected any conditions liable to cause fire or endanger life

3035 from fire and any violation of the firesafety standards for

3036 state-owned buildings, the provisions of this chapter, or the

3037 rules or regulations adopted and promulgated pursuant hereto.

3038 The State Fire Marshal shall, within 7 days following an

3039 inspection, submit a report of such inspection to the head of

3040 the ~~department~~ of state agency ~~government~~ responsible for the

3041 building.

3042 (b) Except as provided in s. 255.45, the department head

3043 is responsible for ensuring that deficiencies noted in the

3044 inspection are corrected as soon as practicable.

3045 (c) Each department shall, in its annual budget proposal,

3046 include requests for sufficient funds to correct any firesafety

3047 deficiencies noted by the State Fire Marshal.

3048 (d) Each department shall, in its annual budget proposal

3049 and for all proposals for new construction or renovations to

3050 existing structures, include requests for sufficient funds to

3051 pay for any charges or fees imposed by the State Fire Marshal

3052 for review of plans, renovations, occupancy, or inspections,

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3053 whether recurring or high hazard.

3054 (e) For purposes of this section:

3055 1.a. The term "high-hazard occupancy" means any building

3056 or structure:

3057 (I) That contains combustible or explosive matter or

3058 flammable conditions dangerous to the safety of life or

3059 property;

3060 (II) At which persons receive educational instruction;

3061 (III) At which persons reside, excluding private

3062 dwellings; or

3063 (IV) Containing three or more floor levels.

3064 b. As used in this subparagraph, the phrase "building or

3065 structure":

3066 (I) Includes, but is not limited to, all hospitals and

3067 residential health care facilities, nursing homes and other

3068 adult care facilities, correctional or detention facilities,

3069 public schools, public lodging establishments, migrant labor

3070 camps, residential child care facilities, and self-service

3071 gasoline stations.

3072 (II) Does not include any residential condominium where

3073 the declaration of condominium or the bylaws provide that the

3074 rental of units shall not be permitted for less than 90 days.

3075 2. The term "state-owned building," includes private

3076 correctional facilities as defined under s. 944.710(3) and state

3077 universities as defined under s. 1000.21(6).

3078 (f) State-owned building or state-leased building or space

3079 shall be identified through use of the United States National

3080 Grid Coordinate System.

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3081 (2) The State Fire Marshal and her or his agents may ~~shall~~
 3082 conduct performance tests on any electronic fire warning and
 3083 smoke detection system, and any pressurized air-handling unit,
 3084 in any state-owned building or state-leased building or space on
 3085 a recurring basis as provided in subsection (1). The State Fire
 3086 Marshal and her or his agents shall also ensure that fire drills
 3087 are conducted in all high-hazard state-owned buildings or high-
 3088 hazard state-leased ~~high-hazard~~ occupancies at least annually.
 3089 (3) All construction of any new state-owned building or
 3090 state-leased building or space, or any renovation, alteration,
 3091 or change of occupancy of any existing, state-owned building or
 3092 state-leased building or space shall comply with the uniform
 3093 firesafety standards of the State Fire Marshal.
 3094 (a) For all new construction or renovation, alteration, or
 3095 change of occupancy of state-leased space, compliance with the
 3096 uniform firesafety standards shall be determined by reviewing
 3097 the plans for the proposed construction or occupancy submitted
 3098 by the lessor to the division of ~~State Fire Marshal~~ for review
 3099 and approval prior to commencement of construction or occupancy,
 3100 which review shall be completed within 10 working days after
 3101 receipt of the plans by the division of ~~State Fire Marshal~~.
 3102 (b) The plans for all construction of any new, or
 3103 renovation or alteration of any existing, state-owned building
 3104 are subject to the review and approval of the division of ~~State~~
 3105 ~~Fire Marshal~~ for compliance with the uniform firesafety
 3106 standards prior to commencement of construction or change of
 3107 occupancy, which review shall be completed within 30 calendar
 3108 days of receipt of the plans by the division of ~~State Fire~~

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3109 ~~Marshal~~.
 3110 (4) The division of ~~State Fire Marshal~~ may inspect state-
 3111 owned buildings and space and state-leased buildings and space
 3112 as necessary prior to occupancy or during construction,
 3113 renovation, or alteration to ascertain compliance with the
 3114 uniform firesafety standards. Whenever the division of ~~State~~
 3115 ~~Fire Marshal~~ determines by virtue of such inspection or by
 3116 review of plans that construction, renovation, or alteration of
 3117 state-owned buildings and state-leased buildings or space is not
 3118 in compliance with the uniform firesafety standards, the
 3119 division of ~~State Fire Marshal~~ shall issue an order to cease
 3120 construction, renovation, or alteration, or to preclude
 3121 occupancy, of a building until compliance is obtained, except
 3122 for those activities required to achieve such compliance.
 3123 (5) The division of ~~State Fire Marshal~~ shall by rule
 3124 provide a schedule of fees to pay for the costs of the
 3125 inspections, whether recurring or high hazard, any firesafety
 3126 review or plans for proposed construction, renovations, or
 3127 occupancy, and related administrative expenses.
 3128 Section 30. Section 633.027, Florida Statutes, is
 3129 transferred and renumbered as section 633.222, Florida Statutes,
 3130 and subsection (3) of that section is amended, to read:
 3131 633.222 633-027 Buildings with light-frame truss-type
 3132 construction; notice requirements; enforcement.—
 3133 (1) The owner of any commercial or industrial structure,
 3134 or any multiunit residential structure of three units or more,
 3135 that uses light-frame truss-type construction shall mark the
 3136 structure with a sign or symbol approved by the State Fire

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3137 Marshal in a manner sufficient to warn persons conducting fire
 3138 control and other emergency operations of the existence of
 3139 light-frame truss-type construction in the structure.
 3140 (2) The State Fire Marshal shall adopt rules necessary to
 3141 implement the provisions of this section, including, but not
 3142 limited to:
 3143 (a) The dimensions and color of such sign or symbol.
 3144 (b) The time within which commercial, industrial, and
 3145 multiunit residential structures that use light-frame truss-type
 3146 construction shall be marked as required by this section.
 3147 (c) The location on each commercial, industrial, and
 3148 multiunit residential structure that uses light-frame truss-type
 3149 construction where such sign or symbol must be posted.
 3150 (3) The State Fire Marshal, and local fire officials in
 3151 accordance with s. ~~633.118~~ ~~633.121~~, shall enforce the provisions
 3152 of this section. Any owner who fails to comply with the
 3153 requirements of this section is subject to penalties as provided
 3154 in s. ~~633.228~~ ~~633.161~~.
 3155 Section 31. Section 633.60, Florida Statutes, is
 3156 renumbered as section 633.224, Florida Statutes, and subsection
 3157 (1) of that section is amended, to read:
 3158 ~~633.224~~ ~~633.60~~ Automatic fire sprinkler systems for one-
 3159 family dwellings, two-family dwellings, and mobile homes.—
 3160 (1) It is unlawful for any person to engage in the
 3161 business or act in the capacity of a contractor of automatic
 3162 fire sprinkler systems for one-family dwellings, two-family
 3163 dwellings, and mobile homes without having been duly certified
 3164 and holding a current certificate as a Contractor I, Contractor

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3165 II, or Contractor IV as defined in s. ~~633.102(3)~~ ~~633-021~~.
 3166 (2) A person who violates any provision of this section
 3167 commits a misdemeanor of the second degree, punishable as
 3168 provided in s. 775.082 or s. 775.083.
 3169 Section 32. Section 633.557, Florida Statutes, is
 3170 transferred and renumbered as section 633.226, Florida Statutes.
 3171 Section 33. Section 633.161, Florida Statutes, is
 3172 transferred, renumbered as section 633.228, Florida Statutes,
 3173 and amended to read:
 3174 ~~633.228~~ ~~633.161~~ Violations; orders to cease and desist,
 3175 correct hazardous conditions, preclude occupancy, or vacate;
 3176 enforcement; penalties.—
 3177 (1) If it is determined by the department that a violation
 3178 specified in this subsection exists, the State Fire Marshal or
 3179 her or his deputy may issue and deliver to the person committing
 3180 the violation an order to cease and desist from such violation,
 3181 to correct any hazardous condition, to preclude occupancy of the
 3182 affected building or structure, or to vacate the premises of the
 3183 affected building or structure. Such violations are:
 3184 (a) Except as set forth in paragraph (b), a violation of
 3185 any provision of this chapter, of any rule adopted pursuant
 3186 thereto, of any applicable uniform firesafety standard adopted
 3187 pursuant to s. ~~633.206~~ ~~633-022~~ which is not adequately addressed
 3188 by any alternative requirements adopted on a local level, or of
 3189 any minimum firesafety standard adopted pursuant to s. 394.879.
 3190 (b) A substantial violation of an applicable minimum
 3191 firesafety standard adopted pursuant to s. ~~633.208~~ ~~633-025~~ which
 3192 is not reasonably addressed by any alternative requirement

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3193 imposed at the local level, or an unreasonable interpretation of
 3194 an applicable minimum firesafety standard, and which violation
 3195 or interpretation clearly constitutes a danger to lifesafety.
 3196 (c) A building or structure which is in a dilapidated
 3197 condition and as a result thereof creates a danger to life,
 3198 safety, or property.
 3199 (d) A building or structure which contains explosive
 3200 matter or flammable liquids or gases constituting a danger to
 3201 life, safety, or property.
 3202 (2)(a) If, during the conduct of a firesafety inspection
 3203 authorized by ss. 633.216 and 633.218 ~~633-041 and 633-045~~, it is
 3204 determined that a violation described in this section exists
 3205 which poses an immediate danger to the public health, safety, or
 3206 welfare, the State Fire Marshal may issue an order to vacate the
 3207 building in question, which order shall be immediately effective
 3208 and shall be an immediate final order under s. 120.569(2)(n).
 3209 With respect to a facility under the jurisdiction of a district
 3210 school board or community college board of trustees, the order
 3211 to vacate shall be issued jointly by the district superintendent
 3212 or college president and the State Fire Marshal.
 3213 (b) The State Fire Marshal may seek an injunction in the
 3214 circuit court of the county in which the building is located to
 3215 enforce an order issued pursuant to this subsection.
 3216 (3) Any person who violates or fails to comply with any
 3217 order under subsection (1) or subsection (2) commits is guilty
 3218 ~~of a misdemeanor~~, punishable as provided in s. 633.124 633-171.
 3219 Section 34. Part III of chapter 633, Florida Statutes,
 3220 consisting of sections 633.302, 633.304, 633.306, 633.308,

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3221 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326,
 3222 633.328, 633.332, 633.334, 633.336, 633.338, 633.342, 633.344,
 3223 633.346, 633.348, and 633.3482, is created and entitled "Fire
 3224 Protection and Suppression."
 3225 Section 35. Section 633.511, Florida Statutes, is
 3226 transferred and renumbered as subsections (1), (2), and (3) of
 3227 section 633.302, Florida Statutes, and amended, and section
 3228 633.514, Florida Statutes, is transferred and renumbered as
 3229 subsections (4) and (5) of that section, to read:
 3230 633.302 633-511 Florida Fire Safety Board; membership;
 3231 duties; meetings.-
 3232 (1) The Florida Fire Safety Board is created consisting of
 3233 seven members who are citizens and residents of this state. One
 3234 shall be the State Fire Marshal, or her or his designee
 3235 ~~designated appointee~~ who shall be an administrative employee of
 3236 the marshal; one shall be an administrative officer from a
 3237 building department representing an incorporated municipality or
 3238 a county; one shall be an administrative officer from a fire
 3239 department representing an incorporated municipality or a
 3240 county; two shall be contractors licensed pursuant to s. 633.318
 3241 ~~633-521~~; and two shall be persons who hold valid licenses under
 3242 s. 633.304 633-061.
 3243 (2)(a) To be eligible for appointment, each contractor
 3244 shall personally hold a current certificate of competency and a
 3245 current license issued by the division state fire marshal,
 3246 together with an unexpired occupational license to operate as a
 3247 contractor issued by an incorporated municipality or a county;
 3248 be actively engaged in such business and have been so engaged

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3249 for a period of not less than 5 consecutive years before the
 3250 date of her or his appointment; and be a citizen and resident of
 3251 the state.
 3252 (b) To be eligible for appointment, each fire equipment
 3253 dealer shall personally hold a current Class A, B, or C and
 3254 Class D fire equipment dealer license issued by the division
 3255 ~~State Fire Marshal~~, together with an unexpired occupational
 3256 license to operate as a fire equipment dealer issued by an
 3257 incorporated municipality or a county; shall be actively engaged
 3258 in such business and have been so engaged for a period of not
 3259 less than 5 consecutive years before the date of appointment;
 3260 and shall be a citizen and resident of this state.
 3261 (3) The State Fire Marshal's term on the board, or that of
 3262 her or his designee ~~designated administrative employee~~, shall
 3263 coincide with the State Fire Marshal's term of office. Of the
 3264 other six members of the board, one member shall be appointed
 3265 for a term of 1 year, one member for a term of 2 years, two
 3266 members for terms of 3 years, and two members for terms of 4
 3267 years. All terms expire on June 30 of the last year of the term.
 3268 ~~When effective July 1, 1997,~~ as the term of a each member
 3269 expires, the State Fire Marshal shall appoint a member to fill
 3270 the vacancy for a term of 4 years. The State Fire Marshal may
 3271 remove any appointed member for cause. A vacancy in the
 3272 membership of the board for any cause shall be filled by
 3273 appointment by the State Fire Marshal for the balance of the
 3274 unexpired term.
 3275 ~~633.514 Board duties; meetings; officers; quorum;~~
 3276 ~~compensation; seal.~~

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3277 ~~(4)(4)~~ The board shall act in an advisory capacity to the
 3278 State Fire Marshal and shall meet regularly as the need presents
 3279 itself. The board shall have the authority to review complaints
 3280 and disputed administrative action and make recommendations for
 3281 disciplinary action to the division at the request of the
 3282 licenseholder, permit holder, or certificateholder. The board
 3283 will serve in an advisory capacity to the division regarding
 3284 rules, codes, standards, interpretations, and training. As soon
 3285 as practicable after the effective date of this act, the board
 3286 shall meet to elect officers from its membership, whose terms
 3287 shall expire on June 30 and annually thereafter. A majority of
 3288 the board shall constitute a quorum. No member of the advisory
 3289 board shall be paid a salary as such member, but each shall
 3290 receive necessary expenses while attending advisory board
 3291 meetings and reimbursement, including travel in performance of
 3292 his or her duties, as provided in s. 112.061.
 3293 ~~(5)(2)~~ The board shall adopt a seal for its use containing
 3294 the words "Florida Fire Safety Board."
 3295 Section 36. Section 633.061, Florida Statutes, is
 3296 renumbered as section 633.304, Florida Statutes, and subsections
 3297 (1), (2), (3), (4), and (9) of that section are amended, to
 3298 read:
 3299 ~~633.304 633-061~~ Fire suppression equipment; license to
 3300 install or maintain.—
 3301 (1) It is unlawful for any organization or individual to
 3302 engage in the business of servicing, repairing, recharging,
 3303 testing, marking, inspecting, installing, or hydrotesting any
 3304 fire extinguisher or preengineered system in this state except

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3305 in conformity with the provisions of this chapter. Each
 3306 organization or individual that engages in such activity must
 3307 possess a valid and subsisting license issued by the division
 3308 ~~State Fire Marshal~~. All fire extinguishers and preengineered
 3309 systems required by statute or by rule must be serviced by an
 3310 organization or individual licensed under the provisions of this
 3311 chapter. A licensee who receives appropriate training shall not
 3312 be prohibited by a manufacturer from servicing any particular
 3313 brand of fire extinguisher or preengineered system. The licensee
 3314 is legally qualified to act for the business organization in all
 3315 matters connected with its business, and the licensee must
 3316 supervise all activities undertaken by such business
 3317 organization. Each licensee shall maintain a specific business
 3318 location. A further requirement, in the case of multiple
 3319 locations where such servicing or recharging is taking place, is
 3320 that each licensee who maintains more than one place of business
 3321 where actual work is carried on must possess an additional
 3322 license, as set forth in this section, for each location, except
 3323 that a licensed individual may not qualify for more than five
 3324 locations. A licensee is limited to a specific type of work
 3325 performed depending upon the class of license held. Licenses ~~and~~
 3326 ~~license fees~~ are required for the following:
 3327 (a) Class A:~~\$250~~
 3328 To service, recharge, repair, install, or inspect all types of
 3329 fire extinguishers and to conduct hydrostatic tests on all types
 3330 of fire extinguishers.
 3331 (b) Class B:~~\$150~~
 3332 To service, recharge, repair, install, or inspect all types of

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3333 fire extinguishers, including recharging carbon dioxide units
 3334 and conducting hydrostatic tests on all types of fire
 3335 extinguishers, except carbon dioxide units.
 3336 (c) Class C:~~\$150~~
 3337 To service, recharge, repair, install, or inspect all types of
 3338 fire extinguishers, except recharging carbon dioxide units, and
 3339 to conduct hydrostatic tests on all types of fire extinguishers,
 3340 except carbon dioxide units.
 3341 (d) Class D:~~\$200~~
 3342 To service, repair, recharge, hydrotest, install, or inspect all
 3343 types of preengineered fire extinguishing systems.
 3344 (e) ~~Licenses issued as duplicates or to reflect a change~~
 3345 ~~of address~~.....~~\$40~~
 3346
 3347 Any fire equipment dealer licensed pursuant to this subsection
 3348 who does not want to engage in the business of servicing,
 3349 inspecting, recharging, repairing, hydrotesting, or installing
 3350 halon equipment must file an affidavit on a form provided by the
 3351 division so stating. Licenses will be issued by the division to
 3352 reflect the work authorized thereunder. It is unlawful,
 3353 unlicensed activity for any person or firm to falsely hold
 3354 himself or herself or a business organization out to perform any
 3355 service, inspection, recharge, repair, hydrotest, or
 3356 installation except as specifically described in the license.
 3357 Any fire equipment dealer licensed pursuant to this subsection
 3358 who wishes to withdraw a previously filed halon equipment
 3359 exemption affidavit and engage in the business of servicing,
 3360 inspecting, recharging, repairing, hydrotesting, or installing

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3361 halon equipment must submit a written statement requesting the
 3362 withdrawal to the division. The dealer must also submit to an
 3363 inspection by the State Fire Marshal or his or her designee in
 3364 order to determine that the dealer possesses the equipment
 3365 required to service, inspect, recharge, repair, hydrotest, or
 3366 install halon equipment.
 3367 (2) A person who holds a valid fire equipment dealer
 3368 license may maintain such license in an inactive status during
 3369 which time he or she may not engage in any work under the
 3370 definition of the license held. An inactive status license shall
 3371 be void after 4 2 years or at the time that the license is
 3372 renewed, whichever comes first. ~~The biennial renewal fee for an~~
 3373 ~~inactive status license shall be \$75.~~ An inactive status license
 3374 may not be reactivated unless the continuing education
 3375 requirements of this chapter have been fulfilled.
 3376 (3) Each individual actually performing the work of
 3377 servicing, recharging, repairing, hydrotesting, installing,
 3378 testing, or inspecting fire extinguishers or preengineered
 3379 systems must possess a valid and subsisting permit issued by the
 3380 division State Fire Marshal. Permittees are limited as to
 3381 specific type of work performed to allow work no more extensive
 3382 than the class of license held by the licensee under whom the
 3383 permittee is working. Permits will be issued by the division ~~and~~
 3384 ~~the fees required are~~ as follows:
 3385 (a) Portable permit,.....\$90
 3386 "Portable permittee" means a person who is limited to performing
 3387 work no more extensive than the employing licensee in the
 3388 servicing, recharging, repairing, installing, or inspecting all

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3389 types of portable fire extinguishers.
 3390 (b) Preengineered permit,.....\$120
 3391 "Preengineered permittee" means a person who is limited to the
 3392 servicing, recharging, repairing, installing, or inspecting of
 3393 all types of preengineered fire extinguishing systems.
 3394 (e) ~~Permits issued as duplicates or to reflect a change of~~
 3395 ~~address~~.....\$10
 3396
 3397 Any fire equipment permittee licensed pursuant to this
 3398 subsection who does not want to engage in servicing, inspecting,
 3399 recharging, repairing, hydrotesting, or installing halon
 3400 equipment must file an affidavit on a form provided by the
 3401 division so stating. Permits will be issued by the division to
 3402 reflect the work authorized thereunder. It is unlawful,
 3403 unlicensed activity for any person or firm to falsely hold
 3404 himself or herself out to perform any service, inspection,
 3405 recharge, repair, hydrotest, or installation except as
 3406 specifically described in the permit.
 3407 (4)(a) Such licenses and permits shall be issued by the
 3408 division State Fire Marshal for 2 years beginning January 1,
 3409 2000, and each 2-year period thereafter and expiring December 31
 3410 of the second year. All licenses or permits issued will expire
 3411 on December 31 of each odd-numbered year. The failure to renew a
 3412 license or permit by December 31 of the second year will cause
 3413 the license or permit to become inoperative. The holder of an
 3414 inoperative license or permit shall not engage in any activities
 3415 for which a license or permit is required by this section. A
 3416 license or permit which is inoperative because of the failure to

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3417 renew it shall be restored upon payment of the applicable fee
 3418 plus a penalty equal to the applicable fee, if the application
 3419 for renewal is filed no later than the following March 31. If
 3420 the application for restoration is not made before the March
 3421 31st deadline, the fee for restoration shall be equal to the
 3422 original application fee and the penalty provided for herein,
 3423 and, in addition, the State Fire Marshal shall require
 3424 reexamination of the applicant. The fee for a license or permit
 3425 issued for 1 year or less shall be prorated at 50 percent of the
 3426 applicable fee for a biennial license or permit.
 3427 (b) After initial licensure, each licensee or permittee
 3428 must successfully complete a course or courses of continuing
 3429 education for fire equipment technicians of at least 16 hours. A
 3430 license or permit may not be renewed unless the licensee or
 3431 permittee produces documentation of the completion of at least
 3432 16 hours of continuing education for fire equipment technicians
 3433 during the biennial licensure period. A person who is both a
 3434 licensee and a permittee shall be required to complete 16 hours
 3435 of continuing education during each renewal period. Each
 3436 licensee shall ensure that all permittees in his or her
 3437 employment meet their continuing education requirements. The
 3438 State Fire Marshal shall adopt rules describing the continuing
 3439 education requirements and shall have the authority upon
 3440 reasonable belief, to audit a fire equipment dealer to determine
 3441 compliance with continuing education requirements.
 3442 (c)~~(b)~~ The forms of such licenses and permits and
 3443 applications therefor shall be prescribed by the State Fire
 3444 Marshal; in addition to such other information and data as that

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3445 officer determines is appropriate and required for such forms,
 3446 there shall be included in such forms the following matters.
 3447 Each such application shall be in such form as to provide that
 3448 the data and other information set forth therein shall be sworn
 3449 to by the applicant or, if a corporation, by an officer thereof.
 3450 An application for a permit shall include the name of the
 3451 licensee employing such permittee, and the permit issued in
 3452 pursuance of such application shall also set forth the name of
 3453 such licensee. A permit is valid solely for use by the holder
 3454 thereof in his or her employment by the licensee named in the
 3455 permit.
 3456 (d)~~(e)~~ A license of any class shall not be issued or
 3457 renewed by the division State Fire Marshal and a license of any
 3458 class shall not remain operative unless:
 3459 1. The applicant has submitted to the State Fire Marshal
 3460 evidence of registration as a Florida corporation or evidence of
 3461 compliance with s. 865.09.
 3462 2. The State Fire Marshal or his or her designee has by
 3463 inspection determined that the applicant possesses the equipment
 3464 required for the class of license sought. The State Fire Marshal
 3465 shall give an applicant a reasonable opportunity to correct any
 3466 deficiencies discovered by inspection. To obtain such
 3467 inspection, an applicant with facilities located outside this
 3468 state must:
 3469 a. Provide a notarized statement from a professional
 3470 engineer licensed by the applicant's state of domicile
 3471 certifying that the applicant possesses the equipment required
 3472 for the class of license sought and that all such equipment is

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3473 operable; or
 3474 b. Allow the State Fire Marshal or his or her designee to
 3475 inspect the facility. All costs associated with the State Fire
 3476 Marshal's inspection shall be paid by the applicant. The State
 3477 Fire Marshal, in accordance with s. 120.54, is authorized to
 3478 adopt rules to establish standards for the calculation and
 3479 establishment of the amount of costs associated with any
 3480 inspection conducted by the State Fire Marshal under this
 3481 section. Such rules shall include procedures for invoicing and
 3482 receiving funds in advance of the inspection. A fee of \$50,
 3483 payable to the State Fire Marshal, shall be required for any
 3484 subsequent reinspection.
 3485 3. The applicant has submitted to the State Fire Marshal
 3486 proof of insurance providing coverage for comprehensive general
 3487 liability for bodily injury and property damage, products
 3488 liability, completed operations, and contractual liability. The
 3489 State Fire Marshal shall adopt rules providing for the amounts
 3490 of such coverage, but such amounts shall not be less than
 3491 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
 3492 licenses, and \$100,000 for Class C licenses; and the total
 3493 coverage for any class of license held in conjunction with a
 3494 Class D license shall not be less than \$300,000. The State Fire
 3495 Marshal may, at any time after the issuance of a license or its
 3496 renewal, require upon demand, and in no event more than 30 days
 3497 after notice of such demand, the licensee to provide proof of
 3498 insurance, on a form provided by the State Fire Marshal,
 3499 containing confirmation of insurance coverage as required by
 3500 this chapter. Failure, for any length of time, to provide proof

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3501 of insurance coverage as required shall result in the immediate
 3502 suspension of the license until proof of proper insurance is
 3503 provided to the State Fire Marshal. An insurer which provides
 3504 such coverage shall notify the State Fire Marshal of any change
 3505 in coverage or of any termination, cancellation, or nonrenewal
 3506 of any coverage.
 3507 4. The applicant applies to the State Fire Marshal,
 3508 provides proof of experience, and successfully completes a
 3509 prescribed training course offered by the State Fire College or
 3510 an equivalent course approved by the State Fire Marshal. This
 3511 subparagraph does not apply to any holder of or applicant for a
 3512 permit under paragraph (g)(~~f~~) or to a business organization or a
 3513 governmental entity seeking initial licensure or renewal of an
 3514 existing license solely for the purpose of inspecting,
 3515 servicing, repairing, marking, recharging, and maintaining fire
 3516 extinguishers used and located on the premises of and owned by
 3517 such organization or entity.
 3518 5. The applicant has a current retestor identification
 3519 number that is appropriate for the license for which the
 3520 applicant is applying and that is listed with the United States
 3521 Department of Transportation.
 3522 6. The applicant has passed, with a grade of at least 70
 3523 percent, a written examination testing his or her knowledge of
 3524 the rules and statutes regulating the activities authorized by
 3525 the license and demonstrating his or her knowledge and ability
 3526 to perform those tasks in a competent, lawful, and safe manner.
 3527 Such examination shall be developed and administered by the
 3528 State Fire Marshal, or his or her designee in accordance with

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3529 policies and procedures of the State Fire Marshal. An applicant
 3530 shall pay a nonrefundable examination fee of \$50 for each
 3531 examination or reexamination scheduled. No reexamination shall
 3532 be scheduled sooner than 30 days after any administration of an
 3533 examination to an applicant. No applicant shall be permitted to
 3534 take an examination for any level of license more than a total
 3535 of four times during 1 year, regardless of the number of
 3536 applications submitted. As a prerequisite to licensure of the
 3537 applicant, he or she:
 3538 a. Must be at least 18 years of age.
 3539 b. Must have 4 years of proven experience as a fire
 3540 equipment permittee at a level equal to or greater than the
 3541 level of license applied for or have a combination of education
 3542 and experience determined to be equivalent thereto by the State
 3543 Fire Marshal. Having held a permit at the appropriate level for
 3544 the required period constitutes the required experience.
 3545 c. Must not have been convicted of a felony or a crime
 3546 punishable by imprisonment of 1 year or more under the law of
 3547 the United States or of any state thereof or under the law of
 3548 any other country, ~~or pled nolo contendere to, any felony.~~
 3549 "Convicted" means a finding of guilt or the acceptance of a plea
 3550 of guilty or nolo contendere in any federal or state court or a
 3551 court in any other country, without regard to whether a judgment
 3552 of conviction has been entered by the court having jurisdiction
 3553 of the case. If an applicant has been convicted of any such
 3554 felony, the applicant shall be excluded from licensure for a
 3555 period of 4 years after expiration of sentence or final release
 3556 by the Parole Commission unless the applicant, before the

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3557 expiration of the 4-year period, has received a full pardon or
 3558 has had his or her civil rights restored ~~must comply with s-~~
 3559 ~~112.011(1)(b).~~
 3560
 3561 This subparagraph does not apply to any holder of or applicant
 3562 for a permit under paragraph (g)(4) or to a business
 3563 organization or a governmental entity seeking initial licensure
 3564 or renewal of an existing license solely for the purpose of
 3565 inspecting, servicing, repairing, marking, recharging,
 3566 hydrotesting, and maintaining fire extinguishers used and
 3567 located on the premises of and owned by such organization or
 3568 entity.
 3569 ~~(4) An applicant who fails the examination may take it~~
 3570 ~~three more times during the 1 year period after he or she~~
 3571 ~~originally filed an application for the examination. If the~~
 3572 ~~applicant fails the examination within 1 year after the~~
 3573 ~~application date and seeks to retake the examination, he or she~~
 3574 ~~must file a new application, pay the application and examination~~
 3575 ~~fees, and successfully complete a prescribed training course~~
 3576 ~~approved by the State Fire College or an equivalent course~~
 3577 ~~approved by the State Fire Marshal. An applicant may not submit~~
 3578 ~~a new application within 6 months after the date of his or her~~
 3579 ~~last reexamination.~~
 3580 (e) A fire equipment dealer licensed under this section
 3581 may apply to convert ~~upgrade~~ the license currently held to a
 3582 higher licensing category, if the licensed dealer:
 3583 1. Submits an application for the license on a form in
 3584 conformance with paragraph (c)(b). The application must be

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3585 accompanied by a fee as prescribed in s. 633.132 ~~subsection (1)~~
 3586 for the type of license requested.
 3587 2. Provides evidence of 2 years' experience as a licensed
 3588 dealer and meets such relevant educational requirements as are
 3589 established by rule by the State Fire Marshal for purposes of
 3590 upgrading a license.
 3591 3. Meets the requirements of paragraph ~~(d)(4)~~.
 3592 (f) A fire equipment dealer licensed under this section
 3593 may apply to convert the license currently held to a lower
 3594 licensing category, if the license dealer:
 3595 1. Submits an application for the license on a form in
 3596 conformance with paragraph (c). The application must be
 3597 accompanied by a fee as prescribed in s. 633.132 for the type of
 3598 license requested.
 3599 2. Submits proof of insurance providing coverage meeting
 3600 the requirements prescribed in subparagraph (d)3.
 3601 3. Submits to an inspection of the facility to ensure all
 3602 equipment associated with the higher class of license has been
 3603 removed and submits the required reinspection fee.
 3604 (g) No permit of any class shall be issued or renewed to a
 3605 person by the division State-Fire-Marshal, and no permit of any
 3606 class shall remain operative, unless the person has:
 3607 1. Submitted a nonrefundable examination fee in the amount
 3608 of \$50;
 3609 2. Successfully completed a training course offered by the
 3610 State Fire College or an equivalent course approved by the State
 3611 Fire Marshal; and
 3612 3. Passed, with a grade of at least 70 percent, a written

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3613 examination testing his or her knowledge of the rules and
 3614 statutes regulating the activities authorized by the permit and
 3615 demonstrating his or her knowledge and ability to perform those
 3616 tasks in a competent, lawful, and safe manner. Such examination
 3617 shall be developed and administered by the State Fire Marshal in
 3618 accordance with the policies and procedures of the State Fire
 3619 Marshal. An examination fee shall be paid for each examination
 3620 scheduled. No reexamination shall be scheduled sooner than 30
 3621 days after any administration of an examination to an applicant.
 3622 No applicant shall be permitted to take an examination for any
 3623 level of permit more than four times during 1 year, regardless
 3624 of the number of applications submitted. As a prerequisite to
 3625 taking the permit examination, the applicant must be at least 16
 3626 years of age.
 3627 (h) ~~(g)~~ An applicant for a license or permit under this
 3628 section who fails the examination may take it three more times
 3629 during the 1-year period after he or she originally filed an
 3630 application for the examination. If the applicant fails the
 3631 examination within 1 year after the application date and he or
 3632 she seeks to retake the examination, he or she must file a new
 3633 application, pay the application and examination fees, and
 3634 successfully complete a prescribed training course offered by
 3635 the State Fire College or an equivalent course approved by the
 3636 State Fire Marshal. The applicant may not submit a new
 3637 application within 6 months after the date of his or her fourth
 3638 ~~last~~ reexamination. An applicant who passes the examination but
 3639 does not meet the remaining qualifications prescribed by law and
 3640 rule within 1 year after the application date must file a new

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3641 application, pay the application and examination fee.
 3642 successfully complete a prescribed training course approved by
 3643 the State Fire College or an equivalent course approved by the
 3644 State Fire Marshal, and pass the written examination.
 3645 (5)(a) No one that is being trained shall perform work
 3646 requiring a permit unless an individual possessing a valid and
 3647 current fire equipment permit for the type of work performed is
 3648 physically present. The trainee must:
 3649 1. Be 18 years of age.
 3650 2. Possess on his or her person at all times a valid
 3651 Florida driver's license or a valid state identification card,
 3652 issued by the Department of Highway Safety and Motor Vehicles. A
 3653 trainee must produce identification to the State Fire Marshal or
 3654 his or her designated representative upon demand.
 3655 (b) No more than two trainees shall be under the
 3656 supervision of a single trainer, who shall be directly
 3657 responsible for all work performed by any trainee while under
 3658 his or her supervision. No trainee shall perform any work not
 3659 within the scope of the license or permit held by the fire
 3660 equipment dealer or permittee directly supervising his or her
 3661 work.
 3662 (6) The State Fire Marshal shall adopt rules providing for
 3663 the approval of the time, place, and curriculum of each training
 3664 course required by this section.
 3665 (7) Every permittee must have a valid and subsisting
 3666 permit upon his or her person at all times while engaging in the
 3667 servicing, recharging, repairing, testing, inspecting, or
 3668 installing of fire extinguishers and preengineered systems, and

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3669 every licensee or permittee must be able to produce such license
 3670 or permit upon demand. In addition, every permittee shall at all
 3671 times carry an identification card containing his or her
 3672 photograph and other identifying information as prescribed by
 3673 the State Fire Marshal or the State Fire Marshal's designee,
 3674 which shall be produced on demand. The State Fire Marshal shall
 3675 supply this card at a fee which shall be related to the cost of
 3676 producing the card.
 3677 (8) The fees collected for any such licenses and permits
 3678 and the filing fees for license and permit examination are
 3679 hereby appropriated for the use of the State Fire Marshal in the
 3680 administration of this chapter and shall be deposited in the
 3681 Insurance Regulatory Trust Fund.
 3682 (9) The provisions of this section ~~except~~ do not apply to
 3683 inspections by fire chiefs, fire inspectors, fire marshals, or
 3684 insurance company inspectors.
 3685 (10) All fire extinguishers and preengineered systems that
 3686 are required by statute or by rule must be serviced, recharged,
 3687 repaired, hydrotested, tested, inspected, and installed in
 3688 compliance with this chapter and with the rules adopted by the
 3689 State Fire Marshal. The State Fire Marshal may adopt by rule the
 3690 standards of the National Fire Protection Association and of
 3691 other reputable national organizations.
 3692 (11) If the licensee leaves the business organization or
 3693 dies, the business organization shall immediately notify the
 3694 State Fire Marshal of the licensee's departure, shall return the
 3695 license to the State Fire Marshal, and shall have a grace period
 3696 of 60 days in which to license another person under the

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3697 provisions of this chapter, failing which the business shall no
 3698 longer perform those activities for which a license under this
 3699 section is required.
 3700 Section 37. Section 633.065, Florida Statutes, is
 3701 transferred and renumbered as section 633.306, Florida Statutes,
 3702 and paragraph (a) of subsection (1) of that section is amended,
 3703 to read:
 3704 633.306 ~~633-065~~ Requirements for installation, inspection,
 3705 and maintenance of fire suppression equipment.—
 3706 (1) The requirements for installation of fire
 3707 extinguishers and preengineered systems are as follows:
 3708 (a) Fire equipment dealers shall be licensed under s.
 3709 633.304 ~~633-064~~.
 3710 (b) Equipment supplied shall be listed by a nationally
 3711 recognized testing laboratory, such as Underwriters
 3712 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
 3713 Equipment supplied for new installations or alterations of
 3714 existing systems must be currently listed as described in this
 3715 section. The State Fire Marshal shall adopt by rule procedures
 3716 for determining whether a laboratory is nationally recognized,
 3717 taking into account the laboratory's facilities, procedures, use
 3718 of nationally recognized standards, and any other criteria
 3719 reasonably calculated to reach an informed determination.
 3720 (c) Equipment shall be installed in accordance with the
 3721 applicable standards of the National Fire Protection Association
 3722 and the manufacturer's drawings and specifications.
 3723 (d) Each piece of equipment supplied shall be guaranteed
 3724 for a period of 1 year against defects in material or operation.

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3725 (e) The fire equipment dealer shall furnish the consumer
 3726 with: the manufacturer's descriptive literature, including the
 3727 specifications and maintenance requirements as approved by the
 3728 nationally recognized testing laboratory; the operating
 3729 instructions for all equipment installed; the mechanical
 3730 drawings and specifications for proper installation and use of
 3731 equipment; and a diagram of the final installation, if
 3732 applicable.
 3733 (2) Equipment shall be inspected, serviced, and maintained
 3734 in accordance with the manufacturer's maintenance procedures and
 3735 with the applicable National Fire Protection Association
 3736 standards.
 3737 Section 38. Section 633.071, Florida Statutes, is
 3738 transferred and renumbered as section 633.308, Florida Statutes,
 3739 and subsection (2) of that section is amended, to read:
 3740 633.308 ~~633-071~~ Standard service tag required on all fire
 3741 extinguishers and preengineered systems; serial number required
 3742 on all portable fire extinguishers; standard inspection tags
 3743 required on all fire protection systems.—
 3744 (1) The State Fire Marshal shall adopt by rule
 3745 specifications as to the size, shape, color, and information and
 3746 data contained thereon of service tags to be attached to all
 3747 fire extinguishers and preengineered systems required by statute
 3748 or by rule, whether they be portable, stationary, or on wheels
 3749 when they are placed in service, installed, serviced, repaired,
 3750 tested, recharged, or inspected. Fire extinguishers may be
 3751 tagged only after meeting all standards as set forth by this
 3752 chapter, the standards of the National Fire Protection

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3753 Association, and manufacturer's specifications. Preengineered
 3754 systems may be tagged only after a system has been inspected,
 3755 serviced, installed, repaired, tested, recharged, and
 3756 hydrotested in compliance with this chapter, the standards of
 3757 the National Fire Protection Association, and the manufacturer's
 3758 specifications, and after a report, as specified by rule, has
 3759 been completed in detail, indicating any and all deficiencies or
 3760 deviations from the manufacturer's specifications and the
 3761 standards of the National Fire Protection Association. A copy of
 3762 the inspection report shall be provided to the owner at the time
 3763 of inspection, and, if a system is found to be in violation of
 3764 this chapter, the manufacturer's specifications, or the
 3765 standards of the National Fire Protection Association, a copy
 3766 shall be forwarded to the state or local authority having
 3767 jurisdiction within 30 days from the date of service. It shall
 3768 be unlawful to place in service, service, test, repair, inspect,
 3769 install, hydrotest, or recharge any fire extinguisher or
 3770 preengineered system without attaching one of these tags
 3771 completed in detail, including the actual month work was
 3772 performed, or to use a tag not meeting the specifications set
 3773 forth by the State Fire Marshal.
 3774 (2) All portable fire extinguishers required by statute or
 3775 by rule shall be listed by Underwriters Laboratories, Inc., or
 3776 approved by Factory Mutual Laboratories, Inc., or listed by a
 3777 nationally recognized testing laboratory in accordance with
 3778 procedures adopted pursuant to s. 633.314(2) ~~633-003(2)~~, and
 3779 carry an Underwriters Laboratories, Inc., or manufacturer's
 3780 serial number. These listings, approvals, and serial numbers may

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3781 be stamped on the manufacturer's identification and instructions
 3782 plate or on a separate Underwriters Laboratories, Inc., or
 3783 Factory Mutual Laboratories, Inc., plate soldered or attached to
 3784 the extinguisher shell in some permanent manner.
 3785 (3) The State Fire Marshal shall adopt by rule
 3786 specifications as to the size, shape, color, information, and
 3787 data contained thereon of inspection tags to be attached to all
 3788 types of fire protection systems and information required on an
 3789 inspection report of such an inspection.
 3790 Section 39. Section 633.082, Florida Statutes, is
 3791 transferred and renumbered as section 633.312, Florida Statutes,
 3792 and subsections (2) and (3) of that section are amended, to
 3793 read:
 3794 633.312 ~~633-002~~ Inspection of fire control systems, fire
 3795 hydrants, and fire protection systems.—
 3796 (1) The State Fire Marshal shall have the right to inspect
 3797 any fire control system during and after construction to
 3798 determine that such system meets the standards set forth in the
 3799 laws and rules of the state.
 3800 (2) Fire hydrants and fire protection systems installed in
 3801 public and private properties, except one-family or two-family
 3802 dwellings, shall be inspected following procedures established
 3803 in the nationally recognized inspection, testing, and
 3804 maintenance standards publications NFPA-24 and NFPA-25 as set
 3805 forth in the edition adopted by the State Fire Marshal.
 3806 Quarterly, annual, 3-year, and 5-year inspections consistent
 3807 with the contractual provisions with the owner shall be
 3808 conducted by the certificateholder or permittees employed by the

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3809 certificateholder pursuant to s. 633.318 ~~633-521~~, except that:

3810 (a) Public fire hydrants owned by a governmental entity

3811 shall be inspected following procedures established in the

3812 inspection, testing, and maintenance standards adopted by the

3813 State Fire Marshal or equivalent standards such as those

3814 contained in the latest edition of the American Water Works

3815 Association's Manual M17, "Installation, Field Testing, and

3816 Maintenance of Fire Hydrants."

3817 (b) County, municipal, and special district utilities may

3818 perform fire hydrant inspections required by this section using

3819 designated employees. Such designated employees need not be

3820 certified under this chapter. However, counties, municipalities,

3821 or special districts that use designated employees are

3822 responsible for ensuring that the designated employees are

3823 qualified to perform such inspections.

3824 (3) The inspecting contractor shall provide to the

3825 building owner or hydrant owner and the local authority having

3826 jurisdiction a copy of the applicable inspection report

3827 established under this chapter. The maintenance of fire hydrant

3828 and fire protection systems as well as corrective actions on

3829 deficient systems is the responsibility of the owner of the

3830 system or hydrant. Equipment requiring periodic testing or

3831 operation to ensure its maintenance shall be tested or operated

3832 as specified in the Fire Prevention Code, Life Safety Code,

3833 National Fire Protection Association standards, or as directed

3834 by the appropriate authority having jurisdiction,

3835 provided that such appropriate authority shall not

3836 require a sprinkler system not required by the Fire Prevention

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3837 Code, Life Safety Code, or National Fire Protection Association

3838 standards to be removed regardless of its condition. This

3839 section does not prohibit governmental entities from inspecting

3840 and enforcing firesafety codes.

3841 (4) At least once each year, each fire hydrant shall be

3842 opened fully and the water allowed to flow until all foreign

3843 materials have cleared the hydrant. The flow shall be maintained

3844 for not less than 1 minute.

3845 (5) If a fire hydrant is made nonfunctional by the closing

3846 of a water supply valve, the valve must immediately be tagged

3847 with a red tag that is boldly marked "nonfunctional" and the

3848 local fire authority notified that the hydrant is nonfunctional.

3849 Section 40. Section 633.083, Florida Statutes, is

3850 transferred and renumbered as section 633.314, Florida Statutes,

3851 and subsection (3) of that section is amended, to read:

3852 633.314 ~~633-083~~ Sale or use of certain types of fire

3853 extinguishers prohibited; penalty.—

3854 (1)(a) It is unlawful to have for use any of the following

3855 types of fire extinguishers:

3856 1. Carbon tetrachloride;

3857 2. Chlorobromomethane;

3858 3. Dibromodifluoromethane (commonly known as Halon 1202);

3859 4. Dichlorodifluoromethane;

3860 5. Azeotropic chloromethane;

3861 6. 1,2 dibromo-2-chloro-1, 1,2 trifluoroethane;

3862 7. 1,2 dibromo-2, 2-difluoroethane;

3863 8. Methyl bromide;

3864 9. Ethylene dibromide;

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3865 10. Hydrogen bromide;
 3866 11. Methylene bromide;
 3867 12. Bromodifluoromethane;
 3868 13. Any other toxic or poisonous vaporizing liquid fire
 3869 extinguishers using extinguishing agents determined by the State
 3870 Fire Marshal to be unacceptably harmful; and
 3871 14. Inverting water fire extinguishers.
 3872 (b) It is unlawful to offer for sale, sell, or give in
 3873 this state any of the types of fire extinguishers listed in
 3874 paragraph (a).
 3875 (2) It is unlawful for any person, directly or through an
 3876 agent, to sell, offer for sale, or give in this state any make,
 3877 type, or model of fire extinguisher, either new or used, unless
 3878 such make, type, or model of extinguisher has first been tested
 3879 and is currently approved or listed by Underwriters
 3880 Laboratories, Inc., Factory Mutual Laboratories, Inc., or
 3881 another testing laboratory recognized by the State Fire Marshal
 3882 as nationally recognized in accordance with procedures adopted
 3883 by rule, taking into account the laboratory's facilities,
 3884 procedures, use of nationally recognized standards, and any
 3885 other criteria reasonably calculated to reach an informed
 3886 determination, and unless such extinguisher carries an
 3887 Underwriters Laboratories, Inc., or manufacturer's serial
 3888 number. Such serial number shall be permanently stamped on the
 3889 manufacturer's identification and instruction plate.
 3890 (3) A person who violates any of the provisions of this
 3891 section ~~commits a~~ ~~guilty~~ of a misdemeanor of the second degree,
 3892 punishable as provided in s. 775.082 or s. 775.083.

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3893 Section 41. Section 633.162, Florida Statutes, is
 3894 transferred and renumbered as section 633.316, Florida Statutes,
 3895 and subsection (1) and paragraph (e) of subsection (4) of that
 3896 section are amended, to read:
 3897 633.316 ~~633.162~~ Fire suppression system contractors;
 3898 disciplinary action.--
 3899 (1) The violation of any provision of this chapter or any
 3900 rule adopted and promulgated pursuant hereto or the failure or
 3901 refusal to comply with any notice or order to correct a
 3902 violation or any cease and desist order by any person who
 3903 possesses a license or permit issued pursuant to s. 633.304
 3904 ~~633.064~~ is cause for denial, nonrenewal, revocation, or
 3905 suspension of such license or permit by the State Fire Marshal
 3906 after such officer has determined that the person is guilty of
 3907 such violation. An order of suspension shall state the period of
 3908 time of such suspension, which period may not be in excess of 2
 3909 years from the date of such order. An order of revocation may be
 3910 entered for a period not exceeding 5 years. Such orders shall
 3911 effect suspension or revocation of all licenses or permits
 3912 ~~issued by the division to then held~~ by the person, and during
 3913 such period of time no license or permit shall be issued by the
 3914 division to such person. During the suspension or revocation of
 3915 any license or permit, the former licensee or permittee shall
 3916 not engage in or attempt or profess to engage in any transaction
 3917 or business for which a license or permit is required under this
 3918 chapter or directly or indirectly own, control, or be employed
 3919 in any manner by any firm, business, or corporation for which a
 3920 license or permit under this chapter is required. If, during the

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3921 period between the beginning of proceedings and the entry of an
 3922 order of suspension or revocation by the State Fire Marshal, a
 3923 new license or permit has been issued by the division to the
 3924 person so charged, the order of suspension or revocation shall
 3925 operate to suspend or revoke such new license or permit held by
 3926 such person.
 3927 (2) The department shall not, so long as the revocation or
 3928 suspension remains in effect, grant any new license or permit
 3929 for the establishment of any new firm, business, or corporation
 3930 of any person or qualifier that has or will have the same or
 3931 similar management, ownership, control, employees, permittees,
 3932 or licensees, or will use a same or similar name as a previously
 3933 revoked or suspended firm, business, corporation, person, or
 3934 qualifier.
 3935 (3) The State Fire Marshal may deny, nonrenew, suspend, or
 3936 revoke the license or permit of:
 3937 (a) Any person, firm, or corporation the license of which
 3938 under this chapter has been suspended or revoked;
 3939 (b) Any firm or corporation if an officer, qualifier,
 3940 director, stockholder, owner, or person interested directly or
 3941 indirectly in the firm or corporation has had his or her license
 3942 or permit under this chapter suspended or revoked; or
 3943 (c) Any person who is or has been an officer, qualifier,
 3944 director, stockholder, or owner of a firm or corporation, or who
 3945 was interested directly or indirectly in a firm or corporation,
 3946 the license or permit of which has been suspended or revoked
 3947 under this chapter.
 3948 (4) In addition to the grounds set forth in subsection

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3949 (1), it is cause for denial, nonrenewal, revocation, or
 3950 suspension of a license or permit by the State Fire Marshal if
 3951 she or he determines that the licensee or permittee has:
 3952 (a) Rendered inoperative a fire extinguisher or
 3953 preengineered system required by statute or by rule, except
 3954 during such time as the extinguisher or preengineered system is
 3955 being inspected, serviced, repaired, hydrottested, or recharged,
 3956 or except pursuant to court order.
 3957 (b) Falsified any record required to be maintained by this
 3958 chapter or rules adopted pursuant hereto.
 3959 (c) Improperly serviced, recharged, repaired, hydrottested,
 3960 tested, or inspected a fire extinguisher or preengineered
 3961 system.
 3962 (d) While holding a permit or license, allowed another
 3963 person to use the permit number or license number, or used a
 3964 license number or permit number other than her or his valid
 3965 license number or permit number.
 3966 (e) Failed to provide proof of insurance to the State Fire
 3967 Marshal or failed to maintain in force the insurance coverage
 3968 required by s. ~~633.304~~ ~~633-061~~.
 3969 (f) Failed to obtain, retain, or maintain one or more of
 3970 the qualifications for a license or permit as specified in this
 3971 chapter.
 3972 (g) Made a material misstatement or misrepresentation~~7~~ or
 3973 committed a fraud in obtaining or attempting to obtain a license
 3974 or permit.
 3975 (h) Failed to notify the State Fire Marshal, in writing,
 3976 within 30 days after a change of residence, principal business

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3977 address, or name.
 3978 (5) In addition, the department shall not issue a new
 3979 license or permit if it finds that the circumstance or
 3980 circumstances for which the license or permit was previously
 3981 revoked or suspended still exist or are likely to recur.
 3982 Section 42. Section 633.521, Florida Statutes, is
 3983 transferred and renumbered as section 633.318, Florida Statutes,
 3984 and subsection (1), paragraph (a) of subsection (2), paragraphs
 3985 (c) and (g) of subsection (3), and subsections (4), (8), and
 3986 (11) of that section are amended, to read:
 3987 633.318 ~~633-521~~ Certificate application and issuance;
 3988 permit issuance; examination and investigation of applicant.-
 3989 (1) To obtain a fire protection system contractor's
 3990 certificate, an applicant shall submit to the division ~~state~~
 3991 ~~fire-~~ ~~state-~~ ~~fire-~~ ~~state-~~ an application in writing, on a form provided by
 3992 the division ~~state-~~ ~~fire-~~ ~~state-~~ containing the information
 3993 prescribed, which shall be accompanied by the fee fixed herein,
 3994 containing a statement that the applicant desires the issuance
 3995 of a certificate and stating the class of certificate requested.
 3996 (2)(a) Examinations shall be administered by the division
 3997 ~~State-Fire-~~ ~~Marshall~~ and held at times and places within the state
 3998 as the division ~~State-Fire-~~ ~~Marshall~~ determines, but there shall
 3999 be at least two examinations a year. Each applicant shall take
 4000 and pass an objective, written examination of her or his fitness
 4001 for a certificate in the class for which the application is
 4002 requested. There shall be a type of examination for each class
 4003 of certificate for contractors as of the classes-of-certificates
 4004 defined in s. 633.102(3) ~~633-021(5)~~. The examination shall test

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4005 the applicant's ability to lay out, fabricate, install, alter,
 4006 repair, and inspect fire protection systems and their
 4007 appurtenances and shall test the applicant's fitness in business
 4008 and financial management. The test shall be based on applicable
 4009 standards of the National Fire Protection Association and on
 4010 relevant Florida and federal laws pertaining to the construction
 4011 industry, safety standards, administrative procedures, and
 4012 pertinent technical data.
 4013 (b) A passing grade on the examination is 70 percent, and
 4014 such examinations may be developed by an independent
 4015 professional testing agency. The tests shall be prepared,
 4016 administered, and scored in compliance with generally accepted
 4017 professional testing standards.
 4018 (c) The division shall solicit suggestions from affected
 4019 persons regarding the content of examinations.
 4020 (d) A reexamination may not be scheduled sooner than 30
 4021 days after any administration of an examination to an applicant.
 4022 (e) An applicant may not be examined more than four times
 4023 during 1 year for certification as a contractor pursuant to this
 4024 section unless the person is or has been certified and is taking
 4025 the examination to change classifications. If an applicant does
 4026 not pass one or more parts of the examination, she or he may
 4027 take any part of the examination three more times during the 1-
 4028 year period beginning upon the date she or he originally filed
 4029 an application to take the examination. If the applicant does
 4030 not pass the examination within that 1-year period, she or he
 4031 must file a new application and pay the application and
 4032 examination fees in order to take the examination or a part of

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4033 the examination again. However, the applicant may not file a new
 4034 application sooner than 6 months after the date of her or his
 4035 last examination. An applicant who passes the examination but
 4036 does not meet the remaining qualifications as provided in
 4037 applicable statutes and rules within 1 year after the
 4038 application date must file a new application, pay the
 4039 application and examination fee, successfully complete a
 4040 prescribed training course approved by the State Fire College or
 4041 an equivalent course approved by the State Fire Marshal, and
 4042 retake and pass the written examination.
 4043 (3)(a) As a prerequisite to taking the examination for
 4044 certification as a Contractor I, the applicant must be at least
 4045 18 years of age, be of good moral character, and possess 4
 4046 years' proven experience in the employment of a fire protection
 4047 system Contractor I or a combination of equivalent education and
 4048 experience in both water-based and chemical fire suppression
 4049 systems.
 4050 (b) As a prerequisite to taking the examination for
 4051 certification as a Contractor II, the applicant must be at least
 4052 18 years of age, be of good moral character, and have 4 years of
 4053 verifiable employment experience with a fire protection system
 4054 as a Contractor I or Contractor II, or a combination of
 4055 equivalent education and experience in water-based fire
 4056 suppression systems.
 4057 (c) Required education and experience for certification as
 4058 a Contractor I, Contractor II, Contractor III, or Contractor IV
 4059 includes training and experience in both installation and system
 4060 layout as defined in s. 633.102 ~~633-021~~.

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4061 (d) As a prerequisite to taking the examination for
 4062 certification as a Contractor III, the applicant must be at
 4063 least 18 years of age, be of good moral character, and have 4
 4064 years of verifiable employment experience with a fire protection
 4065 system as a Contractor I or Contractor II, or a combination of
 4066 equivalent education and experience in chemical fire suppression
 4067 systems.
 4068 (e) As a prerequisite to taking the examination for
 4069 certification as a Contractor IV, the applicant must be at least
 4070 18 years old, be of good moral character, be licensed as a
 4071 certified plumbing contractor under chapter 489, and
 4072 successfully complete a training program acceptable to the State
 4073 Fire Marshal of not less than 40 contact hours regarding the
 4074 applicable installation standard used by the Contractor IV as
 4075 described in NFPA 13D. The State Fire Marshal may adopt rules to
 4076 administer this subsection.
 4077 (f) As a prerequisite to taking the examination for
 4078 certification as a Contractor V, the applicant must be at least
 4079 18 years old, be of good moral character, and have been licensed
 4080 as a certified underground utility and excavation contractor or
 4081 certified plumbing contractor pursuant to chapter 489, have
 4082 verification by an individual who is licensed as a certified
 4083 utility contractor or certified plumbing contractor pursuant to
 4084 chapter 489 that the applicant has 4 years' proven experience in
 4085 the employ of a certified underground utility and excavation
 4086 contractor or certified plumbing contractor, or have a
 4087 combination of education and experience equivalent to 4 years'
 4088 proven experience in the employ of a certified underground

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4089 utility and excavation contractor or certified plumbing
 4090 contractor.
 4091 (g) Within 30 days after the date of the examination, the
 4092 division State Fire Marshal shall inform the applicant in
 4093 writing whether she or he has qualified or not and, if the
 4094 applicant has qualified, that she or he is eligible ~~ready~~ to be
 4095 issued ~~issue~~ a certificate of competency, subject to compliance
 4096 with the requirements of subsection (4).
 4097 (4) As a prerequisite to issuance of a certificate, the
 4098 division State Fire Marshal shall require the applicant to
 4099 submit satisfactory evidence that she or he has obtained
 4100 insurance providing coverage for comprehensive general liability
 4101 for bodily injury and property damages, products liability,
 4102 completed operations, and contractual liability. The division
 4103 State Fire Marshal may adopt rules providing for the amount of
 4104 insurance, but such amount shall not be less than \$500,000 for a
 4105 Contractor I, Contractor II, Contractor III, or Contractor V and
 4106 shall not be less than \$250,000 for a Contractor IV. An insurer
 4107 that ~~which~~ provides such coverage shall notify ~~within 30 days~~
 4108 the division State Fire Marshal of any material change in
 4109 coverage or any termination, cancellation, or nonrenewal of such
 4110 coverage within 30 days of the change in coverage or
 4111 termination, cancellation, or nonrenewal of such coverage. An
 4112 insurer that ~~which~~ fails to so notify the division State Fire
 4113 Marshal's ~~office~~ shall be subject to the penalties provided
 4114 under s. 624.4211.
 4115 (5) Upon satisfaction of the requirements of subsections
 4116 (1), (2), (3), and (4), the certificate shall be issued

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4117 forthwith. However, no certificate shall remain in effect if,
 4118 after issuance, the certificateholder fails to maintain the
 4119 insurance coverage required by this section.
 4120 (6) If an applicant for an original certificate, after
 4121 having been notified to do so, does not appear for examination
 4122 or does not pass the examination within 1 year from the date of
 4123 filing her or his application, the fee paid by the applicant
 4124 shall be forfeited. New applications for a certificate shall be
 4125 accompanied by another application fee fixed by this chapter.
 4126 (7) The State Fire Marshal may, at any time subsequent to
 4127 the issuance of the certificate or its renewal, require, upon
 4128 demand and in no event more than 30 days after notice of the
 4129 demand, the certificateholder to provide proof of insurance
 4130 coverage on a form provided by the State Fire Marshal containing
 4131 confirmation of insurance coverage as required by this chapter.
 4132 Failure to provide proof of insurance coverage as required, for
 4133 any length of time, shall result in the immediate suspension of
 4134 the certificate until proof of insurance is provided to the
 4135 State Fire Marshal.
 4136 (8) An individual employed by a Contractor I or Contractor
 4137 II certificateholder, as established in this section, who will
 4138 be inspecting water-based fire protection systems as required
 4139 under s. 633.312 ~~633-002~~, must be issued a permit by the
 4140 division State Fire Marshal to conduct such work. The permit is
 4141 valid solely for use by the holder thereof in his or her
 4142 employment by the certificateholder named in the permit. A
 4143 permittee must have a valid and subsisting permit upon his or
 4144 her person at all times while engaging in inspecting fire

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4145 protection systems, and a permit holder must be able to produce
 4146 such a permit upon demand. In addition, a permittee shall, at
 4147 all times while performing inspections, carry an identification
 4148 card containing his or her photograph and other identifying
 4149 information as prescribed by the State Fire Marshal, and the
 4150 permittee must produce the identification card and information
 4151 upon demand. The permit and the identification may be one and
 4152 the same. A permittee is limited as to the specific type of work
 4153 performed, depending upon the class of certificate held by the
 4154 certificateholder under whom the permittee is working. The
 4155 permit class shall be known as a Water-Based Fire Protection
 4156 Inspector whose permit allows the holder to inspect water
 4157 sprinkler systems, water spray systems, foam-water sprinkler
 4158 systems, foam-water spray systems, standpipes, combination
 4159 standpipes and sprinkler systems, all piping that is an integral
 4160 part of the system beginning at the point where the piping is
 4161 used exclusively for fire protection, sprinkler tank heaters,
 4162 air lines, thermal systems used in connection with sprinklers,
 4163 and tanks and pumps connected thereto, excluding preengineered
 4164 systems.
 4165 (9) It is the intent of the Legislature that the
 4166 inspections and testing of automatic fire sprinkler systems for
 4167 detached one-family dwellings, detached two-family dwellings,
 4168 and mobile homes be accomplished by the owner, who is
 4169 responsible for requesting service from a contractor when
 4170 necessary. It is further intended that the NFPA-25 inspection of
 4171 exposed underground piping and any attached appurtenances
 4172 supplying a fire protection system be conducted by a Contractor

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4173 I or Contractor II.
 4174 (10) The State Fire Marshal shall require the National
 4175 Institute of Certification in Engineering Technologies (NICET),
 4176 Sub-field of Inspection and Testing of Fire Protection Systems
 4177 Level II or equivalent training and education as determined by
 4178 the division as proof that the permit holders are knowledgeable
 4179 about nationally accepted standards for the inspection of fire
 4180 protection systems.
 4181 (11) It is intended that a certificateholder, or a
 4182 permit holder who is employed by a certificateholder, conduct
 4183 inspections required by this chapter. It is understood that
 4184 after July 1, 2008, employee turnover may result in a depletion
 4185 of personnel who are certified under the NICET Sub-field of
 4186 Inspection and Testing of Fire Protection Systems Level II or
 4187 equivalent training and education as required by the division of
 4188 State Fire Marshal. A certificateholder may obtain a provisional
 4189 permit with an endorsement for inspection, testing, and
 4190 maintenance of water-based fire extinguishing systems for an
 4191 employee if the employee has initiated procedures for obtaining
 4192 Level II certification from the National Institute for
 4193 Certification in Engineering Technologies Sub-field of
 4194 Inspection and Testing of Fire Protection Systems and achieved
 4195 Level I certification or an equivalent level as determined by
 4196 the State Fire Marshal through verification of experience,
 4197 training, and examination. The division State Fire Marshal may
 4198 establish rules to administer this subsection. After 2 years of
 4199 provisional certification, the employee must have achieved NICET
 4200 Level II certification or obtain equivalent training and

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4201 education as determined by the division, or cease performing
 4202 inspections requiring Level II certification. The provisional
 4203 permit is valid only for the 2 calendar years after the date of
 4204 issuance, may not be extended, and is not renewable. After the
 4205 initial 2-year provisional permit expires, the certificateholder
 4206 must wait 2 additional years before a new provisional permit may
 4207 be issued. The intent is to prohibit the certificateholder from
 4208 using employees who never reach NICET Level II status, or
 4209 equivalent training and education as determined by the division,
 4210 by continuously obtaining provisional permits.
 4211 Section 43. Section 633.551, Florida Statutes, is
 4212 transferred and renumbered as section 633.322, Florida Statutes,
 4213 and subsections (1), (2), and (3) of that section are amended,
 4214 to read:
 4215 633.322 ~~633-551~~ County and municipal powers: effect of ch.
 4216 75-240.-
 4217 (1) Nothing in this chapter ~~æt~~ limits the power of a
 4218 municipality, ~~æ~~ county, or special district to regulate the
 4219 quality and character of work performed by contractors through a
 4220 system of permits, fees, and inspections which are designed to
 4221 secure compliance with, and aid in the implementation of, state
 4222 and local building laws or to enforce other local laws for the
 4223 protection of the public health and safety.
 4224 (2) Nothing in this chapter ~~æt~~ limits the power of a
 4225 municipality, ~~æ~~ county, or special district to adopt any system
 4226 of permits requiring submission to and approval by the
 4227 municipality, ~~æ~~ county, or special district of plans and
 4228 specifications for work to be performed by contractors before

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4229 commencement of the work, except that no municipality or county
 4230 shall require a fire protection system contractor's shop
 4231 drawings to be sealed by a professional engineer.
 4232 (3) Any official authorized to issue building or other
 4233 related permits shall ascertain that the applicant contractor is
 4234 duly certified before issuing the permit. The evidence shall
 4235 consist only of the exhibition to him or her of ~~ættættæ~~ evidence
 4236 of current certification.
 4237 (4) The State Fire Marshal shall inform each county and
 4238 municipal building department, prior to November 1 of each year,
 4239 of the names of the certified contractors and the type of
 4240 certificate held.
 4241 Section 44. Section 633.527, Florida Statutes, is
 4242 transferred and renumbered as section 633.324, Florida Statutes.
 4243 Section 45. Section 633.531, Florida Statutes, is
 4244 transferred and renumbered as section 633.326, Florida Statutes.
 4245 Section 46. Section 633.534, Florida Statutes, is
 4246 transferred and renumbered as section 633.328, Florida Statutes,
 4247 and subsection (4) of that section is amended, to read:
 4248 633.328 ~~633-534~~ Issuance of certificate to individuals and
 4249 business organizations.-
 4250 (1) When an individual proposes to do business in her or
 4251 his own name, certifications, when granted, shall be issued only
 4252 to that individual.
 4253 (2) If the applicant proposing to engage in contracting is
 4254 a business organization, such as a partnership, corporation,
 4255 business trust, or other legal entity, the application shall
 4256 state the name of the partnership and its partners, the name of

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4257 the corporation and its officers and directors, the name of the
 4258 business trust and its trustees, or the name of such other legal
 4259 entity and its members and shall furnish evidence of statutory
 4260 compliance if a fictitious name is used. Such application shall
 4261 also show that the person applying for the examination is an
 4262 employee of and is legally qualified to act for the business
 4263 organization in all matters connected with its contracting
 4264 business and that she or he has authority to supervise and will
 4265 supervise any construction undertaken by such business
 4266 organization. The certification, when issued upon application of
 4267 a business organization, shall be in the name of such business
 4268 organization, and the name of the qualifying individual or
 4269 individuals shall be noted thereon.
 4270 (3)(a) At least one member or supervising employee of the
 4271 business organization as designated to the State Fire Marshal by
 4272 such organization shall be certified under this chapter in order
 4273 for the business organization to hold a current certificate as a
 4274 contractor. If any individual so certified on behalf of such
 4275 business organization ceases to be affiliated with such business
 4276 organization, she or he shall inform the State Fire Marshal as
 4277 provided in paragraph (b). A certified individual who is the
 4278 sole contractor on behalf of a business organization may not
 4279 affiliate simultaneously with another business organization. In
 4280 addition, if such individual was the only certified individual
 4281 affiliated with the business organization, the business
 4282 organization shall immediately notify the State Fire Marshal of
 4283 the individual's termination and shall have a grace period of 60
 4284 days from the date of termination in which to certify another

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4285 person under the provisions of this chapter, failing which the
 4286 certification of the business organization shall expire without
 4287 further operation of law.
 4288 (b) The certified individual shall also inform the State
 4289 Fire Marshal in writing when she or he proposes to engage in
 4290 contracting in her or his own name or to affiliate with another
 4291 business organization, and she or he or such new business
 4292 organization shall supply the same information to the State Fire
 4293 Marshal as is required of applicants under this chapter. Each
 4294 certified individual must pay to the department an amount equal
 4295 to the original fee for certification of a new business entity.
 4296 (c) In the event of the death of a sole proprietor or in
 4297 the event that a business organization has only one
 4298 certificateholder and that person dies, the individual's estate
 4299 or personal representative or the business organization, as the
 4300 case may be, shall immediately notify the State Fire Marshal of
 4301 the individual's death and shall have a grace period of 60 days
 4302 from the date of death in which to certify another person under
 4303 the provisions of this chapter, failing which the certification
 4304 of the business organization shall expire without further
 4305 operation of law.
 4306 (4) When the certified business organization makes
 4307 application for an occupational license in any municipality or
 4308 county of this state, the application shall be made with the tax
 4309 collector in the name of the business organization, and the
 4310 license, when issued, shall be issued to the business
 4311 organization upon payment of the appropriate licensing fee and
 4312 exhibition to the tax collector of a valid certificate issued by

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4313 the division State Fire Marshal.

4314 Section 47. Section 633.537, Florida Statutes, is

4315 transferred and renumbered as section 633.332, Florida Statutes,

4316 and subsections (1) and (2) and paragraph (a) of subsection (3)

4317 are amended, to read:

4318 633.332 ~~633.537~~ Certificate: expiration; renewal; inactive

4319 certificate; continuing education.--

4320 (1) Certificates shall expire every 2 years at midnight on

4321 June 30. ~~Effective with the June 30, 1998, renewal~~. All

4322 certificates must be renewed every 2 years. The failure to renew

4323 a certificate ~~before June 30~~, shall cause the certificate

4324 to become inoperative, and it is unlawful thereafter for any

4325 person to engage, offer to engage, or hold herself or himself

4326 out as engaging in contracting under the certificate unless the

4327 certificate is restored or reissued. A certificate which is

4328 inoperative because of failure to renew shall be restored on

4329 payment of the proper renewal fee if the application for

4330 restoration is made within 90 days after June 30. If the

4331 application for restoration is not made within the 90-day

4332 period, the fee for restoration shall be equal to the original

4333 application fee, and, in addition, the State Fire Marshal shall

4334 require examination or reexamination of the applicant.

4335 (2) A person who holds a valid certificate may maintain

4336 such certificate in an inactive status during which time she or

4337 he may not engage in contracting. An inactive status certificate

4338 shall be void after a 2-year period. ~~The biennial renewal fee~~

4339 ~~for an inactive status certificate shall be \$75.~~ An inactive

4340 status certificate may be reactivated upon application to the

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4341 State Fire Marshal and payment of the initial application fee.

4342 (3)(a) A certificate for the Contractor I, II, and III

4343 classifications as defined in this chapter shall not be renewed

4344 unless the certificateholder produces documentation of at least

4345 32 contact hours of continuing education in the fire protection

4346 discipline during the biennial licensure period. Holders of

4347 Contractor IV certificates are required to obtain 14 contact

4348 hours of continuing education encompassing the appropriate

4349 National Fire Protection Association fire sprinkler documents

4350 prior to renewal. Holders of Contractor V certificates are

4351 required to obtain 14 contact hours of continuing education

4352 prior to renewal, at least 1 hour of which is in the fire

4353 protection discipline. Any continuing education hours approved

4354 pursuant to chapter 489 by the Construction Industry Licensing

4355 Board for underground utility and excavation contractors shall

4356 be considered as also approved to comply with Contractor V

4357 continuing education requirements. A Contractor V

4358 certificateholder shall provide to the State Fire Marshal

4359 evidence of approval of such coursework by the Construction

4360 Industry Licensing Board.

4361 (b) Any continuing education hours approved by the

4362 department for a Contractor I, Contractor II, Contractor III,

4363 Contractor IV, or Contractor V certificateholder shall be

4364 considered as also approved to comply with continuing education

4365 requirements for licensees under the Construction Industry

4366 Licensing Board. Such continuing education requirements under

4367 this section may include seminars and conferences if the program

4368 and subject thereof is acceptable to the State Fire Marshal.

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4369 (c) The contact hours of continuing education must be
 4370 obtained within the licensure period.
 4371 (4) The renewal period for the permit class is the same as
 4372 that for the employing certificateholder. The continuing
 4373 education requirements for permitholders are what is required to
 4374 maintain NICET Sub-field of Inspection and Testing of Fire
 4375 Protection Systems Level II, equivalent training and education
 4376 as determined by the division, or higher certification plus 8
 4377 contact hours of continuing education approved by the State Fire
 4378 Marshal during each biennial renewal period thereafter. It is
 4379 the responsibility of the permitholder to maintain NICET II
 4380 certification or equivalent training and education as determined
 4381 by the division as a condition of permit renewal after July 1,
 4382 2008.
 4383 Section 48. Section 633.539, Florida Statutes, is
 4384 transferred and renumbered as section 633.334, Florida Statutes,
 4385 and paragraph (a) of subsection (1), subsection (2), and
 4386 subsection (4) of that section are amended, to read:
 4387 633.334 ~~633-539~~ Requirements for installation, inspection,
 4388 and maintenance of fire protection systems.—
 4389 (1) The requirements for installation of fire protection
 4390 systems are as follows:
 4391 (a) Contractors of fire protection systems shall be
 4392 certified under s. 633.318 ~~633-521~~.
 4393 (b) Equipment shall be listed by a nationally recognized
 4394 testing laboratory, such as Underwriters Laboratories, Inc., or
 4395 Factory Mutual Laboratories, Inc., or shall comply with
 4396 nationally accepted standards. The State Fire Marshal shall

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4397 adopt by rule procedures for determining whether a laboratory is
 4398 nationally recognized, taking into account the laboratory's
 4399 facilities, procedures, use of nationally recognized standards,
 4400 and any other criteria reasonably calculated to reach an
 4401 informed determination.
 4402 (c) Equipment shall be installed in accordance with the
 4403 applicable standards of the National Fire Protection Association
 4404 and the manufacturer's specifications.
 4405 (d) Each piece of equipment supplied shall be guaranteed
 4406 for a period of 1 year against defects in material or
 4407 operations.
 4408 (e) The contractor shall furnish the user with operating
 4409 instructions for all equipment installed, together with a
 4410 diagram of the final installation.
 4411 (2) Equipment shall be inspected, serviced, and maintained
 4412 in accordance with the manufacturer's maintenance procedures and
 4413 with applicable National Fire Protection Association standards.
 4414 The inspection of fire protection systems shall be conducted by
 4415 a certificateholder or holder of a permit issued by the division
 4416 ~~State-Fire-Marshall~~. The permitholder may perform inspections on
 4417 fire protection systems only while employed by the
 4418 certificateholder. This section does not prohibit the authority
 4419 having jurisdiction or insurance company representatives from
 4420 reviewing the system in accordance with acceptable oversight
 4421 standards.
 4422 (3) For contracts written after June 30, 2005, the
 4423 contractor who installs the underground piping from the point of
 4424 service is responsible for completing the installation to the

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4425 aboveground connection flange, which by definition in this
 4426 chapter is no more than 1 foot above the finished floor, before
 4427 completing the Contractor's Material and Test Certificate for
 4428 Underground Piping document. Aboveground contractors may not
 4429 complete the Contractor's Material and Test Certificate for
 4430 Underground Piping document for underground piping or portions
 4431 thereof which have been installed by others.
 4432 (4) The Contractor V may install the cross-connection
 4433 backflow prevention device as defined in this chapter on new
 4434 installations following the engineer of record's direction on
 4435 type and size of the device. The retrofitting of a backflow
 4436 device on an existing fire protection system will cause a
 4437 reduction in available water pressure and probable system
 4438 malfunction. The development of aboveground fire protection
 4439 system hydraulic calculations is a task of the Contractor I and
 4440 II, as defined in this chapter. Accordingly, a Contractor V is
 4441 expressly prohibited from retrofitting cross-connection backflow
 4442 prevention devices on an existing fire protection system, and
 4443 only a Contractor I or Contractor II who is tasked to
 4444 recalculate the system and take corrective actions to ensure
 4445 that the system will function with the available water supply
 4446 may retroactively install these backflow devices on existing
 4447 fire protection systems.
 4448 Section 49. Section 633.541, Florida Statutes, is
 4449 transferred and renumbered as section 633.336, Florida Statutes,
 4450 and subsections (1), (3), and (4) of that section are amended,
 4451 to read:
 4452 633.336 ~~633-541~~ Contracting without certificate

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4453 prohibited; violations; penalty.—
 4454 (1) It is unlawful for any organization or individual to
 4455 engage in the business of layout, fabrication, installation,
 4456 inspection, alteration, repair, or service of a fire protection
 4457 system, other than a preengineered system, act in the capacity
 4458 of a fire protection contractor, or advertise itself as being a
 4459 fire protection contractor without having been duly certified
 4460 and holding a valid and existing certificate, except as
 4461 hereinafter provided. The holder of a certificate used to
 4462 qualify an organization must be a full-time employee of the
 4463 qualified organization or business. A certificateholder who is
 4464 employed by more than one fire protection contractor during the
 4465 same period of time is deemed not to be a full-time employee of
 4466 either contractor. The State Fire Marshal shall revoke, for a
 4467 period of time determined by the State Fire Marshal, the
 4468 certificate of a certificateholder who allows the use of the
 4469 certificate to qualify a company of which the certificateholder
 4470 is not a full-time employee. A contractor who maintains more
 4471 than one place of business must employ a certificateholder at
 4472 each location. Nothing in this subsection prohibits an employee
 4473 acting on behalf of governmental entities from inspecting and
 4474 enforcing firesafety codes, provided such employee is certified
 4475 under s. 633.216 ~~633-001~~.
 4476 (2) A fire protection contractor certified under this
 4477 chapter may not:
 4478 (a) Enter into a written or oral agreement to authorize,
 4479 or otherwise knowingly allow, a contractor who is not certified
 4480 under this chapter to engage in the business of, or act in the

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4481 capacity of, a fire protection contractor.
 4482 (b) Apply for or obtain a construction permit for fire
 4483 protection work unless the fire protection contractor or the
 4484 business organization qualified by the fire protection
 4485 contractor has contracted to conduct the work specified in the
 4486 application for the permit.
 4487 (3) Any person who violates any provision of this act or
 4488 commits any of the acts constituting cause for disciplinary
 4489 action as herein set forth ~~commits is guilty of~~ a misdemeanor of
 4490 the second degree, punishable as provided in s. 775.082 or s.
 4491 775.083.
 4492 (4) In addition to the penalties provided in subsection
 4493 (3), a fire protection contractor certified under this chapter
 4494 who violates any provision of this section or who commits any
 4495 act constituting cause for disciplinary action is subject to
 4496 suspension or revocation of the certificate and administrative
 4497 fines pursuant to s. ~~633.338~~ 633-547.
 4498 Section 50. Section 633.547, Florida Statutes, is
 4499 transferred and renumbered as section 633.338, Florida Statutes,
 4500 and paragraphs (d) and (h) of subsection (2) and subsections (3)
 4501 and (4) of that section are amended, to read:
 4502 ~~633.338~~ 633-547 Disciplinary action; fire protection
 4503 system contractors; grounds for denial, nonrenewal, suspension,
 4504 or revocation of certificate or permit.—
 4505 (1) The State Fire Marshal shall investigate the alleged
 4506 illegal action of any fire protection system contractor or
 4507 permittee certified under this chapter and hold hearings
 4508 pursuant to chapter 120.

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4509 (2) The following acts constitute cause for disciplinary
 4510 action:
 4511 (a) Violation of any provision of this chapter or of any
 4512 rule adopted pursuant thereto.
 4513 (b) Violation of the applicable building codes or laws of
 4514 this state or any municipality or county thereof.
 4515 (c) Diversion of funds or property received for
 4516 prosecution or completion of a specified construction project or
 4517 operation when, as a result of the diversion, the contractor is,
 4518 or will be, unable to fulfill the terms of her or his obligation
 4519 or contract.
 4520 (d) Disciplinary action by any municipality, ~~or~~ county, or
 4521 special district, which action shall be reviewed by the State
 4522 Fire Marshal before taking any disciplinary action.
 4523 (e) Failure to supervise the installation of the fire
 4524 protection system covered by the building permit signed by the
 4525 contractor.
 4526 (f) Rendering a fire protection system, standpipe system,
 4527 or underground water supply main connecting to the system
 4528 inoperative except when the fire protection system, standpipe
 4529 system, or underground water supply main is being inspected,
 4530 serviced, tested, or repaired, or except pursuant to court
 4531 order.
 4532 (g) Improperly servicing, repairing, testing, or
 4533 inspecting a fire protection, standpipe system, or underground
 4534 water supply main connecting to the system.
 4535 (h) Failing to provide proof of insurance to the State
 4536 Fire Marshal or failing to maintain in force the insurance

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4537 coverage required by s. 633.318 ~~633-521~~.

4538 (i) Failing to obtain, retain, or maintain one or more of

4539 the qualifications for a certificate as specified in this

4540 chapter.

4541 (j) Making a material misstatement, misrepresentation, or

4542 committing a fraud in obtaining or attempting to obtain a

4543 certificate.

4544 (k) Failing to notify the State Fire Marshal, in writing,

4545 within 30 days after a change of residence address, principal

4546 business address, or name.

4547 (3) The State Fire Marshal ~~is authorized to take the~~

4548 ~~following disciplinary action:~~

4549 ~~(a) She or he may suspend the contractor's certificate~~

4550 ~~certificate for a period not to exceed 2 years. During~~

4551 ~~that period, the contractor must cease all operations as a~~

4552 ~~contractor, but the State Fire Marshal may authorize the~~

4553 ~~certificateholder from all operations as a contractor during the~~

4554 ~~period fixed by the State Fire Marshal, but she or he may permit~~

4555 ~~the certificateholder to complete any contracts then incomplete.~~

4556 ~~(b) She or he may revoke a certificate for a period not to~~

4557 ~~exceed 5 years.~~

4558 (4) During the suspension or revocation of the

4559 certificate, the former certificateholder shall not engage in or

4560 attempt to ~~profess~~ to engage in any transaction or business for

4561 which a certificate is required under this chapter or directly

4562 or indirectly own, control, or be employed in any manner by any

4563 firm or corporation for which a certificate under this chapter

4564 is required. The department shall not, so long as the revocation

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4565 or suspension remains in effect, grant any new certificate for

4566 the establishment of any new firm, business, or corporation of

4567 any person that has or will have the same or similar management,

4568 ownership, control, or employees or that will use a same or

4569 similar name as a previously revoked or suspended firm,

4570 business, or corporation.

4571 (5) The State Fire Marshal may deny, suspend, or revoke

4572 the certificate of:

4573 (a) Any person, firm, or corporation the certificate of

4574 which under this chapter has been suspended or revoked.

4575 (b) Any firm or corporation if an officer, director,

4576 stockholder, owner, or person interested directly or indirectly

4577 has had his or her certificate under this chapter suspended or

4578 revoked.

4579 (c) Any person who is or has been an officer, director,

4580 stockholder, or owner of a firm or corporation, or who was

4581 interested directly or indirectly in a corporation, the

4582 certificate of which has been suspended or revoked under this

4583 chapter.

4584 (6) The lapse or suspension of a certificate by operation

4585 of law or by order of the State Fire Marshal or a court or its

4586 voluntary surrender by a certificateholder does not deprive the

4587 State Fire Marshal of jurisdiction to investigate or act in

4588 disciplinary proceedings against the certificateholder.

4589 (7) The filing of a petition in bankruptcy, either

4590 voluntary or involuntary, or the making of a composition of

4591 creditors or the appointment of a receiver for the business of

4592 the certificateholder may be considered by the State Fire

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4593 Marshal as just cause for suspension of a certificate.
 4594 Section 51. Section 633.549, Florida Statutes, is
 4595 transferred and renumbered as section 633.342, Florida Statutes,
 4596 and amended to read:
 4597 633.342 ~~633-549~~ Violations subject to injunction.—Any
 4598 person who operates as a contractor without a current
 4599 certificate or who violates any part of this chapter or any
 4600 rule, decision, order, direction, demand, or requirement of the
 4601 State Fire Marshal in relation thereto, or any part or provision
 4602 thereof, may be enjoined by the courts of the state from any
 4603 such violation or such unauthorized or unlawful contracting at
 4604 the ~~request~~ ~~instance~~ of the State Fire Marshal, the board, or
 4605 any citizen or taxpayer of the state.
 4606 Section 52. Section 633.554, Florida Statutes, is
 4607 transferred and renumbered as section 633.344, Florida Statutes.
 4608 Section 53. Section 633.70, Florida Statutes, is
 4609 transferred and renumbered as section 633.346, Florida Statutes,
 4610 and subsection (1) of that section is amended, to read:
 4611 633.346 ~~633-70~~ Jurisdiction of State Fire Marshal over
 4612 alarm system contractors and certified unlimited electrical
 4613 contractors.—
 4614 (1) When the State Fire Marshal, in the course of its
 4615 activities pursuant to s. 633.104(2) ~~633-01(2)~~, determines that
 4616 an alarm system contractor or a certified unlimited electrical
 4617 contractor working with an alarm system has violated any
 4618 provision of this chapter or the rules of the State Fire
 4619 Marshal, the State Fire Marshal shall have jurisdiction,
 4620 notwithstanding any other provision of this chapter, to order

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4621 corrective action by the alarm system contractor or the
 4622 certified unlimited electrical contractor to bring the alarm
 4623 system into compliance with applicable standards set forth in
 4624 this chapter and the rules of the State Fire Marshal.
 4625 (2) Any order issued by the State Fire Marshal shall
 4626 comply with the provisions of chapter 120 and allow a reasonable
 4627 time for corrective action to be completed.
 4628 (3) The Department of Business and Professional Regulation
 4629 and the Electrical Contractors' Licensing Board may participate,
 4630 at their discretion, but not as a party, in any proceedings
 4631 relating to corrective action.
 4632 (4) The State Fire Marshal shall adopt standards, by rule,
 4633 for the installation, maintenance, alteration, repair,
 4634 monitoring, inspection, replacement, or servicing of fire alarms
 4635 and fire alarm systems.
 4636 Section 54. Section 633.701, Florida Statutes, is
 4637 transferred and renumbered as section 633.348, Florida Statutes.
 4638 Section 55. Section 633.702, Florida Statutes, is
 4639 transferred and renumbered as section 633.3482, Florida
 4640 Statutes, and subsection (2) and paragraph (c) of subsection (3)
 4641 of that section are amended, to read:
 4642 633.3482 ~~633-702~~ Prohibited acts regarding alarm system
 4643 contractors or certified unlimited electrical contractors;
 4644 penalties.—
 4645 (1) It shall be unlawful for any person, directly or
 4646 through an agent, to sell, offer for sale, or give any make,
 4647 type, or model of fire alarm system, either new or used, unless
 4648 such make, type, or model has been tested and is currently

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4649 approved or listed by a nationally recognized testing
 4650 laboratory.
 4651 (2) Any person who violates this section commits is guilty
 4652 ~~of~~ a misdemeanor of the second degree, punishable as provided in
 4653 s. 775.082 or s. 775.083.
 4654 (3) It is a misdemeanor of the first degree, punishable as
 4655 provided in s. 775.082 or s. 775.083, for any fire alarm system
 4656 contractor or certified unlimited electrical contractor to
 4657 intentionally or willfully:
 4658 (a) Render inoperative any fire alarm system which is
 4659 required by the State Fire Marshal's rules, except when the
 4660 system is being serviced, tested, repaired, inspected, or
 4661 improved.
 4662 (b) Improperly install, service, test, repair, improve, or
 4663 inspect a fire alarm system.
 4664 (c) Knowingly combine ~~combine~~ or conspire ~~conspire~~
 4665 with any person by allowing one's certificate to be used by any
 4666 uncertified person with intent to evade the provisions of this
 4667 act. When a licensee allows his or her license to be used by one
 4668 or more companies without having any active participation in the
 4669 operation or management of said companies, such act constitutes
 4670 prima facie evidence of any intent to evade the provisions of
 4671 this chapter ~~act~~.
 4672 (4) It is a misdemeanor of the first degree, punishable as
 4673 provided in s. 775.082 or s. 775.083, for any person to
 4674 intentionally or willfully install, service, test, repair,
 4675 improve, or inspect a fire alarm system unless:
 4676 (a) The person is the holder of a valid and current active

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4677 license as a certified unlimited electrical contractor, as
 4678 defined in part II of chapter 489;
 4679 (b) The person is the holder of a valid and current active
 4680 license as a licensed fire alarm contractor, as defined in part
 4681 II of chapter 489;
 4682 (c) The person is authorized to act as a fire alarm system
 4683 agent pursuant to s. 489.5185; or
 4684 (d) The person is exempt pursuant to s. 489.503.
 4685 Section 56. Part IV of chapter 633, Florida Statutes,
 4686 consisting of sections 633.402, 633.404, 633.406, 633.408,
 4687 633.412, 633.414, 633.416, 633.418, 633.422, 633.424, 633.426,
 4688 633.428, 633.432, 633.434, 633.436, 633.438, 633.442, 633.444,
 4689 and 633.446, is created and entitled "Fire Standards and
 4690 Training."
 4691 Section 57. Section 633.31, Florida Statutes, is
 4692 transferred and renumbered as subsections (1), (2), (3), and (4)
 4693 of section 633.402, Florida Statutes, and subsection (1) of that
 4694 section is amended, section 633.32, Florida Statutes, is
 4695 transferred and renumbered as subsections (5), (6), (7), and (8)
 4696 of that section, and section 633.33, Florida Statutes, is
 4697 transferred and renumbered as subsection (9) of that section and
 4698 amended, to read:
 4699 633.402 ~~633.31~~ Firefighters Employment, Standards, and
 4700 Training Council.—
 4701 (1) There is created within the department a Firefighters
 4702 Employment, Standards, and Training Council of 13 members.
 4703 (a) The members shall be appointed as follows:
 4704 1. Two members ~~shall~~ be fire chiefs appointed by the

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4705 Florida Fire Chiefs Association.~~7~~
 4706 2. Two members shall be firefighters, who are not
 4707 officers, appointed by the Florida Professional Firefighters
 4708 Association.~~7~~
 4709 3. Two members shall be firefighter officers, who are not
 4710 fire chiefs, appointed by the State Fire Marshal.~~7~~
 4711 4. One individual member appointed by the Florida League
 4712 of Cities.~~7~~
 4713 5. One individual member appointed by the Florida
 4714 Association of Counties.~~7~~
 4715 6. One individual member appointed by the Florida
 4716 Association of Special Districts.~~7~~
 4717 7. One individual member appointed by the Florida Fire
 4718 Marshals' and Inspectors' ~~Marshals~~ Association.~~7~~ and
 4719 8. One employee of the Florida Forest Service of the
 4720 Department of Agriculture and Consumer Services appointed by the
 4721 director of the Florida Forest Service.
 4722 9. One individual member appointed by the State Fire
 4723 Marshal.~~7~~ and
 4724 10. One member shall be a director or instructor of a
 4725 state-certified firefighting training facility appointed by the
 4726 State Fire Marshal.
 4727 (b) To be eligible for appointment as a member under
 4728 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
 4729 8., or subparagraph 10. fire chief member, firefighter-officer
 4730 member, firefighter member, or a director or instructor of a
 4731 state-certified firefighting facility, a person must shall have
 4732 had at least 4 years' experience in the firefighting profession.

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4733 The remaining member, who shall be appointed by the State Fire
 4734 Marshal, shall not be a member or representative of the
 4735 firefighting profession or of any local government. Members
 4736 shall serve only as long as they continue to meet the criteria
 4737 under which they were appointed, or unless a member has failed
 4738 to appear at three consecutive and properly noticed meetings
 4739 unless excused by the chair.
 4740 (2) Members shall be appointed for 4-year terms and in no
 4741 event shall a member serve more than two consecutive terms. Any
 4742 vacancy shall be filled in the manner of the original
 4743 appointment for the remaining time of the term.
 4744 (3) The State Fire Marshal, in making her or his
 4745 appointments, shall take into consideration representation by
 4746 geography, population, and other relevant factors, in order that
 4747 the membership on the council will be apportioned to give
 4748 representation to the state at large rather than to a particular
 4749 area.
 4750 (4) Membership on the council shall not disqualify a
 4751 member from holding any other public office or being employed by
 4752 a public entity, except that no member of the Legislature shall
 4753 serve on the council.
 4754 ~~§33.32—Organization; meetings; quorum; compensation;~~
 4755 ~~seat.~~
 4756 (5)(1) The council shall elect to 1-year terms a chair and
 4757 a vice chair. No person shall serve more than two consecutive
 4758 terms in either office.
 4759 (6)(2) The council shall meet at the call of the chair, at
 4760 the request of a majority of its membership, at the request of

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4761 the department, or at such times as may be prescribed by its
 4762 rules, and a majority of the council shall constitute a quorum.
 4763 (7)(2) Members of the council shall serve without
 4764 compensation but shall be entitled to be reimbursed for per diem
 4765 and travel expenses as provided by s. 112.061.
 4766 (8)(4) The council may adopt a seal for its use containing
 4767 the words "Firefighters Employment, Standards, and Training
 4768 Council."
 4769 ~~633.33 Special powers; firefighter training.~~
 4770 (9) The council shall have special powers in connection
 4771 with the employment and training of firefighters to:
 4772 (a)(1) Recommend, for adoption by the division, uniform
 4773 minimum standards for the employment and training of
 4774 firefighters and training of volunteer firefighters.
 4775 (b)(2) Recommend, for adoption by the division, minimum
 4776 curriculum requirements for schools operated by or for any fire
 4777 service provider ~~employing agency~~ for the specific purpose of
 4778 training firefighter trainees, ~~recruits or~~ firefighters, and
 4779 volunteer firefighters.
 4780 (c)(3) Recommend, for adoption by the division, on matters
 4781 relating to the funding, general operation, and administration
 4782 of the Bureau of Fire Standards and Training (Florida State Fire
 4783 College), including, but not limited to, all standards,
 4784 training, curriculum, and the issuance of any certificate of
 4785 competency required by this chapter.
 4786 (4) ~~Consult and cooperate with any employing agency,~~
 4787 ~~university, college, community college, the Florida State Fire~~
 4788 ~~College, or other educational institution concerning the~~

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4789 employment and safety of firefighters, including, but not
 4790 limited to, the safety of firefighters while at the scene of a
 4791 fire or the scene of an incident related to the provision of a
 4792 emergency services to which a firefighter responds, and the
 4793 development of firefighter training schools and programs of
 4794 courses of instruction, including, but not limited to, education
 4795 and training in the areas of firefighter employment, fire
 4796 science, fire technology, fire administration, and all allied
 4797 and supporting fields.
 4798 (d)(5) Make or support studies on any aspect of
 4799 firefighting employment, education, and training or recruitment.
 4800 (e)(6) Make recommendations concerning any matter within
 4801 its purview pursuant to this section ~~set~~.
 4802 Section 58. Section 633.42, Florida Statutes, is
 4803 transferred and renumbered as 633.404, Florida Statutes, and
 4804 amended to read:
 4805 633.404 633-42 Additional standards authorized.—Nothing
 4806 herein shall be construed to preclude an fire service provider
 4807 ~~employing agency~~ from establishing qualifications and standards
 4808 for hiring, training, or promoting firefighters that exceed the
 4809 minimum set by the division ~~department~~.
 4810 Section 59. Section 633.406, Florida Statutes, is created
 4811 to read:
 4812 633.406 Classes of certification.—
 4813 (1) The division may award one or more of the following
 4814 certificates:

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4815 (a) Firefighter Certificate of Compliance.—A Firefighter
 4816 Certificate of Compliance may be awarded to a person who meets
 4817 the requirements established in s. 633.408(4).
 4818 (b) Fire Safety Inspector Certificate of Compliance.—A
 4819 Fire Safety Inspector Certificate of Compliance may be awarded
 4820 to a person who meets the requirements established in s.
 4821 633.216(2).
 4822 (c) Special Certificate of Compliance.—A Special
 4823 Certificate of Compliance may be awarded to a person who
 4824 qualifies under s. 633.408(6).
 4825 (d) Forestry Certificate of Compliance.—A Forestry
 4826 Certificate of Compliance may be awarded to a person who has
 4827 satisfactorily complied with a training program and successfully
 4828 passed an examination as prescribed by rule, and who possesses
 4829 the qualifications established in s. 590.02(1)(e).
 4830 (e) Fire Service Instructor Certificate.—A Fire Service
 4831 Instructor Certificate may be awarded to a person who
 4832 demonstrates general or specialized knowledge, skills, and
 4833 abilities in firefighting service and meets the qualification
 4834 requirements prescribed by rule.
 4835 (f) Certificate of Competency.—A Fire Service Instructor
 4836 Certificate may be awarded to a person who meets the experience,
 4837 training, advanced education, or examination requirements as
 4838 prescribed by rule, and are especially qualified for particular
 4839 aspects of firefighting service.
 4840 (g) Volunteer Firefighter Certificate of Completion.—A
 4841 Fire Service Instructor Certificate may be awarded to a person

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4842 who has satisfactorily completed the training requirements as
 4843 prescribed by rule for a volunteer firefighter.
 4844 (2) The division may establish by rule certificates, in
 4845 addition to those provided in subsection (1), that the division
 4846 may award in recognition of special training or education
 4847 received by an individual, which authorizes that individual to
 4848 perform specialized firefighting services or provide specialized
 4849 firefighting instruction, such as hazardous materials and urban
 4850 search and rescue.
 4851 Section 60. Section 633.35, Florida Statutes, is
 4852 transferred and renumbered as subsections (1) and (2), paragraph
 4853 (a) of subsection (3), and subsections (4), (5), (6), (7), and
 4854 (8) of section 633.408, Florida Statutes, and amended, and
 4855 section 633.37, Florida Statutes, is transferred and renumbered
 4856 as paragraph (b) of subsection (3) of that section, and amended,
 4857 to read:
 4858 633.408 ~~633-35~~ Firefighter and volunteer firefighter
 4859 training and certification.—
 4860 (1) The division shall establish by rule:
 4861 (a) A Minimum Standards Course and course examination to
 4862 provide the training required to obtain a Firefighter
 4863 Certificate of Compliance;
 4864 (b) Courses and course examinations to provide training
 4865 required to obtain a Volunteer Firefighter Certificate of
 4866 Completion or a Special Certificate of Compliance; and
 4867 (c) Courses to provide continuing training for
 4868 firefighters and volunteer firefighters.
 4869 (2) Courses under subsection (1) may only be administered

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4870 by education or training providers approved by the division
 4871 pursuant to s. 633.128(1)(c) and taught by instructors certified
 4872 pursuant to s. 633.128(1)(d) a firefighter training program of
 4873 not less than 360 hours, administered by such agencies and
 4874 institutions as it approves for the purpose of providing basic
 4875 employment training for firefighters.
 4876 (3)(a) Nothing herein shall require a fire service
 4877 provider ~~public employer~~ to pay the cost of such training.
 4878 633.37 Payment of tuition by employing agency.--
 4879 (b) A fire service provider ~~An employing agency~~ is
 4880 authorized to pay part or all of the costs of tuition for ~~of~~
 4881 trainees in attendance at approved courses training programs.
 4882 (4)(2) The division shall issue a firefighter certificate
 4883 of compliance to any individual who:
 4884 (a) ~~person~~ Satisfactorily completes ~~complying with the~~
 4885 Minimum Standards Course or who has satisfactorily completed
 4886 training for firefighters in another state which has been
 4887 determined by the division to be at least the equivalent of the
 4888 training required for the Minimum Standards Course;
 4889 (b) Passes the minimum standards course examination;
 4890 training program established in subsection (1), who has
 4891 successfully passed an examination as prescribed by the
 4892 division; and
 4893 (c) ~~who~~ Possesses the qualifications for employment in s.
 4894 633.412 ~~633.34, except s. 633.34(5).~~
 4895 (5) The division shall issue a Volunteer Firefighter
 4896 Certificate of Completion to any individual who satisfactorily
 4897 completes the course established under paragraph (1)(b). ~~No~~

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4898 person may be employed as a regular or permanent firefighter by
 4899 an employing agency, or by a private entity under contract with
 4900 the state or any political subdivision of the state, including
 4901 authorities and special districts, for a period of time in
 4902 excess of 1 year from the date of initial employment until he or
 4903 she has obtained such certificate of compliance. A person who
 4904 does not hold a certificate of compliance and is employed under
 4905 this section may not directly engage in hazardous operations,
 4906 such as interior structural firefighting and hazardous
 4907 materials incident mitigation, requiring the knowledge and
 4908 skills taught in a training program established in subsection
 4909 (1). However, a person who has served as a volunteer firefighter
 4910 with the state or any political subdivision of the state,
 4911 including authorities and special districts, who is then
 4912 employed as a regular or permanent firefighter may function
 4913 during this period, in the same capacity in which he or she
 4914 acted as a volunteer firefighter, provided that he or she has
 4915 completed all training required by the volunteer organization.
 4916 (3) The division may issue a certificate to any person who
 4917 has received basic employment training for firefighters in
 4918 another state when the division has determined that such
 4919 training was at least equivalent to that required by the
 4920 division for approved firefighter education and training
 4921 programs in this state and when such person has satisfactorily
 4922 complied with all other requirements of this section.
 4923 (6)(a) The division may ~~also~~ issue a Special Certificate
 4924 of Compliance to an individual a person who:
 4925 1. Satisfactorily completes the course established in

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4926 subsection (1)(b) to obtain a Special Certificate of Compliance;
 4927 2. Passes the examination established in subsection
 4928 (1)(b), to obtain a Special Certificate of Compliance; and
 4929 3. Possesses the qualifications in s. 633.412 ~~is otherwise~~
 4930 ~~qualified under this section and who is employed as the~~
 4931 ~~administrative and command head of a fire/rescue/emergency~~
 4932 ~~services organization, based on the acknowledgment that such~~
 4933 ~~person is less likely to need physical dexterity and more likely~~
 4934 ~~to need advanced knowledge of firefighting and supervisory~~
 4935 ~~skills.~~
 4936 (b) A special the certificate of compliance is valid only
 4937 authorizes an individual to serve while the person is serving in
 4938 a position as an administrative and command head of a fire
 4939 service provider fire/rescue/emergency services organization.
 4940 (7)(4) An individual ~~A person~~ who fails an examination
 4941 given under this section may retake the examination once within
 4942 6 months after the original examination date. If the individual
 4943 ~~An applicant who~~ does not retake the examination or fails the
 4944 reexamination within such time, the individual must take the
 4945 Minimum Standards Course for a Firefighter Certificate of
 4946 Compliance or the course established under subsection (1)(b) for
 4947 a Special Certificate of Compliance, ~~pursuant to subsection (1)~~ for
 4948 before being reexamined. The division may grant an extension of
 4949 the 6-month period based upon documented medical necessity and
 4950 may establish reasonable preregistration deadlines for ~~such~~
 4951 reexaminations.
 4952 (8)(5) Pursuant to s. 590.02(1)(e), the division shall
 4953 establish a structural fire training program of not less than

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4954 206 40 hours. The division shall issue to any person
 4955 satisfactorily complying with this training program and who has
 4956 successfully passed an examination as prescribed by the division
 4957 and who has met the requirements of s. 590.02(1)(e), a Forestry
 4958 Certificate of Compliance ~~Certificate of Forestry Firefighter~~.
 4959 (6) An individual who holds a current and valid Forestry
 4960 Certificate of Compliance ~~A certified forestry firefighter~~ is
 4961 entitled to the same rights, privileges, and benefits provided
 4962 for by law as a certified firefighter.
 4963 Section 61. Section 633.34, Florida Statutes, is
 4964 transferred, renumbered as section 633.412, Florida Statutes,
 4965 and amended to read:
 4966 633.412 ~~633-34~~ Firefighters; qualifications for
 4967 certification employment.—
 4968 (1) Any person applying for certification employment as a
 4969 firefighter must:
 4970 (a)(1) Be a high school graduate or the equivalent, as the
 4971 term may be determined by the division, and at least 18 years of
 4972 age.
 4973 (b)(2) ~~Not~~ ~~Neither~~ have been convicted of a misdemeanor
 4974 relating to the certification or to perjury or false statements,
 4975 or a felony or a crime punishable by imprisonment of 1 year or
 4976 more under the law of the United States or of any state thereof
 4977 or under the law of any other country, or dishonorably
 4978 discharged from any of the Armed Forces of the United States.
 4979 "Convicted" means a finding of guilt or the acceptance of a plea
 4980 of guilty or nolo contendere, in any federal or state court or a
 4981 court in any other country, without regard to whether a judgment

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4982 of conviction has been entered by the court having jurisdiction
 4983 of the case. felony or of a misdemeanor directly related to the
 4984 position of employment sought, nor have pled no contest to
 4985 any charge of a felony. If an applicant has been convicted of a
 4986 felony, such applicant must be in compliance with s.
 4987 112.011(2)(b). If an applicant has been convicted of a
 4988 misdemeanor directly related to the position of employment
 4989 sought, such applicant shall be excluded from employment for a
 4990 period of 4 years after expiration of sentence. If the sentence
 4991 is suspended or adjudication is withheld in a felony charge or
 4992 in a misdemeanor directly related to the position of employment
 4993 sought and a period of probation is imposed, the applicant must
 4994 have been released from probation.
 4995 (c)(3) Submit fingerprints a fingerprint card to the
 4996 division with a current processing fee. The fingerprints
 4997 fingerprint card will be forwarded to the Department of Law
 4998 Enforcement for state processing, and forwarded by the
 4999 Department of Law Enforcement to and/or the Federal Bureau of
 5000 Investigation for national processing.
 5001 (d)(4) Have a good moral character as determined by
 5002 investigation under procedure established by the division.
 5003 (e)(5) Be in good physical condition as determined by a
 5004 medical examination given by a physician, surgeon, or physician
 5005 assistant licensed to practice in the state pursuant to chapter
 5006 458; an osteopathic physician, surgeon, or physician assistant
 5007 licensed to practice in the state pursuant to chapter 459; or an
 5008 advanced registered nurse practitioner licensed to practice in
 5009 the state pursuant to chapter 464. Such examination may include,

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5010 but need not be limited to, provisions of the National Fire
 5011 Protection Association Standard 1582. A medical examination
 5012 evidencing good physical condition shall be submitted to the
 5013 division, on a form as provided by rule, before an individual is
 5014 eligible for admission into a course under firefighter training
 5015 program as defined in s. 633.408 633-35.
 5016 (f)(6) Be a nonuser of tobacco or tobacco products for at
 5017 least 1 year immediately preceding application, as evidenced by
 5018 the sworn affidavit of the applicant.
 5019 (2) If the division suspends or revokes an individual's
 5020 certificate, the division must suspend or revoke all other
 5021 certificates issued by the division pursuant to this part.
 5022 Section 62. Section 633.352, Florida Statutes, is
 5023 transferred, renumbered as section 633.414, Florida Statutes,
 5024 and amended to read:
 5025 633.414 633-352 Retention of firefighter certification.—
 5026 (1) In order for a firefighter to retain his or her
 5027 Firefighter Certificate of Compliance, every 4 years he or she
 5028 must:
 5029 (a) Be Any certified firefighter who has not been active
 5030 as a firefighter, or as a volunteer firefighter with an
 5031 organized fire department, for a period of 3 years shall be
 5032 required to retake the practical portion of the minimum
 5033 standards state examination specified in rule 69A-37.056(6)(b)7
 5034 Florida Administrative Code, in order to maintain her or his
 5035 certification as a firefighter;
 5036 (b) Maintain a current and valid fire safety instructor
 5037 certificate, instruct at least 40 hours during the 4 year

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5038 period, and provide proof of such instruction to the division,
 5039 which proof must be registered in an electronic database
 5040 designated by the division;
 5041 (c) Successfully complete a refresher course consisting of
 5042 a minimum of 40 hours of training to be prescribed by rule; or
 5043 (d) Within 6 months before the 4-year period expires,
 5044 successfully retake and pass the Minimum Standards Course
 5045 examination.
 5046 (2) In order for a volunteer firefighter to retain his or
 5047 her Volunteer Firefighter Certificate of Completion, every 4
 5048 years he or she must:
 5049 (a) Be active as a volunteer firefighter; or
 5050 (b) Successfully complete a refresher course consisting of
 5051 a minimum of 40 hours of training to be prescribed by rule.
 5052 (3) Subsection (1) ~~however, this requirement~~ does not
 5053 apply to state-certified firefighters who are certified and
 5054 employed ~~as~~ full-time, as determined by the fire service
 5055 provider, as fire safety inspectors or fire investigators
 5056 ~~fire safety inspectors~~, regardless of their ~~the firefighter's~~
 5057 employment status as a firefighter.
 5058 (4) For the purposes of this section, "active" means being
 5059 employed as a firefighter or providing service as a volunteer
 5060 firefighter for a cumulative 6 months within a 4-year period.
 5061 (5) The 4-year ~~3-year~~ period begins:
 5062 (a) If the individual is certified on or after July 1,
 5063 2013, on the date the certificate of ~~compliance~~ is issued or
 5064 upon termination of employment or service with a an-organized
 5065 fire department.

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5066 (b) If the individual is certified before July 1, 2013, on
 5067 July 1, 2014, or upon termination of employment or service
 5068 thereafter.
 5069 Section 63.41, Florida Statutes, is
 5070 transferred, renumbered as section 633.416, Florida Statutes,
 5071 and amended to read:
 5072 633.416 633-41 Firefighter employment and volunteer
 5073 firefighter service; saving clause.--
 5074 (1) A fire service provider may not employ an individual
 5075 to:
 5076 (a) Extinguish fires for the protection of life or
 5077 property or to supervise individuals who perform such services
 5078 unless the individual holds a current and valid Firefighter
 5079 Certificate of Compliance; or
 5080 (b) Serve as the administrative and command head of a fire
 5081 service provider for a period in excess of 1 year unless the
 5082 individual holds a current and valid Firefighter Certificate of
 5083 Compliance or Special Certificate of Compliance.
 5084 (2) A fire service provider may not retain the services of
 5085 an individual volunteering to extinguish fires for the
 5086 protection of life or property or to supervise individuals who
 5087 perform such services unless the individual holds a current and
 5088 valid Volunteer Firefighter Certificate of Completion.
 5089 (3)(a) A fire service provider must make a diligent effort
 5090 to determine whether the individual has a current and valid
 5091 certificate prior to employing or retaining an individual for
 5092 the services under subsection (1) or subsection (2), including

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5093 making a determination of whether the requirements set forth in

5094 s. 633.414 have been fulfilled.

5095 (b) For the purposes of this subsection, the term

5096 "diligent effort" means contacting at least three of the

5097 individual's previous employers to obtain his or her dates of

5098 employment and contacting the division to determine the

5099 certification status of the individual.

5100 (4)(a) A fire service provider must notify the division

5101 electronically, as directed by rule by the division, within 10

5102 days of:

5103 1. The hiring of a firefighter.

5104 2. The retention of a volunteer firefighter.

5105 3. The cessation of employment of a firefighter.

5106 4. A decision not to retain a volunteer firefighter.

5107 (b) Notification under paragraph (a) must include:

5108 1. The individual's name.

5109 2. The date on which he or she was hired or retained.

5110 3. The last date of employment or retention prior to

5111 leaving the fire service provider.

5112 4. Any other information deemed necessary by the division

5113 to determine compliance with ss. 633.414 and 633.426.

5114 (5) If the fire service provider makes a determination

5115 that an individual has not met the requirements set forth in s.

5116 633.414(1), the fire service provider must notify the division

5117 in writing within 10 days of making that determination.

5118 (6) The division may conduct site visits to fire

5119 departments to monitor compliance with this section.

5120 (7) For purposes of this section, the term "employ" means

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5121 to pay an individual a salary, wage, or other compensation for

5122 the performance of work. The term does not include the payment

5123 of expenses, reasonable benefits, a nominal fee, or a

5124 combination thereof, to a volunteer for a public or private fire

5125 service provider who is only paid in a manner that would be

5126 authorized for a volunteer under the federal Fair Labor

5127 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.,

5128 and its implementing regulations.

5129 (8) Firefighters employed on July 5, 1969, are not

5130 required to meet the provisions of ss. 633.408 and 633.412

5131 ~~633.34 and 633.35~~ as a condition of tenure or continued

5132 employment; nor shall their failure to fulfill such requirements

5133 make them ineligible for any promotional examination for which

5134 they are otherwise eligible or affect in any way any pension

5135 rights to which they may be entitled on July 5, 1969.

5136 Section 64. Section 633.38, Florida Statutes, is

5137 transferred, renumbered as section 633.418, Florida Statutes,

5138 and amended to read:

5139 ~~633.418 633.38~~ Inservice training and promotion;

5140 participation.—

5141 (1)(a) The division shall by rules and regulations

5142 prescribe curricula and standards for advanced and specialized

5143 training courses and education ~~training~~ in addition to those

5144 prescribed in ss. 633.412 and 633.408 ~~633.34 and 633.35~~.

5145 (b) The standards provided by this section shall not bind

5146 any fire service provider employing agency as to the

5147 requirements it may have for promoting personnel.

5148 (2) Fire service providers ~~departments or any fire service~~

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5149 participating under the provisions of this section shall adhere
 5150 to the standards and procedures established by the division.
 5151 Section 65. Section 633.382, Florida Statutes, is
 5152 transferred, renumbered as section 633.422, Florida Statutes,
 5153 and amended to read:
 5154 633.422 Firefighters; supplemental compensation.—
 5155 ~~(1) DEFINITIONS. As used in this section, the term:~~
 5156 ~~(a) "Employing agency" means any municipality or any~~
 5157 ~~county, the state, or any political subdivision of the state,~~
 5158 ~~including authorities and special districts employing~~
 5159 ~~firefighters.~~
 5160 ~~(b) "Firefighter" means any person who meets the~~
 5161 ~~definition of the term "firefighter" in s. 633.30(1) who is~~
 5162 ~~certified in compliance with s. 633.35 and who is employed~~
 5163 ~~solely within the fire department of the employing agency or is~~
 5164 ~~employed by the division.~~
 5165 (1)(a) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—The
 5166 Legislature recognizes the need for supplemental compensation
 5167 for firefighters who pursue higher educational opportunities
 5168 that directly relate to the improvement of the health, safety,
 5169 and welfare of firefighters and those that firefighters protect.
 5170 The State Fire Marshal shall determine, and is authorized to
 5171 adopt by rule, the course work or degrees that represent the
 5172 best practices toward this goal in the field of firefighting.
 5173 (a) In addition to the compensation now paid by a fire
 5174 service provider an employing agency to any firefighter, every
 5175 firefighter shall be paid supplemental compensation by the fire
 5176 service provider employing agency when such firefighter is a

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5177 full-time employee, as determined by the employing fire service
 5178 provider, and has complied with one of the following criteria:
 5179 1. Any firefighter who receives an associate degree from
 5180 an accredited college, which degree is directly applicable to
 5181 fire department duties, as outlined in policy guidelines adopted
 5182 by rule by the division, shall be additionally compensated as
 5183 outlined in paragraph (2)(3)(a).
 5184 2. Any firefighter, regardless of whether or not she or he
 5185 earned an associate degree earlier, who receives from an
 5186 accredited college or university a bachelor's degree, which
 5187 bachelor's degree is directly applicable to fire department
 5188 duties, as outlined in policy guidelines adopted by rule by the
 5189 division, shall receive compensation as outlined in
 5190 paragraph (2)(3)(b).
 5191 (b) Whenever any question arises as to the eligibility of
 5192 any firefighter to receive supplemental compensation as provided
 5193 in this section, the question, together with all facts relating
 5194 thereto, shall be submitted to the division for determination,
 5195 and the decision of the division with regard to determination of
 5196 eligibility shall be final, subject to the provisions of chapter
 5197 120.
 5198 (2)(3) SUPPLEMENTAL COMPENSATION.—Supplemental
 5199 compensation shall be determined as follows:
 5200 (a) Fifty dollars shall be paid monthly to each
 5201 firefighter who qualifies under the provisions of subparagraph
 5202 (1)(2)(a)1.
 5203 (b) One hundred and ten dollars shall be paid monthly to
 5204 each firefighter who qualifies under the provisions of

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5205 subparagraph (1)(a)2.

5206 (3)(4) FUNDING. —

5207 (a) The fire service provider ~~employing agency~~ is

5208 responsible for the correct payment of firefighters pursuant to

5209 the provisions of this section. The division may review, in a

5210 postaudit capacity, any action taken by an agency in

5211 administering the educational incentive program. The fire

5212 service provider ~~employing agency~~ shall take appropriate action

5213 when a postaudit shows that an action taken by the fire service

5214 provider ~~employing agency~~ was in error.

5215 (b) Each fire service provider agency employing

5216 firefighters who are eligible for this compensation shall submit

5217 reports containing information relating to compensation paid as

5218 a result of this section to the division on March 31, June 30,

5219 September 30, and December 31 of each year.

5220 (c) There is appropriated from the Police and

5221 Firefighter's Premium Tax Trust Fund to the Firefighters'

5222 Supplemental Compensation Trust Fund, which is hereby created

5223 under the Department of Revenue, all moneys which have not been

5224 distributed to municipalities and special fire control districts

5225 in accordance with s. 175.121 as a result of the limitation

5226 contained in s. 175.122 on the disbursement of revenues

5227 collected pursuant to chapter 175 or as a result of any

5228 municipality or special fire control district not having

5229 qualified in any given year, or portion thereof, for

5230 participation in the distribution of the revenues collected

5231 pursuant to chapter 175. The total required annual distribution

5232 from the Firefighters' Supplemental Compensation Trust Fund

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5233 shall equal the amount necessary to pay supplemental

5234 compensation as provided in this section, provided that:

5235 1. Any deficit in the total required annual distribution

5236 shall be made up from accrued surplus funds existing in the

5237 Firefighters' Supplemental Compensation Trust Fund on June 30,

5238 1990, for as long as such funds last. If the accrued surplus is

5239 insufficient to cure the deficit in any given year, the

5240 proration of the appropriation among the counties,

5241 municipalities, and special fire service taxing districts shall

5242 equal the ratio of compensation paid in the prior year to

5243 county, municipal, and special fire service taxing district

5244 firefighters pursuant to this section. This ratio shall be

5245 provided annually to the Department of Revenue by the division

5246 ~~of State Fire Marshal~~. Surplus funds that have accrued or accrue

5247 on or after July 1, 1990, shall be redistributed to

5248 municipalities and special fire control districts as provided in

5249 subparagraph 2.

5250 2. By October 1 of each year, any funds that have accrued

5251 or accrue on or after July 1, 1990, and remain in the

5252 Firefighters' Supplemental Compensation Trust Fund following the

5253 required annual distribution shall be redistributed by the

5254 Department of Revenue pro rata to those municipalities and

5255 special fire control districts identified by the Department of

5256 Management Services as being eligible for additional funds

5257 pursuant to s. 175.121(3)(b).

5258 (d) Salary incentive payments to firefighters shall

5259 commence in the first full calendar month following the initial

5260 date of certification of eligibility by the division ~~of State~~

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5261 ~~Fire Marshal.~~
 5262 (e) Special fire service taxing districts are authorized
 5263 and empowered to expend the funds necessary to ensure correct
 5264 payment to firefighters.
 5265 ~~(4)(b)~~ LEGISLATIVE FINDINGS.—The payment of supplemental
 5266 compensation and expenses of the administration provided by this
 5267 section is found to serve a state, county, district, and
 5268 municipal purpose and to provide benefit to the state and to its
 5269 counties, municipalities, and districts.
 5270 (5) For the purposes of this section, the division shall be
 5271 considered a fire service provider responsible for the payment
 5272 of supplemental compensation in accordance with this section to
 5273 firefighters employed full-time by the division.
 5274 Section 66, Section 633.353, Florida Statutes, is
 5275 transferred, renumbered as section 633.424, Florida Statutes,
 5276 and amended to read:
 5277 ~~633.424 633-353~~ Falsification of qualifications.—Any
 5278 individual ~~person~~ who willfully and knowingly falsifies her or
 5279 his the qualifications ~~of a new employee~~ to the Bureau of Fire
 5280 Standards and Training of the division commits ~~is guilty of~~ a
 5281 misdemeanor of the second degree, punishable as provided in s.
 5282 775.082 or s. 775.083.
 5283 Section 67, Section 633.351, Florida Statutes, is
 5284 transferred, renumbered as section 633.426, Florida Statutes,
 5285 and amended to read:
 5286 ~~633.426 633-351~~ Disciplinary action: ~~firefighters~~
 5287 standards for revocation of certification.—
 5288 (1) For purposes of this section, the term:

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5289 (a) "Certificate" means any of the certificates issued
 5290 under s. 633.406.
 5291 (b) "Certification" or "certified" means the act of
 5292 holding a current and valid certificate.
 5293 (c) "Convicted" means a finding of guilt, or the
 5294 acceptance of a plea of guilty or nolo contendere, in any
 5295 federal or state court or a court in any other country, without
 5296 regard to whether a judgment of conviction has been entered by
 5297 the court having jurisdiction of the case.
 5298 (2) An individual is ineligible to apply for certification
 5299 if the individual has, at any time, been:
 5300 (a) Convicted of a misdemeanor relating to the
 5301 certification or to perjury or false statements.
 5302 (b) Convicted of a felony or a crime punishable by
 5303 imprisonment of 1 year or more under the law of the United
 5304 States or of any state thereof, or under the law of any other
 5305 country.
 5306 (c) Dishonorably discharged from any of the Armed Forces
 5307 of the United States.
 5308 (3)(a) The certification of an individual shall be
 5309 permanently revoked if the individual is:
 5310 1. Convicted of a misdemeanor relating to perjury or false
 5311 statement.
 5312 2. Convicted of a felony or a crime punishable by
 5313 imprisonment of 1 year or more under the law of the United
 5314 States or of any state thereof, or under the law of any other
 5315 country.
 5316 3. Dishonorably discharged from any of the Armed Forces of

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5317 the United States.
 5318 (b) For individuals who are certified prior to the
 5319 effective date of this act:
 5320 1. This subsection shall apply prospectively to
 5321 convictions or dishonorable discharges entered on or after the
 5322 effective date of this act.
 5323 2. The provisions of former s. 633.351 as it existed prior
 5324 to the effective date of this act shall apply to convictions
 5325 entered prior to the effective date of this act.
 5326 (4) The certification of an individual a firefighter shall
 5327 be revoked if evidence is found which demonstrates that the
 5328 certification was improperly issued by the division or if
 5329 evidence is found that the certification was issued on the basis
 5330 of false, incorrect, incomplete, or misleading information, or
 5331 that the individual has demonstrated a lack of moral fitness or
 5332 trustworthiness to carry out the responsibilities under the
 5333 individual's certification.
 5334 (5) If the division, after investigation, has reason to
 5335 believe that any individual who is certified may have been
 5336 convicted of a felony or of a misdemeanor related to perjury or
 5337 false statement in this or any other state or jurisdiction, the
 5338 division may require the individual to submit fingerprints to
 5339 the division with a current processing fee. The fingerprints
 5340 will be forwarded by the division to the Department of Law
 5341 Enforcement for state processing and will be forwarded by the
 5342 Department of Law Enforcement to the Federal Bureau of
 5343 Investigation for national processing.
 5344 (2) The certification of a firefighter who is convicted of

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5345 ~~a felony, or who is convicted of a misdemeanor relating to~~
 5346 ~~misleading or false statements, or who pleads nolo contendere to~~
 5347 ~~any charge of a felony shall be revoked until the firefighter~~
 5348 ~~complies with s. 112.011(2)(b). However, if sentence upon such~~
 5349 ~~felony or such misdemeanor charge is suspended or adjudication~~
 5350 ~~is withheld, the firefighter's certification shall be revoked~~
 5351 ~~until she or he completes any probation.~~
 5352 Section 68. Section 633.43, Florida Statutes, is
 5353 transferred, renumbered as section 633.428, Florida Statutes,
 5354 and amended to read:
 5355 633.428 ~~633.43~~ Florida State Fire College established.—
 5356 There is hereby established a state institution to be known as
 5357 the Florida State Fire College, to be located at or near Ocala,
 5358 Marion County. The institution shall be operated by the division
 5359 of State Fire Marshal of the department.
 5360 Section 69. Section 633.44, Florida Statutes, is
 5361 transferred, renumbered as section 633.432, Florida Statutes,
 5362 and amended, to read:
 5363 633.432 ~~633.44~~ Purpose of fire college.—The purposes of
 5364 this part ~~ss. 633.43-633.49~~ and of the Florida State Fire
 5365 College shall be:
 5366 (1) To provide professional and volunteer firefighters
 5367 with needful professional instruction and training in subjects,
 5368 including, but not limited to, firefighting, fire prevention,
 5369 hazardous materials, urban search and rescue, and emergency
 5370 operations, at a minimum of cost to them and to their employers.
 5371 (2) To ensure the professionalism and competence of those
 5372 performing firefighting, fire prevention, and associated fire

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5373 protection functions by administering a system of certification
 5374 and licensing.
 5375 (3)(2) To develop new methods and practices of
 5376 firefighting and fire prevention.
 5377 (4)(2) To assist the state and county, municipal, and
 5378 other local governments of this state and their agencies and
 5379 officers in their investigation and determination of the causes
 5380 of fires.
 5381 (5)(4) To provide testing facilities for testing
 5382 firefighting equipment.
 5383 (6)(5) To disseminate useful information on fires,
 5384 firefighting and fire prevention and other related subjects, to
 5385 fire departments and others interested in such information.
 5386 (7)(6) To do such other needful or useful things necessary
 5387 to the promotion of public safety in the field of fire hazards
 5388 and fire prevention work.
 5389
 5390 It is hereby declared by the Legislature that the above purposes
 5391 are legitimate state functions and are designed to promote
 5392 public safety.
 5393 Section 70. Section 633.48, Florida Statutes, is
 5394 transferred, renumbered as section 633.434, Florida Statutes,
 5395 and amended to read:
 5396 633.434 ~~633.48~~ Superintendent of college.—The division may
 5397 employ a superintendent for the Florida State Fire College, who
 5398 shall be especially trained and qualified in firefighting, fire
 5399 prevention and fire experimental work, and may employ on the
 5400 recommendations of said superintendent such other instructors,

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5401 experimental helpers and laborers as may be necessary to the
 5402 proper conduct of said institution; and may proceed with the
 5403 erection and detailed operation of said institution under ss.
 5404 633.428-633.444 ~~633.43-633.49~~.
 5405 Section 71. Section 633.461, Florida Statutes, is
 5406 transferred, renumbered as section 633.436, Florida Statutes,
 5407 and amended to read:
 5408 633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—
 5409 The funds received from the Insurance Regulatory Trust Fund
 5410 shall be used by the staff of the Florida State Fire College to
 5411 provide all necessary services, training, equipment, and
 5412 supplies to carry out the college's responsibilities, including,
 5413 but not limited to, ~~the State Fire Marshal Scholarship Grant~~
 5414 ~~Program~~ and the procurement of training resources and ~~films~~
 5415 ~~videotapes, audiotapes,~~ equipment, and other useful information
 5416 on fire, firefighting, and fire prevention, including public
 5417 fire service information packages.
 5418 Section 72. Section 633.46, Florida Statutes, is
 5419 transferred and renumbered as section 633.446, Florida Statutes.
 5420 Section 73. Section 633.47, Florida Statutes, is
 5421 transferred and renumbered as section 633.438, Florida Statutes.
 5422 Section 74. Section 633.49, Florida Statutes, is
 5423 transferred, renumbered as section 633.442, Florida Statutes,
 5424 and amended to read:
 5425 633.442 ~~633.49~~ Buildings, equipment, and other facilities;
 5426 use.—The division shall have the power to prescribe and shall
 5427 make the necessary rules and regulations for the use of
 5428 buildings, equipment and other facilities of the Florida State

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5429 Fire College when they are not in use for the purposes set forth
 5430 in part ss. 633.43-633.49.
 5431 Section 75. Section 633.50, Florida Statutes, is
 5432 transferred, renumbered as section 633.444, Florida Statutes,
 5433 and amended to read:
 5434 633.444 633-50 Division powers and duties; Florida State
 5435 Fire College.-
 5436 (1) The division, in performing its duties related to the
 5437 Florida State Fire College, specified in this part ss. 633.43-
 5438 633.49, shall:
 5439 (a) Enter into agreements with public or private school
 5440 districts, community colleges, junior colleges, or state
 5441 universities to carry out its duties and responsibilities.
 5442 (b) Review and approve budget requests for the fire
 5443 college educational program.
 5444 (c) Prepare the legislative budget request for the Florida
 5445 State Fire College education program. The superintendent is
 5446 responsible for all expenditures pursuant to appropriations.
 5447 (d) Implement procedures to obtain appropriate entitlement
 5448 funds from federal and state grants to supplement the annual
 5449 legislative appropriation. Such funds must be used expressly for
 5450 the fire college educational programs.
 5451 (e) Develop a staffing and funding formula for the Florida
 5452 State Fire College. The formula shall include differential
 5453 funding levels for various types of programs, shall be based on
 5454 the number of full-time equivalent students and information
 5455 obtained from scheduled attendance counts taken the first day of
 5456 each program, and shall provide the basis for the legislative

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5457 budget request. As used in this section, a full-time equivalent
 5458 student is equal to a minimum of 900 hours in a technical
 5459 certificate program and 400 hours in a degree-seeking program.
 5460 The funding formula shall be as prescribed pursuant to s.
 5461 1011.62, shall include procedures to document daily attendance,
 5462 and shall require that attendance records be retained for audit
 5463 purposes.
 5464 (f) Approve and register in an electronic database
 5465 designated by the division an education or training provider
 5466 before the education or training provider is authorized to offer
 5467 any course to fulfill any education or training requirement
 5468 under this chapter. The division must establish criteria, by
 5469 rule, for the approval of such education or training providers.
 5470 Only approved and registered education or training providers are
 5471 eligible to provide instruction or training that will be
 5472 recognized by the division in order to fulfill any education or
 5473 training requirement under this chapter.
 5474 (g) Recognize only courses offered by approved and
 5475 registered training or education providers as fulfilling the
 5476 education or training requirements under this chapter.
 5477 (2) Funds generated by the formula per full-time
 5478 equivalent student may not exceed the level of state funding per
 5479 full-time equivalent student generated through the Florida
 5480 Education Finance Program or the State Community College Program
 5481 Fund for students enrolled in comparable education programs
 5482 provided by public school districts and community colleges.
 5483 Funds appropriated for education and operational costs shall be
 5484 deposited in the Insurance Regulatory Trust Fund to be used

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5485 solely for purposes specified in s. ~~633.436~~ 633.436 and may not
 5486 be transferred to any other budget entity for purposes other
 5487 than education.
 5488 Section 76. Part V of chapter 633, Florida Statutes,
 5489 consisting of sections 633.502, 633.504, 633.506, 633.508,
 5490 633.512, 633.514, 633.516, 633.518, 633.522, 633.526, 633.528,
 5491 633.532, 633.534, and 633.536, is created and entitled "Florida
 5492 Firefighters Occupational Safety and Health Act."
 5493 Section 77. Section 633.801, Florida Statutes, is
 5494 transferred, renumbered as section 633.502, Florida Statutes,
 5495 and amended to read:
 5496 633.502 ~~633.801~~ Short title.—Sections 633.502-633.536.
 5497 ~~633.801-633.821~~ may be cited as the "Florida Firefighters
 5498 Occupational Safety and Health Act."
 5499 Section 78. Section 633.802, Florida Statutes, is
 5500 transferred, renumbered as section 633.504, Florida Statutes,
 5501 and amended to read:
 5502 633.504 ~~633.802~~ Definitions.—Unless the context clearly
 5503 requires otherwise, the following definitions shall apply to
 5504 this part ~~ss. 633.801-633.821~~:
 5505 (1) "Firefighter employee" means any firefighter,
 5506 volunteer firefighter, or individual providing support services,
 5507 who is ~~per~~ engaged in any employment, public or private, as
 5508 ~~firefighter~~ under any appointment or contract of hire or
 5509 apprenticeship, express or implied, oral or written, whether
 5510 lawfully or unlawfully employed, responding to or assisting with
 5511 fire or medical emergencies, whether or not ~~the firefighter is~~
 5512 on duty, except those appointed under s. 590.02(1)(d).

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5513 (2) "Firefighter employer" means the state and all
 5514 political subdivisions of this state, all public and quasi-
 5515 public corporations in this state, and every person carrying on
 5516 any employment for this state, political subdivisions of this
 5517 state, and public and quasi-public corporations in this state
 5518 which employs firefighter employees ~~firefighters~~, except those
 5519 appointed under s. 590.02(1)(d).
 5520 (3) "Firefighter employment" or "employment" means any
 5521 service performed by a firefighter employee for the firefighter
 5522 employer.
 5523 (4) "Firefighter place of employment" or "place of
 5524 employment" means the physical location at which the firefighter
 5525 employee is employed or deployed.
 5526 Section 79. Section 633.803, Florida Statutes, is
 5527 transferred, renumbered as section 633.506, and amended to read:
 5528 633.506 ~~633.803~~ Legislative intent.—It is the intent of
 5529 the Legislature to enhance firefighter occupational safety and
 5530 health in the state through the implementation and maintenance
 5531 of policies, procedures, practices, rules, and standards that
 5532 reduce the incidence of firefighter employee accidents,
 5533 firefighter employee occupational diseases, and firefighter
 5534 employee fatalities compensable under chapter 440 or otherwise.
 5535 The Legislature further intends that the division develop a
 5536 means by which the division can identify individual firefighter
 5537 employers with a high frequency or severity of work-related
 5538 injuries, conduct safety inspections of those firefighter
 5539 employers, and assist those firefighter employers in the
 5540 development and implementation of firefighter employee safety

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5541 and health programs. In addition, it is the intent of the
 5542 Legislature that the division administer and enforce the
 5543 provisions of this part ~~ss. 633.801-633.821~~; provide assistance
 5544 to firefighter employers, firefighter employees, and insurers;
 5545 and enforce the policies, rules, and standards set forth in this
 5546 part ~~ss. 633.801-633.821~~.
 5547 Section 80. Section 633.821, Florida Statutes, is
 5548 transferred and renumbered as subsections (1), (2), (3), (4),
 5549 (5), and (6) of section 633.508, Florida Statutes, and
 5550 subsections (2), (3), (5), and (6) of that section are amended,
 5551 and section 633.808, Florida Statutes, is transferred and
 5552 renumbered as subsection (7) of that section and amended, to
 5553 read:
 5554 633.508 633.821 Workplace safety; rulemaking authority. -
 5555 (1) The division shall assist in making the firefighter
 5556 employee place of employment a safer place to work and
 5557 decreasing the frequency and severity of on-the-job injuries in
 5558 such workplace.
 5559 (2) The division shall have the authority to adopt rules
 5560 for the purpose of ensuring safe working conditions for all
 5561 firefighter employees by authorizing the enforcement of
 5562 effective standards, by assisting and encouraging firefighter
 5563 employers to maintain safe working conditions, and by providing
 5564 for education and training in the field of safety. Specifically,
 5565 the division may by rule adopt the most current edition of all
 5566 or any part of subparts C through T and subpart Z of 29 C.F.R.
 5567 s. 1910, ~~as revised April 8, 1998; the National Fire Protection~~
 5568 ~~Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert~~

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5569 Safety System) ~~(1992 edition); the National Fire Protection~~
 5570 Association, Inc., Publication 1403, Standard on Live Fire
 5571 Training Evolutions ~~(latest edition)~~, as limited by subsection
 5572 (6); and ANSI A 10.4-1990.
 5573 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two
 5574 individuals located outside the immediately dangerous to life
 5575 and health atmosphere may be assigned to an additional role,
 5576 such as incident commander, pumper operator, engineer, or
 5577 driver, so long as such individual is able to immediately
 5578 perform assistance or rescue activities without jeopardizing the
 5579 safety or health of any firefighter employee working at an
 5580 incident. ~~Also with respect to 29 C.F.R. s. 1910.134(g)(4)-~~
 5581 ~~(a) Each county, municipality, and special district shall~~
 5582 ~~implement such provision by April 1, 2002, except as provided in~~
 5583 ~~paragraphs (b) and (c).~~
 5584 ~~(b) If any county, municipality, or special district is~~
 5585 ~~unable to implement such provision by April 1, 2002, without~~
 5586 ~~adding additional personnel to its firefighting staff or~~
 5587 ~~expending significant additional funds, such county,~~
 5588 ~~municipality, or special district shall have an additional 6~~
 5589 ~~months within which to implement such provision. Such county,~~
 5590 ~~municipality, or special district shall notify the division that~~
 5591 ~~the 6-month extension to implement such provision is in effect~~
 5592 ~~in such county, municipality, or special district within 30 days~~
 5593 ~~after its decision to extend the time for the additional 6~~
 5594 ~~months. The decision to extend the time for implementation shall~~
 5595 ~~be made prior to April 1, 2002.~~
 5596 ~~(c) If, after the extension granted in paragraph (b), the~~

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5597 county, municipality, or special district, after having worked
 5598 with and cooperated fully with the division and the firefighters
 5599 Employment, Standards, and Training Council, is still unable to
 5600 implement such provisions without adding additional personnel to
 5601 its firefighting staff or expending significant additional
 5602 funds, such municipality, county, or special district shall be
 5603 exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).
 5604 However, each year thereafter the division shall review each
 5605 such county, municipality, or special district to determine if
 5606 such county, municipality, or special district has the ability
 5607 to implement such provision without adding additional personnel
 5608 to its firefighting staff or expending significant additional
 5609 funds. If the division determines that any county, municipality
 5610 or special district has the ability to implement such provision
 5611 without adding additional personnel to its firefighting staff or
 5612 expending significant additional funds, the division shall
 5613 require such county, municipality, or special district to
 5614 implement such provision. Such requirement by the division under
 5615 this paragraph constitutes final agency action subject to
 5616 chapter 120.
 5617 (4) The provisions of chapter 440 that pertain to
 5618 workplace safety apply to the division.
 5619 (5) The division may adopt any rule necessary to
 5620 implement, interpret, and make specific the provisions of this
 5621 section, provided the division may not adopt by rule any other
 5622 standard or standards of the Occupational Safety and Health
 5623 Administration or the National Fire Protection Association
 5624 relating solely to this part ~~ss. 633.001-633.021~~ and firefighter

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5625 employment safety without specific legislative authority.
 5626 (6) (a) The division shall adopt rules for live fire
 5627 training that all firefighter employees ~~firefighters~~ subject to
 5628 this chapter must complete. The division shall also adopt rules
 5629 for a training and certification process for live fire training
 5630 instructors.
 5631 (b) Such rules for training shall include:
 5632 1. Sections of the most current edition of the National
 5633 Fire Protection Association, Inc., Publication 1402, Guide to
 5634 Building Fire Service Training Centers, relating to establishing
 5635 policies and procedures for effective use of such permanent
 5636 facilities or structures.
 5637 2. Sections of the most current edition of the National
 5638 Fire Protection Association, Inc., Publication 1403, Standard on
 5639 Live Fire Training Evolutions, excluding, however:
 5640 a. Any chapter entitled "Referenced Publications."
 5641 b. References to the National Fire Protection Association,
 5642 Inc., Publication 1975, Station Uniform.
 5643 c. Provisions of the National Fire Protection Association,
 5644 Inc., Publication 1001, not adopted under rule 69A-37 ex-ay
 5645 ~~references to such publication in the National Fire Protection~~
 5646 ~~Association, Inc., Publication 1975.~~
 5647 d. Any reference to an authority having jurisdiction in
 5648 the National Fire Protection Association, Inc., Publication
 5649 1403, defined as the organization, office, or individual
 5650 responsible for approving equipment, materials, installations,
 5651 and procedures.
 5652 3. A 40-hour training program for live fire training

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5653 instructors, including:
 5654 a. Live fire instructional techniques.
 5655 b. Training safety in acquired or permanent facilities or
 5656 props.
 5657 c. Personnel safety.
 5658 d. Exterior props, including, but not limited to, liquid
 5659 petroleum gas, other liquid fuels, and similar props.
 5660 ~~(e) The rules, excluding those pertaining to live fire~~
 5661 ~~training instructor certification, shall take effect no later~~
 5662 ~~than January 1, 2006.~~
 5663 (c)(4) Each live fire training instructor is required to
 5664 be a state certified fire safety instructor. All live fire
 5665 training ~~commenced on and after January 1, 2007,~~ must be
 5666 conducted by a certified live fire training instructor.
 5667 (d)(e) This subsection does not apply to wildland or
 5668 prescribed live fire training exercises sanctioned by the
 5669 Florida Forest Service of the Department of Agriculture and
 5670 Consumer Services or the National Wildfire Coordinating Group.
 5671 ~~633-808 Division authority.~~
 5672 (7) The division shall:
 5673 (a)(4) Investigate and prescribe by rule what safety
 5674 devices, safeguards, or other means of protection must be
 5675 adopted for the prevention of accidents and injuries in every
 5676 firefighter employee place of employment or at any fire scene;
 5677 determine what suitable devices, safeguards, or other means of
 5678 protection for the prevention of occupational diseases must be
 5679 adopted or followed in any or all such firefighter places of
 5680 employment or at any emergency fire scene; and adopt reasonable

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5681 rules for the prevention of accidents, the safety, protection,
 5682 and security of firefighter employees engaged in interior
 5683 firefighting, and the prevention of occupational diseases.
 5684 (b)(2) Ascertain, fix, and order such reasonable standards
 5685 and rules for the construction, repair, and maintenance of
 5686 firefighter employee places of employment as shall render them
 5687 safe. Such rules and standards shall be adopted in accordance
 5688 with chapter 120.
 5689 (3) ~~Assist firefighter employers in the development and~~
 5690 ~~implementation of firefighter employee safety training programs~~
 5691 ~~by contracting with professional safety organizations.~~
 5692 (c)(4) Adopt rules prescribing recordkeeping
 5693 responsibilities for firefighter employers, which may include
 5694 maintaining a log and summary of occupational injuries,
 5695 diseases, and illnesses, for producing on request a notice of
 5696 injury and firefighter employee accident investigation records,
 5697 and prescribing a retention schedule for such records.
 5698 Section 81. Section 633.817, Florida Statutes, is
 5699 transferred, renumbered as section 633.512, Florida Statutes,
 5700 and amended to read:
 5701 533.512 ~~633-817~~ Compliance.—Failure of a firefighter
 5702 employer or an insurer to comply with this part ~~ss. 633-801-~~
 5703 ~~633-821,~~ or with any rules adopted under this part ~~ss. 633-801-~~
 5704 ~~633-821,~~ constitutes grounds for the division to seek remedies,
 5705 including injunctive relief, by making appropriate filings with
 5706 the circuit court.
 5707 Section 82. Section 633.805, Florida Statutes, is
 5708 transferred and renumbered as section 633.5141, Florida

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5709 Statutes.

5710 Section 83. Section 633.806, Florida Statutes, is

5711 transferred, renumbered as subsections (1) and (2) of section

5712 633.516, Florida Statutes, and amended, and section 633.815,

5713 Florida Statutes, is transferred, renumbered as subsection (3)

5714 of that section, and amended, to read:

5715 633.516 633-806 Studies, investigations, inspections, or

5716 inquiries by the division; refusal to admit; penalty.-

5717 (1) The division shall make studies and investigations,

5718 inspections, or inquiries, with respect to compliance with this

5719 part or any rules authorized under this part ~~safety provisions~~

5720 and the causes of firefighter employee injuries, illnesses,

5721 safety based complaints, or Line of Duty Deaths (LODD) as

5722 defined in rule, in firefighter employee places of employment

5723 and shall make such recommendations to the Legislature and

5724 firefighter employers and insurers as the division considers

5725 proper as to prevent or reduce future occurrences ~~the best means~~

5726 ~~of preventing firefighter injuries.~~ In making such studies, and

5727 investigations, inspections, or inquiries, the division may

5728 cooperate with any agency of the United States charged with the

5729 duty of enforcing any law securing safety against injury in any

5730 place of firefighter employment covered by this part ~~ss-~~

5731 ~~633-804-633-821~~ or any agency or department of the state engaged

5732 in enforcing any law to ensure safety for firefighter employees.

5733 (2) The division by rule may adopt procedures for

5734 conducting investigations, inspections, or inquiries, of

5735 firefighter employers under this part ~~ss- 633-801-633-821.~~

5736 ~~633-815-Refusal to admit; penalty.-~~

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5737 (3) The division and authorized representatives of the

5738 division may enter and inspect any firefighter employee's place

5739 of employment at any reasonable time for the purpose of

5740 investigating compliance with this part ~~ss- 633-801-633-821~~ and

5741 conducting inspections for the proper enforcement of this part

5742 ~~ss- 633-801-633-821~~. A firefighter employer who refuses to admit

5743 any member of the division or authorized representative of the

5744 division to any place of employment or to allow investigation

5745 and inspection pursuant to this section commits a misdemeanor of

5746 the second degree, punishable as provided in s. 775.082 or s.

5747 775.083.

5748 Section 84. Section 633.807, Florida Statutes, is

5749 transferred, renumbered as section 633.518, Florida Statutes,

5750 and amended to read:

5751 633.518 633-807 Safety; firefighter employer

5752 responsibilities.-Every firefighter employer shall furnish and

5753 use safety devices and safeguards, adopt and use methods and

5754 processes reasonably adequate to render such an employment and

5755 place of employment safe, and do every other thing reasonably

5756 necessary to protect the lives, health, and safety of such

5757 firefighter employees. As used in this section, the terms "safe"

5758 and "safety," as applied to any employment or place of

5759 ~~firefighter~~ employment, mean such freedom from danger as is

5760 reasonably necessary for the protection of the lives, health,

5761 and safety of firefighter employees, including conditions and

5762 methods of sanitation and hygiene. Safety devices and safeguards

5763 required to be furnished by the firefighter employer by this

5764 section or by the division under authority of this section shall

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5765 not include personal apparel and protective devices that replace
 5766 personal apparel normally worn by firefighter employees during
 5767 regular working hours.
 5768 Section 85, Section 633.809, Florida Statutes, is
 5769 transferred, renumbered as subsection (1) of section 633.522,
 5770 Florida Statutes, and amended, section 633.810, Florida
 5771 Statutes, is transferred and renumbered as subsections (2), (3),
 5772 (4), and (5) of that section, and section 633.813, Florida
 5773 Statutes, is transferred, renumbered as subsection (6) of that
 5774 section, and amended, to read:
 5775 633.522 ~~633.809~~ Firefighter employers; ~~whose firefighter~~
 5776 ~~employees have a high frequency of work-related injuries;~~
 5777 ~~corrective plans; workplace safety committees and coordinators.-~~
 5778 (1) The division shall develop a means to by which the
 5779 ~~division may~~ identify individual firefighter employers with
 5780 ~~whose firefighter employees have a high frequency of~~ severity of
 5781 ~~firefighter employee work-related injuries. The division shall~~
 5782 ~~carry out safety inspections of the facilities and operations of~~
 5783 ~~these firefighter employers in order to assist them in reducing~~
 5784 ~~the frequency and severity of work-related injuries. The~~
 5785 ~~division shall develop safety and health programs for those~~
 5786 ~~firefighter employers. Insurers shall distribute such safety and~~
 5787 ~~health programs to the firefighter employers so identified by~~
 5788 ~~the division. These firefighter employers identified by the~~
 5789 ~~division as having a high frequency or severity of work-related~~
 5790 ~~injuries shall implement a safety and health program developed~~
 5791 ~~by the division. The division shall conduct carry-out safety~~
 5792 inspections of those firefighter employers so identified to

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5793 ensure compliance with this part or the division's rules and
 5794 ~~make recommendations based upon current the safety and health~~
 5795 ~~practices program~~ and to assist such firefighter employers in
 5796 reducing the number of work-related injuries. The division may
 5797 not assess penalties as a result of such inspections, ~~except as~~
 5798 ~~provided by s. 633.813.~~ Copies of any report made as the result
 5799 of such an inspection shall be provided to the firefighter
 5800 employer and its insurer. Firefighter employers shall ~~may~~ submit
 5801 a plan for the correction of any noncompliance issues ~~their own~~
 5802 ~~safety and health programs~~ to the division for approval in
 5803 accordance with division rule ~~liew of using the safety and~~
 5804 ~~health program developed by the division.~~ The division shall
 5805 promptly review the plan program submitted and approve or
 5806 disapprove the plan program within 60 days or such plan program
 5807 shall be deemed approved. Upon approval by the division, the
 5808 plan program shall be implemented by the firefighter employer.
 5809 If the plan program is not submitted, does not provide
 5810 corrective actions for all deficiencies, is not complete, or is
 5811 not implemented, the fire service provider shall be subject to
 5812 the provisions of s. 633.526 approved ~~or if a program is not~~
 5813 ~~submitted, the firefighter employer shall implement the program~~
 5814 ~~developed by the division. The division shall adopt rules~~
 5815 ~~setting forth the criteria for safety and health programs, as~~
 5816 ~~such rules relate to this section.~~
 5817 ~~633.810 Workplace safety committees and safety~~
 5818 ~~coordinators.-~~
 5819 (2)(4) In order to promote health and safety in
 5820 firefighter employee places of employment in this state:

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5821 (a) Each firefighter employer of 20 or more firefighter
 5822 employees shall establish and administer a workplace safety
 5823 committee in accordance with rules adopted under this section.
 5824 (b) Each firefighter employer of fewer than 20 firefighter
 5825 employees identified by the division as having high frequency or
 5826 high severity of work-related injuries shall establish and
 5827 administer a workplace safety committee or designate a workplace
 5828 safety coordinator who shall establish and administer workplace
 5829 safety activities in accordance with rules adopted under this
 5830 section.
 5831 ~~(3)(a)~~ The division shall adopt rules:
 5832 (a) Prescribing the membership of the workplace safety
 5833 committees so as to ensure an equal number of firefighter
 5834 employee representatives who are volunteers or are elected by
 5835 their peers and firefighter employer representatives, and
 5836 specifying the frequency of meetings.
 5837 (b) Requiring firefighter employers to make adequate
 5838 records of each meeting and to file and to maintain the records
 5839 subject to inspection by the division.
 5840 (c) Prescribing the duties and functions of the workplace
 5841 safety committee and workplace safety coordinator, which
 5842 include, but are not limited to:
 5843 1. Establishing procedures for workplace safety
 5844 inspections by the committee.
 5845 2. Establishing procedures for investigating all workplace
 5846 accidents, safety-related incidents, illnesses, and deaths.
 5847 3. Evaluating accident prevention and illness prevention
 5848 programs.

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5849 4. Prescribing guidelines for the training of safety
 5850 committee members.
 5851 ~~(4)(a)~~ The composition, selection, and function of
 5852 workplace safety committees shall be a mandatory topic of
 5853 negotiations with any certified collective bargaining agent for
 5854 firefighter employers that operate under a collective bargaining
 5855 agreement. Firefighter employers that operate under a collective
 5856 bargaining agreement that contains provisions regulating the
 5857 formation and operation of workplace safety committees that meet
 5858 or exceed the minimum requirements contained in this section, or
 5859 firefighter employers who otherwise have existing workplace
 5860 safety committees that meet or exceed the minimum requirements
 5861 established by this section, are in compliance with this
 5862 section.
 5863 ~~(5)(a)~~ Firefighter employees shall be compensated their
 5864 regular hourly wage while engaged in workplace safety committee
 5865 or workplace safety coordinator training, meetings, or other
 5866 duties prescribed under this section.
 5867 ~~633-013--Failure to implement a safety and health program--~~
 5868 ~~cancellations--~~
 5869 ~~(6)~~ If a firefighter employer that is found by the
 5870 ~~division to have a high frequency or severity of work-related~~
 5871 ~~injuries~~ fails to implement a corrective plan safety and health
 5872 ~~program~~, the insurer or self-insurer's fund that is providing
 5873 coverage for the firefighter employer may cancel the contract
 5874 for insurance with the firefighter employer. In the alternative,
 5875 the insurer or fund may terminate any discount or deviation
 5876 granted to the firefighter employer for the remainder of the

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5877 term of the policy. If the contract is canceled or the discount
 5878 or deviation is terminated, the insurer shall make such reports
 5879 as are required by law.
 5880 Section 86. Section 633.811, Florida Statutes, is
 5881 transferred, renumbered as section 633.526, Florida Statutes,
 5882 and amended to read:
 5883 633.526 633-811 Firefighter employer penalties.—If any
 5884 firefighter employer violates or fails or refuses to comply with
 5885 this part 633-801-633-821, or with any rule adopted by the
 5886 division under such sections in accordance with chapter 120 for
 5887 the prevention of injuries, accidents, or occupational diseases
 5888 or with any lawful order of the division in connection with this
 5889 part 633-801-633-821, or fails or refuses to furnish or
 5890 adopt any safety device, safeguard, or other means of protection
 5891 prescribed by division rule under this part 633-801-633-821
 5892 for the prevention of accidents or occupational diseases, the
 5893 division may:
 5894 (1) Issue an administrative cease and desist order,
 5895 enforceable in the circuit court in the jurisdiction where the
 5896 violation is occurring or has occurred;
 5897 (2) Assess an administrative fine against a firefighter
 5898 employer of not less than \$100 or more than \$1,000 for each
 5899 violation and each day a violation is committed; and
 5900 (3) Assess against the firefighter employer a civil
 5901 penalty of not less than \$100 nor more than \$5,000 for each day
 5902 the violation, omission, failure, or refusal continues after the
 5903 firefighter employer has been given written notice of such
 5904 violation, omission, failure, or refusal. The total penalty for

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5905 each violation shall not exceed \$50,000. The division shall
 5906 adopt rules requiring penalties commensurate with the frequency
 5907 or severity of safety violations. Hearings requested under this
 5908 provision shall be conducted in Tallahassee, Florida. A hearing
 5909 shall be held in the county in which the violation, omission,
 5910 failure, or refusal is alleged to have occurred, unless
 5911 otherwise agreed to by the firefighter employer and authorized
 5912 by the division. All penalties assessed and collected under this
 5913 section shall be deposited in the Insurance Regulatory Trust
 5914 Fund.
 5915 Section 87. Section 633.812, Florida Statutes, is
 5916 transferred and renumbered as section 633.528, Florida Statutes,
 5917 and subsections (2) and (3) of that section are amended, to
 5918 read:
 5919 633.528 633-812 Division cooperation with Federal
 5920 Government; exemption from requirements for private firefighter
 5921 employers.—
 5922 (1) The division shall cooperate with the Federal
 5923 Government so that duplicate inspections will be avoided while
 5924 at the same time ensuring safe firefighter employee places of
 5925 employment for the citizens of this state.
 5926 (2) ~~Except as provided in this section, A private~~
 5927 ~~firefighter employer is not subject to the requirements set~~
 5928 ~~forth in part IV and this part of the division if the private~~
 5929 ~~firefighter employer meets the requirements of this part and:~~
 5930 (a) The private firefighter employer is subject to the
 5931 federal regulations in 29 C.F.R. ss. 1910 and 1926.
 5932 (b) The private firefighter employer has adopted and

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5933 implemented a written safety program that conforms to the
 5934 requirements of 29 C.F.R. ss. 1910 and 1926.
 5935 ~~(e) A private firefighter employer with 20 or more full-~~
 5936 ~~time firefighter employees shall include provisions for a safety~~
 5937 ~~committee in the safety program. The safety committee shall~~
 5938 ~~include firefighter employee representation and shall meet at~~
 5939 ~~least once each calendar quarter. The private firefighter~~
 5940 ~~employer shall make adequate records of each meeting and~~
 5941 ~~maintain the records subject to inspections under subsection~~
 5942 ~~(3). The safety committee shall, if appropriate, make~~
 5943 ~~recommendations regarding improvements to the safety program and~~
 5944 ~~corrections of hazards affecting workplace safety.~~
 5945 ~~(c)(4) The private firefighter employer provides the~~
 5946 ~~division with a written statement that certifies compliance with~~
 5947 ~~this subsection.~~
 5948 ~~(3) The division may enter at any reasonable time any~~
 5949 ~~place of private firefighter employment for the purpose of~~
 5950 ~~verifying the accuracy of the written certification. If the~~
 5951 ~~division determines that the private firefighter employer has~~
 5952 ~~not complied with the requirements of subsection (2), the~~
 5953 ~~private firefighter employer shall be subject to the rules of~~
 5954 ~~the division until the private firefighter employer complies~~
 5955 ~~with subsection (2), which must be verified by a reinspection by~~
 5956 ~~the division and recertifies that fact to the division.~~
 5957 ~~(4) This section shall not restrict the division's~~
 5958 ~~performance of any duties pursuant to a written contract between~~
 5959 ~~the division and the federal Occupational Safety and Health~~
 5960 ~~Administration.~~

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5961 Section 88. Section 633.816, Florida Statutes, is
 5962 transferred, renumbered as section 633.532, Florida Statutes,
 5963 and amended to read:
 5964 633.532 633-816 Firefighter employee rights and
 5965 responsibilities.-
 5966 (1) Each firefighter employee of a firefighter employer
 5967 covered under this part ss. 633-801-633-821 shall comply with
 5968 rules adopted by the division and with reasonable workplace
 5969 safety and health standards, rules, policies, procedures, and
 5970 work practices established by the firefighter employer and the
 5971 workplace safety committee. A firefighter employee who knowingly
 5972 fails to comply with this subsection may be disciplined or
 5973 discharged by the firefighter employer.
 5974 (2) A firefighter employer may not discharge, threaten to
 5975 discharge, cause to be discharged, intimidate, coerce, otherwise
 5976 discipline, or in any manner discriminate against a firefighter
 5977 employee for any of the following reasons:
 5978 (a) The firefighter employee has testified or is about to
 5979 testify, on her or his own behalf or on behalf of others, in any
 5980 proceeding instituted under this part ss. 633-801-633-821;
 5981 (b) The firefighter employee has exercised any other right
 5982 afforded under this part ss. 633-801-633-821; or
 5983 (c) The firefighter employee is engaged in activities
 5984 relating to the workplace safety committee.
 5985 (3) No pay, position, seniority, or other benefit may be
 5986 lost for exercising any right under, or for seeking compliance
 5987 with any requirement of, this part ss. 633-801-633-821.
 5988 Section 89. Section 633.818, Florida Statutes, is

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5989 transferred, renumbered as subsection (1) of section 633.5341,
 5990 Florida Statutes, and amended, and section 633.819, Florida
 5991 Statutes, is transferred and renumbered as subsection (2) of
 5992 that section, to read:
 5993 633.5341 ~~633.819~~ False, fictitious, or fraudulent acts,
 5994 statements, and representations prohibited; penalty; statute of
 5995 limitations; ~~to insurers.~~
 5996 (1) A firefighter employer who knowingly and willfully
 5997 falsifies or conceals a material fact, who makes a false,
 5998 fictitious, or fraudulent statement or representation, or who
 5999 makes or uses any false document knowing the document to contain
 6000 any false, fictitious, or fraudulent entry or statement to an
 6001 insurer of workers' compensation insurance under this part ~~§-~~
 6002 ~~633.801-633.821~~ commits a misdemeanor of the second degree,
 6003 punishable as provided in s. 775.082 or s. 775.083.
 6004 ~~633.819~~ Matters within jurisdiction of the division;
 6005 false, fictitious, or fraudulent acts, statements, and
 6006 representations prohibited; penalty; statute of limitations.--
 6007 (2) A person may not, in any matter within the
 6008 jurisdiction of the division, knowingly and willfully falsify or
 6009 conceal a material fact; make any false, fictitious, or
 6010 fraudulent statement or representation; or make or use any false
 6011 document, knowing the same to contain any false, fictitious, or
 6012 fraudulent statement or entry. A person who violates this
 6013 section commits a misdemeanor of the second degree, punishable
 6014 as provided in s. 775.082 or s. 775.083. The statute of
 6015 limitations for prosecution of an act committed in violation of
 6016 this section is 5 years after the date the act was committed or,

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6017 if not discovered within 30 days after the act was committed, 5
 6018 years after the date the act was discovered.
 6019 Section 90. Section 633.814, Florida Statutes, is
 6020 transferred, renumbered as section 633.536, Florida Statutes,
 6021 and amended, to read:
 6022 633.536 ~~633.814~~ Expenses of administration.--The amounts
 6023 that are needed to administer this part ~~§-~~ ~~633.801-633.821~~
 6024 shall be disbursed from the Insurance Regulatory Trust Fund.
 6025 Section 91. Section 554.103, Florida Statutes, is amended
 6026 to read:
 6027 554.103 Boiler code.--The department shall adopt by rule a
 6028 State Boiler Code for the safe ~~construction~~, installation,
 6029 inspection, maintenance, and repair of boilers in this state.
 6030 The rules adopted shall be based upon and shall at all times
 6031 follow generally accepted nationwide engineering standards,
 6032 formulas, and practices pertaining to boiler construction and
 6033 safety.
 6034 (1) New boilers installed or imported into this state
 6035 shall be constructed to the most current mandatory boiler code,
 6036 ~~The department shall adopt an existing code for new construction~~
 6037 ~~and installation~~ known as the Boiler and Pressure Vessel Code of
 6038 the American Society of Mechanical Engineers, including all
 6039 amendments, code cases, and interpretations approved thereto by
 6040 the Council on Codes and Standards of A.S.M.E. ~~The department~~
 6041 ~~may adopt amendments and interpretations to the A.S.M.E. Boiler~~
 6042 ~~and Pressure Vessel Code approved by the A.S.M.E. Council on~~
 6043 ~~Codes and Standards subsequent to the adoption of the State~~
 6044 ~~Boiler Code, and when so adopted, such amendments and~~

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6045 ~~interpretations shall become a part of the State Boiler Code.~~
 6046 (2) The ~~owner~~ installer of any boiler placed in use in
 6047 this state after July 1, 2013 ~~October 1, 1987~~, shall submit the
 6048 A.S.M.E. manufacturer's data report on such boiler to the chief
 6049 inspector prior to the boiler being placed into operation ~~not~~
 6050 ~~more than 90 days following the in-service date of the boiler.~~
 6051 (3) The maximum allowable working pressure of a boiler
 6052 carrying the A.S.M.E. code symbol shall be determined by the
 6053 applicable sections of the code under which it was constructed
 6054 and stamped. Subject to the concurrence of the chief inspector,
 6055 such boiler may be rerated in accordance with the standards of
 6056 the State Boiler Code.
 6057 (4) The maximum allowable working pressure of a boiler
 6058 which does not carry the A.S.M.E. code symbol shall be computed
 6059 in accordance with the standards of the State Boiler Code.
 6060 (5) Nothing in ss. 554.1011-554.115 shall be construed to
 6061 in any way prevent the use, sale, or reinstallation of a boiler
 6062 if such boiler has been made to conform to the applicable
 6063 provisions of the State Boiler Code governing existing
 6064 installations and if, upon inspection, the boiler has been found
 6065 to be in a safe condition.
 6066 Section 92. Section 627.4107, Florida Statutes, is amended
 6067 to read:
 6068 627.4107 Government employees exposed to toxic drug
 6069 chemicals; cancellation of life or health policy or certificate
 6070 prohibited.—No life or health insurer may cancel or nonrenew a
 6071 life or health insurance policy or certificate of insurance
 6072 providing coverage to a state or local law enforcement officer

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6073 as defined in s. 943.10, firefighter as defined in s. 633.102
 6074 ~~633.30~~, volunteer firefighter as defined in 633.102, emergency
 6075 medical technician as defined in s. 401.23, or paramedic as
 6076 defined in s. 401.23, a volunteer firefighter engaged by state
 6077 or local government, a law enforcement officer employed by the
 6078 Federal Government, or any other local, state, or Federal
 6079 Government employee solely based on the fact that the individual
 6080 has been exposed to toxic chemicals or suffered injury or
 6081 disease as a result of the individual's lawful duties arising
 6082 out of the commission of a violation of chapter 893 by another
 6083 person. This section does not apply to any person who commits an
 6084 offense under chapter 893. This section does not prohibit an
 6085 insurer from canceling or nonrenewing an insurance policy or
 6086 certificate, as permitted under the applicable state insurance
 6087 code, based on an act or practice of the policyholder or
 6088 certificateholder that constitutes fraud or intentional
 6089 misrepresentation of material fact by the policyholder or
 6090 certificateholder.
 6091 Section 93. Section 791.012, Florida Statutes, is amended
 6092 to read:
 6093 791.012 Minimum fireworks safety standards.—The outdoor
 6094 display of fireworks in this state shall be governed by the
 6095 National Fire Protection Association (NFPA) 1123, Code for
 6096 Fireworks Display, as adopted in the Florida Fire Prevention
 6097 Code ~~1995 Edition, approved by the American National Standards~~
 6098 ~~Institute~~. Any state, county, or municipal law, rule, or
 6099 ordinance may provide for more stringent regulations for the
 6100 outdoor display of fireworks, but in no event may any such law,

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6101 rule, or ordinance provide for less stringent regulations for
 6102 the outdoor display of fireworks. The division shall promulgate
 6103 rules to carry out the provisions of this section. The Code for
 6104 Fireworks Display shall not govern the display of any fireworks
 6105 on private, residential property and shall not govern the
 6106 display of those items included under s. 791.01(4)(b) and (c)
 6107 and authorized for sale thereunder.
 6108 Section 94. Subsection (1) and paragraph (a) of subsection
 6109 (3) of section 791.015, Florida Statutes, are amended to read:
 6110 791.015 Registration of manufacturers, distributors,
 6111 wholesalers, and retailers of sparklers.—
 6112 (1) REGISTRATION REQUIREMENTS.—Any manufacturer,
 6113 distributor, wholesaler, retailer, or seasonal retailer of
 6114 sparklers who wishes to do business in this state or to
 6115 otherwise sell, ship, or assign for sale its products in this
 6116 state must register annually with the division on forms
 6117 prescribed by the division. Any retailer or seasonal retailer
 6118 who sells sparklers at more than one retail location may submit
 6119 one registration form for all such locations but must provide
 6120 the address of each location with the registration form;
 6121 however, any retailer or seasonal retailer may submit multiple
 6122 registration forms.
 6123 (3) FEES.—
 6124 (a) Each manufacturer, distributor, or wholesaler must pay
 6125 an annual registration fee to be set by the division not to
 6126 exceed \$1,000. Each seasonal retailer must pay an annual
 6127 registration fee to be set by the division not to exceed \$200
 6128 per each retail location registered. Each retailer shall pay an

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6129 annual registration fee to be set by the division not to exceed
 6130 \$15 for each retail location registered. Each certificateholder
 6131 wishing to have a duplicate certificate issued for one which is
 6132 lost or to reflect a change of address shall request such
 6133 duplicate in writing and shall pay a fee of \$5.
 6134 Section 95. Sections 633.024, 633.0245, 633.30, 633.445,
 6135 633.524, 633.804, and 633.820, Florida Statutes, are repealed.
 6136 Section 96. Subsection (1) of section 112.1815, Florida
 6137 Statutes, is amended to read:
 6138 112.1815 Firefighters, paramedics, emergency medical
 6139 technicians, and law enforcement officers; special provisions
 6140 for employment-related accidents and injuries.—
 6141 (1) The term "first responder" as used in this section
 6142 means a law enforcement officer as defined in s. 943.10, a
 6143 firefighter as defined in s. 633.102 ~~633.30~~, or an emergency
 6144 medical technician or paramedic as defined in s. 401.23 employed
 6145 by state or local government. A volunteer law enforcement
 6146 officer, firefighter, or emergency medical technician or
 6147 paramedic engaged by the state or a local government is also
 6148 considered a first responder of the state or local government
 6149 for purposes of this section.
 6150 Section 97. Paragraph (b) of subsection (1) of section
 6151 112.191, Florida Statutes, is amended to read:
 6152 112.191 Firefighters; death benefits.—
 6153 (1) Whenever used in this act:
 6154 (b) The term "firefighter" means any full-time duly
 6155 employed uniformed firefighter employed by an employer, whose
 6156 primary duty is the prevention and extinguishing of fires, the

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6157 protection of life and property therefrom, the enforcement of
 6158 municipal, county, and state fire prevention codes, as well as
 6159 the enforcement of any law pertaining to the prevention and
 6160 control of fires, who is certified pursuant to s. 633.408
 6161 ~~633-35~~, and who is a member of a duly constituted fire
 6162 department of such employer or who is a volunteer firefighter.
 6163 Section 98. Subsection (1) of section 112.81, Florida
 6164 Statutes, is amended to read:
 6165 112.81 Definitions.—As used in this part:
 6166 (1) "Firefighter" means any person who is certified in
 6167 compliance with s. 633.408 ~~633-35~~ and who is employed solely
 6168 within the fire department or public safety department of an
 6169 employing agency as a full-time firefighter whose primary
 6170 responsibility is the prevention and extinguishment of fires;
 6171 the protection of life and property; and the enforcement of
 6172 municipal, county, and state fire prevention codes and laws
 6173 pertaining to the prevention and control of fires.
 6174 Section 99. Paragraph (d) of subsection (4) of section
 6175 119.071, Florida Statutes, is amended to read:
 6176 119.071 General exemptions from inspection or copying of
 6177 public records.—
 6178 (4) AGENCY PERSONNEL INFORMATION.—
 6179 (d)1. For purposes of this paragraph, the term "telephone
 6180 numbers" includes home telephone numbers, personal cellular
 6181 telephone numbers, personal pager telephone numbers, and
 6182 telephone numbers associated with personal communications
 6183 devices.
 6184 2.a. The home addresses, telephone numbers, social

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6185 security numbers, dates of birth, and photographs of active or
 6186 former sworn or civilian law enforcement personnel, including
 6187 correctional and correctional probation officers, personnel of
 6188 the Department of Children and Family Services whose duties
 6189 include the investigation of abuse, neglect, exploitation,
 6190 fraud, theft, or other criminal activities, personnel of the
 6191 Department of Health whose duties are to support the
 6192 investigation of child abuse or neglect, and personnel of the
 6193 Department of Revenue or local governments whose
 6194 responsibilities include revenue collection and enforcement or
 6195 child support enforcement; the home addresses, telephone
 6196 numbers, social security numbers, photographs, dates of birth,
 6197 and places of employment of the spouses and children of such
 6198 personnel; and the names and locations of schools and day care
 6199 facilities attended by the children of such personnel are exempt
 6200 from s. 119.07(1).
 6201 b. The home addresses, telephone numbers, dates of birth,
 6202 and photographs of firefighters certified in compliance with s.
 6203 633.408 ~~633-35~~; the home addresses, telephone numbers,
 6204 photographs, dates of birth, and places of employment of the
 6205 spouses and children of such firefighters; and the names and
 6206 locations of schools and day care facilities attended by the
 6207 children of such firefighters are exempt from s. 119.07(1).
 6208 c. The home addresses, dates of birth, and telephone
 6209 numbers of current or former justices of the Supreme Court,
 6210 district court of appeal judges, circuit court judges, and
 6211 county court judges; the home addresses, telephone numbers,
 6212 dates of birth, and places of employment of the spouses and

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6213 children of current or former justices and judges; and the names
 6214 and locations of schools and day care facilities attended by the
 6215 children of current or former justices and judges are exempt
 6216 from s. 119.07(1).
 6217 d. The home addresses, telephone numbers, social security
 6218 numbers, dates of birth, and photographs of current or former
 6219 state attorneys, assistant state attorneys, statewide
 6220 prosecutors, or assistant statewide prosecutors; the home
 6221 addresses, telephone numbers, social security numbers,
 6222 photographs, dates of birth, and places of employment of the
 6223 spouses and children of current or former state attorneys,
 6224 assistant state attorneys, statewide prosecutors, or assistant
 6225 statewide prosecutors; and the names and locations of schools
 6226 and day care facilities attended by the children of current or
 6227 former state attorneys, assistant state attorneys, statewide
 6228 prosecutors, or assistant statewide prosecutors are exempt from
 6229 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 6230 e. The home addresses, dates of birth, and telephone
 6231 numbers of general magistrates, special magistrates, judges of
 6232 compensation claims, administrative law judges of the Division
 6233 of Administrative Hearings, and child support enforcement
 6234 hearing officers; the home addresses, telephone numbers, dates
 6235 of birth, and places of employment of the spouses and children
 6236 of general magistrates, special magistrates, judges of
 6237 compensation claims, administrative law judges of the Division
 6238 of Administrative Hearings, and child support enforcement
 6239 hearing officers; and the names and locations of schools and day
 6240 care facilities attended by the children of general magistrates,

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6241 special magistrates, judges of compensation claims,
 6242 administrative law judges of the Division of Administrative
 6243 Hearings, and child support enforcement hearing officers are
 6244 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 6245 Constitution if the general magistrate, special magistrate,
 6246 judge of compensation claims, administrative law judge of the
 6247 Division of Administrative Hearings, or child support hearing
 6248 officer provides a written statement that the general
 6249 magistrate, special magistrate, judge of compensation claims,
 6250 administrative law judge of the Division of Administrative
 6251 Hearings, or child support hearing officer has made reasonable
 6252 efforts to protect such information from being accessible
 6253 through other means available to the public.
 6254 f. The home addresses, telephone numbers, dates of birth,
 6255 and photographs of current or former human resource, labor
 6256 relations, or employee relations directors, assistant directors,
 6257 managers, or assistant managers of any local government agency
 6258 or water management district whose duties include hiring and
 6259 firing employees, labor contract negotiation, administration, or
 6260 other personnel-related duties; the names, home addresses,
 6261 telephone numbers, dates of birth, and places of employment of
 6262 the spouses and children of such personnel; and the names and
 6263 locations of schools and day care facilities attended by the
 6264 children of such personnel are exempt from s. 119.07(1) and s.
 6265 24(a), Art. I of the State Constitution.
 6266 g. The home addresses, telephone numbers, dates of birth,
 6267 and photographs of current or former code enforcement officers;
 6268 the names, home addresses, telephone numbers, dates of birth,

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6269 and places of employment of the spouses and children of such
 6270 personnel; and the names and locations of schools and day care
 6271 facilities attended by the children of such personnel are exempt
 6272 from s. 119.07(1) and s. 24(a), Art. I of the State
 6273 Constitution.
 6274 h. The home addresses, telephone numbers, places of
 6275 employment, dates of birth, and photographs of current or former
 6276 guardians ad litem, as defined in s. 39.820; the names, home
 6277 addresses, telephone numbers, dates of birth, and places of
 6278 employment of the spouses and children of such persons; and the
 6279 names and locations of schools and day care facilities attended
 6280 by the children of such persons are exempt from s. 119.07(1) and
 6281 s. 24(a), Art. I of the State Constitution, if the guardian ad
 6282 litem provides a written statement that the guardian ad litem
 6283 has made reasonable efforts to protect such information from
 6284 being accessible through other means available to the public.
 6285 i. The home addresses, telephone numbers, dates of birth,
 6286 and photographs of current or former juvenile probation
 6287 officers, juvenile probation supervisors, detention
 6288 superintendents, assistant detention superintendents, juvenile
 6289 justice detention officers I and II, juvenile justice detention
 6290 officer supervisors, juvenile justice residential officers,
 6291 juvenile justice residential officer supervisors I and II,
 6292 juvenile justice counselors, juvenile justice counselor
 6293 supervisors, human services counselor administrators, senior
 6294 human services counselor administrators, rehabilitation
 6295 therapists, and social services counselors of the Department of
 6296 Juvenile Justice; the names, home addresses, telephone numbers,

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6297 dates of birth, and places of employment of spouses and children
 6298 of such personnel; and the names and locations of schools and
 6299 day care facilities attended by the children of such personnel
 6300 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 6301 Constitution.
 6302 j. The home addresses, telephone numbers, dates of birth,
 6303 and photographs of current or former public defenders, assistant
 6304 public defenders, criminal conflict and civil regional counsel,
 6305 and assistant criminal conflict and civil regional counsel; the
 6306 home addresses, telephone numbers, dates of birth, and places of
 6307 employment of the spouses and children of such defenders or
 6308 counsel; and the names and locations of schools and day care
 6309 facilities attended by the children of such defenders or counsel
 6310 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 6311 Constitution.
 6312 k. The home addresses, telephone numbers, and photographs
 6313 of current or former investigators or inspectors of the
 6314 Department of Business and Professional Regulation; the names,
 6315 home addresses, telephone numbers, and places of employment of
 6316 the spouses and children of such current or former investigators
 6317 and inspectors; and the names and locations of schools and day
 6318 care facilities attended by the children of such current or
 6319 former investigators and inspectors are exempt from s. 119.07(1)
 6320 and s. 24(a), Art. I of the State Constitution if the
 6321 investigator or inspector has made reasonable efforts to protect
 6322 such information from being accessible through other means
 6323 available to the public. This sub-subparagraph is subject to the
 6324 Open Government Sunset Review Act in accordance with s. 119.15

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6325 and shall stand repealed on October 2, 2017, unless reviewed and
 6326 saved from repeal through reenactment by the Legislature.
 6327 1. The home addresses and telephone numbers of county tax
 6328 collectors; the names, home addresses, telephone numbers, and
 6329 places of employment of the spouses and children of such tax
 6330 collectors; and the names and locations of schools and day care
 6331 facilities attended by the children of such tax collectors are
 6332 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 6333 Constitution if the county tax collector has made reasonable
 6334 efforts to protect such information from being accessible
 6335 through other means available to the public. This sub-
 6336 subparagraph is subject to the Open Government Sunset Review Act
 6337 in accordance with s. 119.15 and shall stand repealed on October
 6338 2, 2017, unless reviewed and saved from repeal through
 6339 reenactment by the Legislature.
 6340 3. An agency that is the custodian of the information
 6341 specified in subparagraph 2. and that is not the employer of the
 6342 officer, employee, justice, judge, or other person specified in
 6343 subparagraph 2. shall maintain the exempt status of that
 6344 information only if the officer, employee, justice, judge, other
 6345 person, or employing agency of the designated employee submits a
 6346 written request for maintenance of the exemption to the
 6347 custodial agency.
 6348 4. The exemptions in this paragraph apply to information
 6349 held by an agency before, on, or after the effective date of the
 6350 exemption.
 6351 5. This paragraph is subject to the Open Government Sunset
 6352 Review Act in accordance with s. 119.15, and shall stand

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6353 repealed on October 2, 2017, unless reviewed and saved from
 6354 repeal through reenactment by the Legislature.
 6355 Section 100. Subsection (4) of section 120.541, Florida
 6356 Statutes, as amended by chapter 2011-222, Laws of Florida, is
 6357 amended to read:
 6358 120.541 Statement of estimated regulatory costs.—
 6359 (4) Subsection (3) does not apply to the adoption of:
 6360 (a) Federal standards pursuant to s. 120.54(6).
 6361 (b) Triennial updates of and amendments to the Florida
 6362 Building Code which are expressly authorized by s. 553.73.
 6363 (c) Triennial updates of and amendments to the Florida
 6364 Fire Prevention Code which are expressly authorized by s.
 6365 ~~633.202~~ ~~633-0215~~.
 6366 Section 101. Subsection (17) of section 120.80, Florida
 6367 Statutes, is amended to read:
 6368 120.80 Exceptions and special requirements; agencies.—
 6369 (17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply
 6370 to the adoption of amendments and the triennial update to the
 6371 Florida Fire Prevention Code expressly authorized by s. ~~633.202~~
 6372 ~~633-0215~~.
 6373 Section 102. Paragraph (b) of subsection (3) and paragraph
 6374 (a) of subsection (6) of section 121.0515, Florida Statutes, are
 6375 amended to read:
 6376 121.0515 Special Risk Class.—
 6377 (3) CRITERIA.—A member, to be designated as a special risk
 6378 member, must meet the following criteria:
 6379 (b) Effective October 1, 1978, the member must be employed
 6380 as a firefighter and be certified, or required to be certified,

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6381 in compliance with s. ~~633.408~~ ~~633-35~~ and be employed solely
 6382 within the fire department of a local government employer or an
 6383 agency of state government with firefighting responsibilities.
 6384 In addition, the member's duties and responsibilities must
 6385 include on-the-scene fighting of fires; as of October 1, 2001,
 6386 fire prevention or firefighter training; as of October 1, 2001,
 6387 direct supervision of firefighting units, fire prevention, or
 6388 firefighter training; or as of July 1, 2001, aerial firefighting
 6389 surveillance performed by fixed-wing aircraft pilots employed by
 6390 the Florida Forest Service of the Department of Agriculture and
 6391 Consumer Services; or the member must be the supervisor or
 6392 command officer of a member or members who have such
 6393 responsibilities. Administrative support personnel, including,
 6394 but not limited to, those whose primary duties and
 6395 responsibilities are in accounting, purchasing, legal, and
 6396 personnel, are not included. All periods of creditable service
 6397 in fire prevention or firefighter training, or as the supervisor
 6398 or command officer of a member or members who have such
 6399 responsibilities, and for which the employer paid the special
 6400 risk contribution rate, are included;
 6401 (6) CREDIT FOR PAST SERVICE.—A special risk member may
 6402 purchase retirement credit in the Special Risk Class based upon
 6403 past service, and may upgrade retirement credit for such past
 6404 service, to the extent of 2 percent of the member's average
 6405 monthly compensation as specified in s. 121.091(1)(a) for such
 6406 service as follows:
 6407 (a) The member may purchase special risk credit for past
 6408 service with a municipality or special district which has

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6409 elected to join the Florida Retirement System, or with a
 6410 participating agency to which a member's governmental unit was
 6411 transferred, merged, or consolidated as provided in s.
 6412 121.081(1)(f), if the member was employed with the municipality
 6413 or special district at the time it commenced participating in
 6414 the Florida Retirement System or with the governmental unit at
 6415 the time of its transfer, merger, or consolidation with the
 6416 participating agency. The service must satisfy the criteria set
 6417 forth in subsection (3) for Special Risk Class membership as a
 6418 law enforcement officer, firefighter, or correctional officer;
 6419 however, a certificate or waiver of certificate of compliance
 6420 with s. 943.1395 or s. ~~633.408~~ ~~633-35~~ is not required for such
 6421 service.
 6422 Section 103. Paragraph (d) of subsection (1) of section
 6423 125.01, Florida Statutes, is amended to read:
 6424 125.01 Powers and duties.—
 6425 (1) The legislative and governing body of a county shall
 6426 have the power to carry on county government. To the extent not
 6427 inconsistent with general or special law, this power includes,
 6428 but is not restricted to, the power to:
 6429 (d) Provide fire protection, including the enforcement of
 6430 the Florida Fire Prevention Code, as provided in ss. ~~633.206~~
 6431 ~~633-022~~ and ~~633.208~~ ~~633-025~~, and adopt and enforce local
 6432 technical amendments to the Florida Fire Prevention Code as
 6433 provided in those sections and pursuant to s. ~~633.202~~ ~~633-0215~~.
 6434 Section 104. Subsection (2) of section 125.01045, Florida
 6435 Statutes, is amended to read:
 6436 125.01045 Prohibition of fees for first responder

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6437 services.—

6438 (2) As used in this section, the term "first responder"

6439 means a law enforcement officer as defined in s. 943.10, a

6440 firefighter as defined in s. ~~633.102~~ ~~633-30~~, or an emergency

6441 medical technician or paramedic as defined in s. 401.23 who is

6442 employed by the state or a local government. A volunteer law

6443 enforcement officer, firefighter, or emergency medical

6444 technician or paramedic engaged by the state or a local

6445 government is also considered a first responder of the state or

6446 local government for purposes of this section.

6447 Section 105. Subsection (1) of section 125.56, Florida

6448 Statutes, is amended to read:

6449 125.56 Enforcement and amendment of the Florida Building

6450 Code and the Florida Fire Prevention Code: inspection fees;

6451 inspectors; etc.—

6452 (1) The board of county commissioners of each of the

6453 several counties of the state is authorized to enforce the

6454 Florida Building Code and the Florida Fire Prevention Code, as

6455 provided in ss. 553.80, ~~633.206~~ ~~633-022~~, and ~~633.208~~ ~~633-025~~,

6456 and, at its discretion, to adopt local technical amendments to

6457 the Florida Building Code, pursuant to s. 553.73(4)(b) and (c)

6458 and local technical amendments to the Florida Fire Prevention

6459 Code, pursuant to s. ~~633.202~~ ~~633-0215~~, to provide for the safe

6460 construction, erection, alteration, repair, securing, and

6461 demolition of any building within its territory outside the

6462 corporate limits of any municipality. Upon a determination to

6463 consider amending the Florida Building Code or the Florida Fire

6464 Prevention Code by a majority of the members of the board of

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6465 county commissioners of such county, the board shall call a

6466 public hearing and comply with the public notice requirements of

6467 s. 125.66(2). The board shall hear all interested parties at the

6468 public hearing and may then amend the building code or the fire

6469 code consistent with the terms and purposes of this act. Upon

6470 adoption, an amendment to the code shall be in full force and

6471 effect throughout the unincorporated area of such county until

6472 otherwise notified by the Florida Building Commission pursuant

6473 to s. 553.73 or the State Fire Marshal pursuant to s. ~~633.202~~

6474 ~~633-0215~~. Nothing herein contained shall be construed to prevent

6475 the board of county commissioners from repealing such amendment

6476 to the building code or the fire code at any regular meeting of

6477 such board.

6478 Section 106. Subsection (2) of section 166.0446, Florida

6479 Statutes, is amended to read:

6480 166.0446 Prohibition of fees for first responder

6481 services.—

6482 (2) As used in this section, the term "first responder"

6483 means a law enforcement officer as defined in s. 943.10, a

6484 firefighter as defined in s. ~~633.102~~ ~~633-30~~, or an emergency

6485 medical technician or paramedic as defined in s. 401.23 who is

6486 employed by the state or a local government. A volunteer law

6487 enforcement officer, firefighter, or emergency medical

6488 technician or paramedic engaged by the state or a local

6489 government is also considered a first responder of the state or

6490 local government for purposes of this section.

6491 Section 107. Paragraph (a) of subsection (8) of section

6492 175.032, Florida Statutes, is amended to read:

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6493 175.032 Definitions.—For any municipality, special fire
 6494 control district, chapter plan, local law municipality, local
 6495 law special fire control district, or local law plan under this
 6496 chapter, the following words and phrases have the following
 6497 meanings:
 6498 (8)(a) "Firefighter" means any person employed solely by a
 6499 constituted fire department of any municipality or special fire
 6500 control district who is certified as a firefighter as a
 6501 condition of employment in accordance with s. 633.408 ~~633-35~~ and
 6502 whose duty it is to extinguish fires, to protect life, or to
 6503 protect property. The term includes all certified, supervisory,
 6504 and command personnel whose duties include, in whole or in part,
 6505 the supervision, training, guidance, and management
 6506 responsibilities of full-time firefighters, part-time
 6507 firefighters, or auxiliary firefighters but does not include
 6508 part-time firefighters or auxiliary firefighters. However, for
 6509 purposes of this chapter only, the term also includes public
 6510 safety officers who are responsible for performing both police
 6511 and fire services, who are certified as police officers or
 6512 firefighters, and who are certified by their employers to the
 6513 Chief Financial Officer as participating in this chapter before
 6514 October 1, 1979. Effective October 1, 1979, public safety
 6515 officers who have not been certified as participating in this
 6516 chapter are considered police officers for retirement purposes
 6517 and are eligible to participate in chapter 185. Any plan may
 6518 provide that the fire chief has an option to participate, or
 6519 not, in that plan.
 6520 Section 108. Subsection (3) of section 175.121, Florida

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6521 Statutes, is amended to read:
 6522 175.121 Department of Revenue and Division of Retirement
 6523 to keep accounts of deposits; disbursements.—For any
 6524 municipality or special fire control district having a chapter
 6525 or local law plan established pursuant to this chapter:
 6526 (3)(a) All moneys not distributed to municipalities and
 6527 special fire control districts under this section as a result of
 6528 the limitation on disbursement contained in s. 175.122, or as a
 6529 result of any municipality or special fire control district not
 6530 having qualified in any given year, or portion thereof, shall be
 6531 transferred to the Firefighters' Supplemental Compensation Trust
 6532 Fund administered by the Department of Revenue, as provided in
 6533 s. ~~633.422 633-342~~.
 6534 (b)1. Moneys transferred under paragraph (a) but not
 6535 needed to support the supplemental compensation program in a
 6536 given year shall be redistributed pro rata to those
 6537 participating municipalities and special fire control districts
 6538 that transfer any portion of their funds to support the
 6539 supplemental compensation program in that year. Such additional
 6540 moneys shall be used to cover or offset costs of the retirement
 6541 plan.
 6542 2. To assist the Department of Revenue, the division shall
 6543 identify those municipalities and special fire control districts
 6544 that are eligible for redistribution as provided in s.
 6545 633.422(3)(c)2. ~~633-342(4)(e)2-~~, by listing the municipalities
 6546 and special fire control districts from which funds were
 6547 transferred under paragraph (a) and specifying the amount
 6548 transferred by each.

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6549 Section 109. Paragraph (c) of subsection (6) of section
 6550 196.081, Florida Statutes, is amended to read:
 6551 196.081 Exemption for certain permanently and totally
 6552 disabled veterans and for surviving spouses of veterans;
 6553 exemption for surviving spouses of first responders who die in
 6554 the line of duty.—
 6555 (6) Any real estate that is owned and used as a homestead
 6556 by the surviving spouse of a first responder who died in the
 6557 line of duty while employed by the state or any political
 6558 subdivision of the state, including authorities and special
 6559 districts, and for whom a letter from the state or appropriate
 6560 political subdivision of the state, or other authority or
 6561 special district, has been issued which legally recognizes and
 6562 certifies that the first responder died in the line of duty
 6563 while employed as a first responder is exempt from taxation if
 6564 the first responder and his or her surviving spouse were
 6565 permanent residents of this state on January 1 of the year in
 6566 which the first responder died.
 6567 (c) As used in this subsection only, and not applicable to
 6568 the payment of benefits under s. 112.19 or s. 112.191, the term:
 6569 1. "First responder" means a law enforcement officer or
 6570 correctional officer as defined in s. 943.10, a firefighter as
 6571 defined in s. 633.102 ~~633-30~~, or an emergency medical technician
 6572 or paramedic as defined in s. 401.23 who is a full-time paid
 6573 employee, part-time paid employee, or unpaid volunteer.
 6574 2. "In the line of duty" means:
 6575 a. While engaging in law enforcement;
 6576 b. While performing an activity relating to fire

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6577 suppression and prevention;
 6578 c. While responding to a hazardous material emergency;
 6579 d. While performing rescue activity;
 6580 e. While providing emergency medical services;
 6581 f. While performing disaster relief activity;
 6582 g. While otherwise engaging in emergency response
 6583 activity; or
 6584 h. While engaging in a training exercise related to any of
 6585 the events or activities enumerated in this subparagraph if the
 6586 training has been authorized by the employing entity.
 6587
 6588 A heart attack or stroke that causes death or causes an injury
 6589 resulting in death must occur within 24 hours after an event or
 6590 activity enumerated in this subparagraph and must be directly
 6591 and proximately caused by the event or activity in order to be
 6592 considered as having occurred in the line of duty.
 6593 Section 110. Paragraph (e) of subsection (1) of section
 6594 218.23, Florida Statutes, is amended to read:
 6595 218.23 Revenue sharing with units of local government.—
 6596 (1) To be eligible to participate in revenue sharing
 6597 beyond the minimum entitlement in any fiscal year, a unit of
 6598 local government is required to have:
 6599 (e) Certified that persons in its employ as firefighters,
 6600 as defined in s. 633.102(9) ~~633-30(1)~~, meet the qualification
 6601 for employment as established by the Division of State Fire
 6602 Marshal pursuant to the provisions of ss. 633.412 ~~633-34~~ and
 6603 ~~633.408 633-35~~ and that the provisions of s. 633.422 ~~633-382~~
 6604 have been met.

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6605
 6606 Additionally, to receive its share of revenue sharing funds, a
 6607 unit of local government shall certify to the Department of
 6608 Revenue that the requirements of s. 200.065, if applicable, were
 6609 met. The certification shall be made annually within 30 days of
 6610 adoption of an ordinance or resolution establishing a final
 6611 property tax levy or, if no property tax is levied, not later
 6612 than November 1. The portion of revenue sharing funds which,
 6613 pursuant to this part, would otherwise be distributed to a unit
 6614 of local government which has not certified compliance or has
 6615 otherwise failed to meet the requirements of s. 200.065 shall be
 6616 deposited in the General Revenue Fund for the 12 months
 6617 following a determination of noncompliance by the department.
 6618 Section 111. Paragraph (a) of subsection (3) of section
 6619 252.515, Florida Statutes, is amended to read:
 6620 252.515 Postdisaster Relief Assistance Act; immunity from
 6621 civil liability.—
 6622 (3) As used in this section, the term:
 6623 (a) "Emergency first responder" means:
 6624 1. A physician licensed under chapter 458.
 6625 2. An osteopathic physician licensed under chapter 459.
 6626 3. A chiropractic physician licensed under chapter 460.
 6627 4. A podiatric physician licensed under chapter 461.
 6628 5. A dentist licensed under chapter 466.
 6629 6. An advanced registered nurse practitioner certified
 6630 under s. 464.012.
 6631 7. A physician assistant licensed under s. 458.347 or s.
 6632 459.022.

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6633 8. A worker employed by a public or private hospital in
 6634 the state.
 6635 9. A paramedic as defined in s. 401.23(17).
 6636 10. An emergency medical technician as defined in s.
 6637 401.23(11).
 6638 11. A firefighter as defined in s. 633.102 ~~633-30~~.
 6639 12. A law enforcement officer as defined in s. 943.10.
 6640 13. A member of the Florida National Guard.
 6641 14. Any other personnel designated as emergency personnel
 6642 by the Governor pursuant to a declared emergency.
 6643 Section 112. Section 255.45, Florida Statutes, is amended
 6644 to read:
 6645 255.45 Correction of firesafety violations in certain
 6646 state-owned property.—The Department of Management Services is
 6647 responsible for ensuring that firesafety violations that are
 6648 noted by the State Fire Marshal pursuant to s. 633.218 ~~633-005~~
 6649 are corrected as soon as practicable for all state-owned
 6650 property which is leased from the Department of Management
 6651 Services.
 6652 Section 113. Subsection (4) of section 258.0145, Florida
 6653 Statutes, is amended to read:
 6654 258.0145 Military state park fee discounts.—The Division
 6655 of Recreation and Parks shall provide the following discounts on
 6656 park fees to persons who present written documentation
 6657 satisfactory to the division which evidences their eligibility
 6658 for the discounts:
 6659 (4) The surviving spouse and parents of a law enforcement
 6660 officer, as defined in s. 943.10(1), or a firefighter, as

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6661 defined in s. ~~633.102(9)~~ ~~633-30(1)~~, who has died in the line of
 6662 duty shall receive lifetime family annual entrance passes at no
 6663 charge.
 6664 Section 114. Subsection (1) of section 281.02, Florida
 6665 Statutes, is amended to read:
 6666 281.02 Powers and duties of the Department of Management
 6667 Services with respect to firesafety and security.—The Department
 6668 of Management Services has the following powers and duties with
 6669 respect to firesafety and security:
 6670 (1) To assist the State Fire Marshal in maintaining the
 6671 firesafety of public buildings pursuant to s. ~~633.218~~ ~~633-005~~.
 6672 Section 115. Subsection (1) of section 384.287, Florida
 6673 Statutes, is amended to read:
 6674 384.287 Screening for sexually transmissible disease.—
 6675 (1) An officer as defined in s. 943.10(14); support
 6676 personnel as defined in s. 943.10(11) who are employed by the
 6677 Department of Law Enforcement, including, but not limited to,
 6678 any crime scene analyst, forensic technologist, or crime lab
 6679 analyst; firefighter as defined in s. ~~633.102~~ ~~633-30~~; or
 6680 ambulance driver, paramedic, or emergency medical technician as
 6681 defined in s. 401.23, acting within the scope of employment, who
 6682 comes into contact with a person in such a way that significant
 6683 exposure, as defined in s. 381.004, has occurred may request
 6684 that the person be screened for a sexually transmissible disease
 6685 that can be transmitted through a significant exposure.
 6686 Section 116. Paragraph (a) of subsection (1) of section
 6687 395.0163, Florida Statutes, is amended to read:
 6688 395.0163 Construction inspections; plan submission and

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6689 approval; fees.—
 6690 (1)(a) The design, construction, erection, alteration,
 6691 modification, repair, and demolition of all public and private
 6692 health care facilities are governed by the Florida Building Code
 6693 and the Florida Fire Prevention Code under ss. 553.73 and
 6694 ~~633.206~~ ~~633-022~~. In addition to the requirements of ss. 553.79
 6695 and 553.80, the agency shall review facility plans and survey
 6696 the construction of any facility licensed under this chapter.
 6697 The agency shall make, or cause to be made, such construction
 6698 inspections and investigations as it deems necessary. The agency
 6699 may prescribe by rule that any licensee or applicant desiring to
 6700 make specified types of alterations or additions to its
 6701 facilities or to construct new facilities shall, before
 6702 commencing such alteration, addition, or new construction,
 6703 submit plans and specifications therefor to the agency for
 6704 preliminary inspection and approval or recommendation with
 6705 respect to compliance with applicable provisions of the Florida
 6706 Building Code or agency rules and standards. The agency shall
 6707 approve or disapprove the plans and specifications within 60
 6708 days after receipt of the fee for review of plans as required in
 6709 subsection (2). The agency may be granted one 15-day extension
 6710 for the review period if the director of the agency approves the
 6711 extension. If the agency fails to act within the specified time,
 6712 it shall be deemed to have approved the plans and
 6713 specifications. When the agency disapproves plans and
 6714 specifications, it shall set forth in writing the reasons for
 6715 its disapproval. Conferences and consultations may be provided
 6716 as necessary.

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6717 Section 117. Section 400.232, Florida Statutes, is amended
 6718 to read:
 6719 400.232 Review and approval of plans; fees and costs.—The
 6720 design, construction, erection, alteration, modification,
 6721 repair, and demolition of all public and private health care
 6722 facilities are governed by the Florida Building Code and the
 6723 Florida Fire Prevention Code under ss. 553.73 and 633.206
 6724 ~~633-022~~. In addition to the requirements of ss. 553.79 and
 6725 553.80, the agency shall review the facility plans and survey
 6726 the construction of facilities licensed under this chapter.
 6727 (1) The agency shall approve or disapprove the plans and
 6728 specifications within 60 days after receipt of the final plans
 6729 and specifications. The agency may be granted one 15-day
 6730 extension for the review period, if the director of the agency
 6731 so approves. If the agency fails to act within the specified
 6732 time, it shall be deemed to have approved the plans and
 6733 specifications. When the agency disapproves plans and
 6734 specifications, it shall set forth in writing the reasons for
 6735 disapproval. Conferences and consultations may be provided as
 6736 necessary.
 6737 (2) The agency is authorized to charge an initial fee of
 6738 \$2,000 for review of plans and construction on all projects, no
 6739 part of which is refundable. The agency may also collect a fee,
 6740 not to exceed 1 percent of the estimated construction cost or
 6741 the actual cost of review, whichever is less, for the portion of
 6742 the review which encompasses initial review through the initial
 6743 revised construction document review. The agency is further
 6744 authorized to collect its actual costs on all subsequent

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6745 portions of the review and construction inspections. Initial fee
 6746 payment shall accompany the initial submission of plans and
 6747 specifications. Any subsequent payment that is due is payable
 6748 upon receipt of the invoice from the agency. Notwithstanding any
 6749 other provisions of law to the contrary, all money received by
 6750 the agency pursuant to the provisions of this section shall be
 6751 deemed to be trust funds, to be held and applied solely for the
 6752 operations required under this section.
 6753 Section 118. Subsection (2) of section 400.915, Florida
 6754 Statutes, is amended to read:
 6755 400.915 Construction and renovation; requirements.—The
 6756 requirements for the construction or renovation of a PPRC center
 6757 shall comply with:
 6758 (2) The provisions of s. 633.206 ~~633-022~~ and applicable
 6759 rules pertaining to physical standards for nonresidential child
 6760 care facilities; and
 6761 Section 119. Paragraph (a) of subsection (1) of section
 6762 429.41, Florida Statutes, is amended to read:
 6763 429.41 Rules establishing standards.—
 6764 (1) It is the intent of the Legislature that rules
 6765 published and enforced pursuant to this section shall include
 6766 criteria by which a reasonable and consistent quality of
 6767 resident care and quality of life may be ensured and the results
 6768 of such resident care may be demonstrated. Such rules shall also
 6769 ensure a safe and sanitary environment that is residential and
 6770 noninstitutional in design or nature. It is further intended
 6771 that reasonable efforts be made to accommodate the needs and
 6772 preferences of residents to enhance the quality of life in a

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6773 facility. The agency, in consultation with the department, may
 6774 adopt rules to administer the requirements of part II of chapter
 6775 408. In order to provide safe and sanitary facilities and the
 6776 highest quality of resident care accommodating the needs and
 6777 preferences of residents, the department, in consultation with
 6778 the agency, the Department of Children and Family Services, and
 6779 the Department of Health, shall adopt rules, policies, and
 6780 procedures to administer this part, which must include
 6781 reasonable and fair minimum standards in relation to:
 6782 (a) The requirements for and maintenance of facilities,
 6783 not in conflict with the provisions of chapter 553, relating to
 6784 plumbing, heating, cooling, lighting, ventilation, living space,
 6785 and other housing conditions, which will ensure the health,
 6786 safety, and comfort of residents and protection from fire
 6787 hazard, including adequate provisions for fire alarm and other
 6788 fire protection suitable to the size of the structure. Uniform
 6789 firesafety standards shall be established and enforced by the
 6790 State Fire Marshal in cooperation with the agency, the
 6791 department, and the Department of Health.
 6792 1. Evacuation capability determination.—
 6793 a. The provisions of the National Fire Protection
 6794 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
 6795 for determining the ability of the residents, with or without
 6796 staff assistance, to relocate from or within a licensed facility
 6797 to a point of safety as provided in the fire codes adopted
 6798 herein. An evacuation capability evaluation for initial
 6799 licensure shall be conducted within 6 months after the date of
 6800 licensure. For existing licensed facilities that are not

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6801 equipped with an automatic fire sprinkler system, the
 6802 administrator shall evaluate the evacuation capability of
 6803 residents at least annually. The evacuation capability
 6804 evaluation for each facility not equipped with an automatic fire
 6805 sprinkler system shall be validated, without liability, by the
 6806 State Fire Marshal, by the local fire marshal, or by the local
 6807 authority having jurisdiction over firesafety, before the
 6808 license renewal date. If the State Fire Marshal, local fire
 6809 marshal, or local authority having jurisdiction over firesafety
 6810 has reason to believe that the evacuation capability of a
 6811 facility as reported by the administrator may have changed, it
 6812 may, with assistance from the facility administrator, reevaluate
 6813 the evacuation capability through timed exiting drills.
 6814 Translation of timed fire exiting drills to evacuation
 6815 capability may be determined:
 6816 (I) Three minutes or less: prompt.
 6817 (II) More than 3 minutes, but not more than 13 minutes:
 6818 slow.
 6819 (III) More than 13 minutes: impractical.
 6820 b. The Office of the State Fire Marshal shall provide or
 6821 cause the provision of training and education on the proper
 6822 application of Chapter 5, NFPA 101A, 1995 edition, to its
 6823 employees, to staff of the Agency for Health Care Administration
 6824 who are responsible for regulating facilities under this part,
 6825 and to local governmental inspectors. The Office of the State
 6826 Fire Marshal shall provide or cause the provision of this
 6827 training within its existing budget, but may charge a fee for
 6828 this training to offset its costs. The initial training must be

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6829 delivered within 6 months after July 1, 1995, and as needed
 6830 thereafter.
 6831 c. The Office of the State Fire Marshal, in cooperation
 6832 with provider associations, shall provide or cause the provision
 6833 of a training program designed to inform facility operators on
 6834 how to properly review bid documents relating to the
 6835 installation of automatic fire sprinklers. The Office of the
 6836 State Fire Marshal shall provide or cause the provision of this
 6837 training within its existing budget, but may charge a fee for
 6838 this training to offset its costs. The initial training must be
 6839 delivered within 6 months after July 1, 1995, and as needed
 6840 thereafter.
 6841 d. The administrator of a licensed facility shall sign an
 6842 affidavit verifying the number of residents occupying the
 6843 facility at the time of the evacuation capability evaluation.
 6844 2. Firesafety requirements.—
 6845 a. Except for the special applications provided herein,
 6846 effective January 1, 1996, the provisions of the National Fire
 6847 Protection Association, Life Safety Code, NFPA 101, 1994
 6848 edition, Chapter 22 for new facilities and Chapter 23 for
 6849 existing facilities shall be the uniform fire code applied by
 6850 the State Fire Marshal for assisted living facilities, pursuant
 6851 to s. ~~633.206 633-022~~.
 6852 b. Any new facility, regardless of size, that applies for
 6853 a license on or after January 1, 1996, must be equipped with an
 6854 automatic fire sprinkler system. The exceptions as provided in
 6855 s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply
 6856 to any new facility housing eight or fewer residents. On July 1,

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6857 1995, local governmental entities responsible for the issuance
 6858 of permits for construction shall inform, without liability, any
 6859 facility whose permit for construction is obtained prior to
 6860 January 1, 1996, of this automatic fire sprinkler requirement.
 6861 As used in this part, the term "a new facility" does not mean an
 6862 existing facility that has undergone change of ownership.
 6863 c. Notwithstanding any provision of s. ~~633.206 633-022~~ or
 6864 of the National Fire Protection Association, NFPA 101A, Chapter
 6865 5, 1995 edition, to the contrary, any existing facility housing
 6866 eight or fewer residents is not required to install an automatic
 6867 fire sprinkler system, nor to comply with any other requirement
 6868 in Chapter 23, NFPA 101, 1994 edition, that exceeds the
 6869 firesafety requirements of NFPA 101, 1988 edition, that applies
 6870 to this size facility, unless the facility has been classified
 6871 as impractical to evacuate. Any existing facility housing eight
 6872 or fewer residents that is classified as impractical to evacuate
 6873 must install an automatic fire sprinkler system within the
 6874 timeframes granted in this section.
 6875 d. Any existing facility that is required to install an
 6876 automatic fire sprinkler system under this paragraph need not
 6877 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
 6878 edition, which exceed the provisions of NFPA 101, 1988 edition.
 6879 The mandate contained in this paragraph which requires certain
 6880 facilities to install an automatic fire sprinkler system
 6881 supersedes any other requirement.
 6882 e. This paragraph does not supersede the exceptions
 6883 granted in NFPA 101, 1988 edition or 1994 edition.
 6884 f. This paragraph does not exempt facilities from other

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6885 firesafety provisions adopted under s. 633.206 ~~633-022~~ and local
 6886 building code requirements in effect before July 1, 1995.
 6887 g. A local government may charge fees only in an amount
 6888 not to exceed the actual expenses incurred by local government
 6889 relating to the installation and maintenance of an automatic
 6890 fire sprinkler system in an existing and properly licensed
 6891 assisted living facility structure as of January 1, 1996.
 6892 h. If a licensed facility undergoes major reconstruction
 6893 or addition to an existing building on or after January 1, 1996,
 6894 the entire building must be equipped with an automatic fire
 6895 sprinkler system. Major reconstruction of a building means
 6896 repair or restoration that costs in excess of 50 percent of the
 6897 value of the building as reported on the tax rolls, excluding
 6898 land, before reconstruction. Multiple reconstruction projects
 6899 within a 5-year period the total costs of which exceed 50
 6900 percent of the initial value of the building at the time the
 6901 first reconstruction project was permitted are to be considered
 6902 as major reconstruction. Application for a permit for an
 6903 automatic fire sprinkler system is required upon application for
 6904 a permit for a reconstruction project that creates costs that go
 6905 over the 50-percent threshold.
 6906 i. Any facility licensed before January 1, 1996, that is
 6907 required to install an automatic fire sprinkler system shall
 6908 ensure that the installation is completed within the following
 6909 timeframes based upon evacuation capability of the facility as
 6910 determined under subparagraph 1.:
 6911 (I) Impractical evacuation capability, 24 months.
 6912 (II) Slow evacuation capability, 48 months.

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6913 (III) Prompt evacuation capability, 60 months.
 6914
 6915 The beginning date from which the deadline for the automatic
 6916 fire sprinkler installation requirement must be calculated is
 6917 upon receipt of written notice from the local fire official that
 6918 an automatic fire sprinkler system must be installed. The local
 6919 fire official shall send a copy of the document indicating the
 6920 requirement of a fire sprinkler system to the Agency for Health
 6921 Care Administration.
 6922 j. It is recognized that the installation of an automatic
 6923 fire sprinkler system may create financial hardship for some
 6924 facilities. The appropriate local fire official shall, without
 6925 liability, grant two 1-year extensions to the timeframes for
 6926 installation established herein, if an automatic fire sprinkler
 6927 installation cost estimate and proof of denial from two
 6928 financial institutions for a construction loan to install the
 6929 automatic fire sprinkler system are submitted. However, for any
 6930 facility with a class I or class II, or a history of uncorrected
 6931 class III, firesafety deficiencies, an extension must not be
 6932 granted. The local fire official shall send a copy of the
 6933 document granting the time extension to the Agency for Health
 6934 Care Administration.
 6935 k. A facility owner whose facility is required to be
 6936 equipped with an automatic fire sprinkler system under Chapter
 6937 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
 6938 any potential buyer of the facility that an installation of an
 6939 automatic fire sprinkler requirement exists. The sale of the
 6940 facility does not alter the timeframe for the installation of

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6941 the automatic fire sprinkler system.

6942 1. Existing facilities required to install an automatic

6943 fire sprinkler system as a result of construction-type

6944 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted

6945 herein, or evacuation capability requirements shall be notified

6946 by the local fire official in writing of the automatic fire

6947 sprinkler requirement, as well as the appropriate date for final

6948 compliance as provided in this subparagraph. The local fire

6949 official shall send a copy of the document to the Agency for

6950 Health Care Administration.

6951 m. Except in cases of life-threatening fire hazards, if an

6952 existing facility experiences a change in the evacuation

6953 capability, or if the local authority having jurisdiction

6954 identifies a construction-type restriction, such that an

6955 automatic fire sprinkler system is required, it shall be

6956 afforded time for installation as provided in this subparagraph.

6957

6958 Facilities that are fully sprinkled and in compliance with other

6959 firesafety standards are not required to conduct more than one

6960 of the required fire drills between the hours of 11 p.m. and 7

6961 a.m., per year. In lieu of the remaining drills, staff

6962 responsible for residents during such hours may be required to

6963 participate in a mock drill that includes a review of evacuation

6964 procedures. Such standards must be included or referenced in the

6965 rules adopted by the State Fire Marshal. Pursuant to s.

6966 633.206(1)(b) ~~633-022(1)(b)~~, the State Fire Marshal is the final

6967 administrative authority for firesafety standards established

6968 and enforced pursuant to this section. All licensed facilities

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6969 must have an annual fire inspection conducted by the local fire

6970 marshal or authority having jurisdiction.

6971 3. Resident elopement requirements.—Facilities are

6972 required to conduct a minimum of two resident elopement

6973 prevention and response drills per year. All administrators and

6974 direct care staff must participate in the drills which shall

6975 include a review of procedures to address resident elopement.

6976 Facilities must document the implementation of the drills and

6977 ensure that the drills are conducted in a manner consistent with

6978 the facility's resident elopement policies and procedures.

6979 Section 120. Subsection (1) of section 429.44, Florida

6980 Statutes, is amended to read:

6981 429.44 Construction and renovation; requirements.—

6982 (1) The requirements for the construction and renovation

6983 of a facility shall comply with the provisions of chapter 553

6984 which pertain to building construction standards, including

6985 plumbing, electrical code, glass, manufactured buildings,

6986 accessibility for persons with disabilities, and the state

6987 minimum building code and with the provisions of s. 633.206

6988 ~~633-022~~, which pertain to uniform firesafety standards.

6989 Section 121. Subsection (2) of section 429.73, Florida

6990 Statutes, is amended to read:

6991 429.73 Rules and standards relating to adult family-care

6992 homes.—

6993 (2) The department shall by rule provide minimum standards

6994 and procedures for emergencies. Pursuant to s. 633.206 ~~633-022~~,

6995 the State Fire Marshal, in consultation with the department and

6996 the agency, shall adopt uniform firesafety standards for adult

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6997 family-care homes.

6998 Section 122. Paragraph (b) of subsection (4) of section

6999 447.203, Florida Statutes, is amended to read:

7000 447.203 Definitions.—As used in this part:

7001 (4) "Managerial employees" are those employees who:

7002 (b) Serve as police chiefs, fire chiefs, or directors of

7003 public safety of any police, fire, or public safety department.

7004 Other police officers, as defined in s. 943.10(1), and

7005 firefighters, as defined in s. 633.102(9) ~~633-30(1)~~, may be

7006 determined by the commission to be managerial employees of such

7007 departments. In making such determinations, the commission shall

7008 consider, in addition to the criteria established in paragraph

7009 (a), the paramilitary organizational structure of the department

7010 involved.

7011

7012 However, in determining whether an individual is a managerial

7013 employee pursuant to either paragraph (a) or paragraph (b),

7014 above, the commission may consider historic relationships of the

7015 employee to the public employer and to coemployees.

7016 Section 123. Subsection (1) of section 468.602, Florida

7017 Statutes, is amended to read:

7018 468.602 Exemptions.—This part does not apply to:

7019 (1) Persons who possess a valid certificate, issued

7020 pursuant to s. 633.216 ~~633-001~~, for conducting firesafety

7021 inspections, when conducting firesafety inspections.

7022 Section 124. Paragraph (c) of subsection (2) of section

7023 468.609, Florida Statutes, is amended to read:

7024 468.609 Administration of this part: standards for

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7025 certification; additional categories of certification.—

7026 (2) A person may take the examination for certification as

7027 a building code inspector or plans examiner pursuant to this

7028 part if the person:

7029 (c) Meets eligibility requirements according to one of the

7030 following criteria:

7031 1. Demonstrates 5 years' combined experience in the field

7032 of construction or a related field, building code inspection, or

7033 plans review corresponding to the certification category sought;

7034 2. Demonstrates a combination of postsecondary education

7035 in the field of construction or a related field and experience

7036 which totals 4 years, with at least 1 year of such total being

7037 experience in construction, building code inspection, or plans

7038 review;

7039 3. Demonstrates a combination of technical education in

7040 the field of construction or a related field and experience

7041 which totals 4 years, with at least 1 year of such total being

7042 experience in construction, building code inspection, or plans

7043 review;

7044 4. Currently holds a standard certificate as issued by the

7045 board, or a fire safety inspector license issued pursuant to

7046 chapter 633, has a minimum of 5 years' verifiable full-time

7047 experience in inspection or plan review, and satisfactorily

7048 completes a building code inspector or plans examiner training

7049 program of not less than 200 hours in the certification category

7050 sought. The board shall establish by rule criteria for the

7051 development and implementation of the training programs; or

7052 5. Demonstrates a combination of the completion of an

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7053 approved training program in the field of building code
 7054 inspection or plan review and a minimum of 2 years' experience
 7055 in the field of building code inspection, plan review, fire code
 7056 inspections and fire plans review of new buildings as a
 7057 firesafety inspector certified under s. ~~633.216 633-001(2)~~, or
 7058 construction. The approved training portion of this requirement
 7059 shall include proof of satisfactory completion of a training
 7060 program of not less than 300 hours which is approved by the
 7061 board in the chosen category of building code inspection or plan
 7062 review in the certification category sought with not less than
 7063 20 hours of instruction in state laws, rules, and ethics
 7064 relating to professional standards of practice, duties, and
 7065 responsibilities of a certificateholder. The board shall
 7066 coordinate with the Building Officials Association of Florida,
 7067 Inc., to establish by rule the development and implementation of
 7068 the training program.
 7069 Section 125. Subsection (22) of section 489.103, Florida
 7070 Statutes, is amended to read:
 7071 489.103 Exemptions.—This part does not apply to:
 7072 (22) A person licensed pursuant to s. ~~633.304(1)(d)~~
 7073 ~~633-061(1)(d)~~ or (3)(b) performing work authorized by such
 7074 license.
 7075 Section 126. Paragraph (n) of subsection (3) of section
 7076 489.105, Florida Statutes, is amended to read:
 7077 489.105 Definitions.—As used in this part:
 7078 (3) "Contractor" means the person who is qualified for,
 7079 and is only responsible for, the project contracted for and
 7080 means, except as exempted in this part, the person who, for

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7081 compensation, undertakes to, submits a bid to, or does himself
 7082 or herself or by others construct, repair, alter, remodel, add
 7083 to, demolish, subtract from, or improve any building or
 7084 structure, including related improvements to real estate, for
 7085 others or for resale to others; and whose job scope is
 7086 substantially similar to the job scope described in one of the
 7087 paragraphs of this subsection. For the purposes of regulation
 7088 under this part, the term "demolish" applies only to demolition
 7089 of steel tanks more than 50 feet in height; towers more than 50
 7090 feet in height; other structures more than 50 feet in height;
 7091 and all buildings or residences. Contractors are subdivided into
 7092 two divisions, Division I, consisting of those contractors
 7093 defined in paragraphs (a)-(c), and Division II, consisting of
 7094 those contractors defined in paragraphs (d)-(q):
 7095 (n) "Underground utility and excavation contractor" means
 7096 a contractor whose services are limited to the construction,
 7097 installation, and repair, on public or private property, whether
 7098 accomplished through open excavations or through other means,
 7099 including, but not limited to, directional drilling, auger
 7100 boring, jacking and boring, trenchless technologies, wet and dry
 7101 taps, grouting, and slip lining, of main sanitary sewer
 7102 collection systems, main water distribution systems, storm sewer
 7103 collection systems, and the continuation of utility lines from
 7104 the main systems to a point of termination up to and including
 7105 the meter location for the individual occupancy, sewer
 7106 collection systems at property line on residential or single-
 7107 occupancy commercial properties, or on multioccupancy properties
 7108 at manhole or wye lateral extended to an invert elevation as

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7109 engineered to accommodate future building sewers, water
 7110 distribution systems, or storm sewer collection systems at storm
 7111 sewer structures. However, an underground utility and excavation
 7112 contractor may install empty underground conduits in rights-of-
 7113 way, easements, platted rights-of-way in new site development,
 7114 and sleeves for parking lot crossings no smaller than 2 inches
 7115 in diameter if each conduit system installed is designed by a
 7116 licensed professional engineer or an authorized employee of a
 7117 municipality, county, or public utility and the installation of
 7118 such conduit does not include installation of any conductor
 7119 wiring or connection to an energized electrical system. An
 7120 underground utility and excavation contractor may not install
 7121 piping that is an integral part of a fire protection system as
 7122 defined in s. ~~633.102~~ beginning at the point where the
 7123 piping is used exclusively for such system.
 7124 Section 127. Subsection (9) of section 496.404, Florida
 7125 Statutes, is amended to read:
 7126 496.404 Definitions.—As used in ss. 496.401-496.424:
 7127 (9) "Emergency service employee" means any employee who is
 7128 a firefighter, as defined in s. ~~633.102~~, or ambulance
 7129 driver, emergency medical technician, or paramedic, as defined
 7130 in s. 401.23.
 7131 Section 128. Paragraph (a) of subsection (7) of section
 7132 509.032, Florida Statutes, is amended to read:
 7133 509.032 Duties.—
 7134 (7) PREEMPTION AUTHORITY.—
 7135 (a) The regulation of public lodging establishments and
 7136 public food service establishments, including, but not limited

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7137 to, sanitation standards, inspections, training and testing of
 7138 personnel, and matters related to the nutritional content and
 7139 marketing of foods offered in such establishments, is preempted
 7140 to the state. This paragraph does not preempt the authority of a
 7141 local government or local enforcement district to conduct
 7142 inspections of public lodging and public food service
 7143 establishments for compliance with the Florida Building Code and
 7144 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
 7145 ~~633.206~~ ~~633-022~~.
 7146 Section 129. Section 513.05, Florida Statutes, is amended
 7147 to read:
 7148 513.05 Rules.—The department may adopt rules pertaining to
 7149 the location, construction, modification, equipment, and
 7150 operation of mobile home parks, lodging parks, recreational
 7151 vehicle parks, and recreational camps, except as provided in s.
 7152 ~~633.206~~ ~~633-022~~, as necessary to administer this chapter. Such
 7153 rules may include definitions of terms; requirements for plan
 7154 reviews of proposed and existing parks and camps; plan reviews
 7155 of parks that consolidate space or change space size; water
 7156 supply; sewage collection and disposal; plumbing and backflow
 7157 prevention; garbage and refuse storage, collection, and
 7158 disposal; insect and rodent control; space requirements; heating
 7159 facilities; food service; lighting; sanitary facilities;
 7160 bedding; an occupancy equivalency to spaces for permits for
 7161 recreational camps; sanitary facilities in recreational vehicle
 7162 parks; and the owners' responsibilities at recreational vehicle
 7163 parks and recreational camps.
 7164 Section 130. Paragraph (d) of subsection (1) and paragraph

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7165 (f) of subsection (11) of section 553.73, Florida Statutes, are
 7166 amended to read:
 7167 553.73 Florida Building Code.—
 7168 (1)
 7169 (d) Conflicting requirements between the Florida Building
 7170 Code and the Florida Fire Prevention Code and Life Safety Code
 7171 of the state established pursuant to ss. 633.206 633-022 and
 7172 633.208 633-025 shall be resolved by agreement between the
 7173 commission and the State Fire Marshal in favor of the
 7174 requirement that offers the greatest degree of lifesafety or
 7175 alternatives that would provide an equivalent degree of
 7176 lifesafety and an equivalent method of construction. If the
 7177 commission and State Fire Marshal are unable to agree on a
 7178 resolution, the question shall be referred to a mediator,
 7179 mutually agreeable to both parties, to resolve the conflict in
 7180 favor of the provision that offers the greatest lifesafety, or
 7181 alternatives that would provide an equivalent degree of
 7182 lifesafety and an equivalent method of construction.
 7183 (11)
 7184 (f) All decisions of the local building official and local
 7185 fire official and all decisions of the administrative board
 7186 shall be in writing and shall be binding upon all persons but
 7187 shall not limit the authority of the State Fire Marshal or the
 7188 Florida Building Commission pursuant to paragraph (1)(d) and ss.
 7189 633.104 633-01 and 633.228 633-161. Decisions of general
 7190 application shall be indexed by building and fire code sections
 7191 and shall be available for inspection during normal business
 7192 hours.

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7193 Section 131. Paragraph (e) of subsection (1) of section
 7194 553.77, Florida Statutes, is amended to read:
 7195 553.77 Specific powers of the commission.—
 7196 (1) The commission shall:
 7197 (e) Participate with the Florida Fire Code Advisory
 7198 Council created under s. 633.204 633-72, to provide assistance
 7199 and recommendations relating to firesafety code interpretations.
 7200 The administrative staff of the commission shall attend meetings
 7201 of the Florida Fire Code Advisory Council and coordinate efforts
 7202 to provide consistency between the Florida Building Code and the
 7203 Florida Fire Prevention Code and the Life Safety Code.
 7204 Section 132. Subsections (2) and (12) of section 553.79,
 7205 Florida Statutes, are amended to read:
 7206 553.79 Permits; applications; issuance; inspections.—
 7207 (2) Except as provided in subsection (6), an enforcing
 7208 agency may not issue any permit for construction, erection,
 7209 alteration, modification, repair, or demolition of any building
 7210 or structure until the local building code administrator or
 7211 inspector has reviewed the plans and specifications required by
 7212 the Florida Building Code, or local amendment thereto, for such
 7213 proposal and found the plans to be in compliance with the
 7214 Florida Building Code. If the local building code administrator
 7215 or inspector finds that the plans are not in compliance with the
 7216 Florida Building Code, the local building code administrator or
 7217 inspector shall identify the specific plan features that do not
 7218 comply with the applicable codes, identify the specific code
 7219 chapters and sections upon which the finding is based, and
 7220 provide this information to the local enforcing agency. The

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7221 local enforcing agency shall provide this information to the
 7222 permit applicant. In addition, an enforcing agency may not issue
 7223 any permit for construction, erection, alteration, modification,
 7224 repair, or demolition of any building until the appropriate
 7225 firesafety inspector certified pursuant to s. 633.216 ~~633-001~~
 7226 has reviewed the plans and specifications required by the
 7227 Florida Building Code, or local amendment thereto, for such
 7228 proposal and found that the plans comply with the Florida Fire
 7229 Prevention Code and the Life Safety Code. Any building or
 7230 structure which is not subject to a firesafety code shall not be
 7231 required to have its plans reviewed by the firesafety inspector.
 7232 Any building or structure that is exempt from the local building
 7233 permit process may not be required to have its plans reviewed by
 7234 the local building code administrator. Industrial construction
 7235 on sites where design, construction, and firesafety are
 7236 supervised by appropriate design and inspection professionals
 7237 and which contain adequate in-house fire departments and rescue
 7238 squads is exempt, subject to local government option, from
 7239 review of plans and inspections, providing owners certify that
 7240 applicable codes and standards have been met and supply
 7241 appropriate approved drawings to local building and firesafety
 7242 inspectors. The enforcing agency shall issue a permit to
 7243 construct, erect, alter, modify, repair, or demolish any
 7244 building or structure when the plans and specifications for such
 7245 proposal comply with the provisions of the Florida Building Code
 7246 and the Florida Fire Prevention Code and the Life Safety Code as
 7247 determined by the local authority in accordance with this
 7248 chapter and chapter 633.

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7249 (12) One-family and two-family detached residential
 7250 dwelling units are not subject to plan review by the local fire
 7251 official as described in this section or inspection by the local fire
 7252 fire official as described in s. 633.216 ~~633-001~~, unless
 7253 expressly made subject to said plan review or inspection by
 7254 local ordinance.
 7255 Section 133. Paragraph (d) of subsection (1) of section
 7256 590.02, Florida Statutes, is amended to read:
 7257 590.02 Florida Forest Service; powers, authority, and
 7258 duties; liability; building structures; Florida Center for
 7259 Wildfire and Forest Resources Management Training.—
 7260 (1) The Florida Forest Service has the following powers,
 7261 authority, and duties:
 7262 (d) To appoint center managers, forest area supervisors,
 7263 forestry program administrators, a forest protection bureau
 7264 chief, a forest protection assistant bureau chief, a field
 7265 operations bureau chief, deputy chiefs of field operations,
 7266 district managers, forest operations administrators, senior
 7267 forest rangers, investigators, forest rangers, firefighter
 7268 rotorcraft pilots, and other employees who may, at the Florida
 7269 Forest Service's discretion, be certified as forestry
 7270 firefighters pursuant to s. 533.408(7) ~~633-35(4)~~. Other
 7271 provisions of law notwithstanding, center managers, district
 7272 managers, forest protection assistant bureau chief, and deputy
 7273 chiefs of field operations shall have Selected Exempt Service
 7274 status in the state personnel designation;
 7275 Section 134. Subsection (10) of section 893.13, Florida
 7276 Statutes, is amended to read:

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7277 893.13 Prohibited acts; penalties.—
 7278 (10) If a person violates any provision of this chapter
 7279 and the violation results in a serious injury to a state or
 7280 local law enforcement officer as defined in s. 943.10,
 7281 firefighter as defined in s. 633.102 ~~633-30~~, emergency medical
 7282 technician as defined in s. 401.23, paramedic as defined in s.
 7283 401.23, employee of a public utility or an electric utility as
 7284 defined in s. 366.02, animal control officer as defined in s.
 7285 828.27, volunteer firefighter engaged by state or local
 7286 government, law enforcement officer employed by the Federal
 7287 Government, or any other local, state, or Federal Government
 7288 employee injured during the course and scope of his or her
 7289 employment, the person commits a felony of the third degree,
 7290 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 7291 If the injury sustained results in death or great bodily harm,
 7292 the person commits a felony of the second degree, punishable as
 7293 provided in s. 775.082, s. 775.083, or s. 775.084.
 7294 Section 135. Paragraph (g) of subsection (2) of section
 7295 934.03, Florida Statutes, is amended to read:
 7296 934.03 Interception and disclosure of wire, oral, or
 7297 electronic communications prohibited.—
 7298 (2)
 7299 (g) It is lawful under ss. 934.03-934.09 for an employee
 7300 of:
 7301 1. An ambulance service licensed pursuant to s. 401.25, a
 7302 fire station employing firefighters as defined by s. ~~633.102~~
 7303 ~~633-30~~, a public utility, a law enforcement agency as defined by
 7304 s. 934.02(10), or any other entity with published emergency

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7305 telephone numbers;
 7306 2. An agency operating an emergency telephone number "911"
 7307 system established pursuant to s. 365.171; or
 7308 3. The central abuse hotline operated pursuant to s.
 7309 39.201
 7310 to intercept and record incoming wire communications; however,
 7311 such employee may intercept and record incoming wire
 7312 communications on designated "911" telephone numbers and
 7313 published nonemergency telephone numbers staffed by trained
 7314 dispatchers at public safety answering points only. It is also
 7315 lawful for such employee to intercept and record outgoing wire
 7316 communications to the numbers from which such incoming wire
 7317 communications were placed when necessary to obtain information
 7318 required to provide the emergency services being requested. For
 7319 the purpose of this paragraph, the term "public utility" has the
 7320 same meaning as provided in s. 366.02 and includes a person,
 7321 partnership, association, or corporation now or hereafter owning
 7322 or operating equipment or facilities in the state for conveying
 7323 or transmitting messages or communications by telephone or
 7324 telegraph to the public for compensation.
 7325 Section 136. Paragraph (b) of subsection (4) of section
 7326 943.61, Florida Statutes, is amended to read:
 7327 943.61 Powers and duties of the Capitol Police.—
 7328 (4) The Capitol Police shall have the following
 7329 responsibilities, powers, and duties:
 7330 (b) To provide and maintain the security of all property
 7331 located in the Capitol Complex in a manner consistent with the
 7332

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7333 security plans developed and approved under paragraph (a) and,
 7334 in consultation with the State Fire Marshal, to provide for
 7335 evacuations, information, and training required for firesafety
 7336 on such property in a manner consistent with s. ~~633.218~~ ~~633-005~~.
 7337 Section 137. Paragraph (b) of subsection (18) of section
 7338 1002.33, Florida Statutes, is amended to read:
 7339 1002.33 Charter schools.—
 7340 (18) FACILITIES.—
 7341 (b) A charter school shall utilize facilities that comply
 7342 with the Florida Fire Prevention Code, pursuant to s. 633.208
 7343 ~~633-025~~, as adopted by the authority in whose jurisdiction the
 7344 facility is located as provided in paragraph (a).
 7345 Section 138. Subsection (9) of section 1002.34, Florida
 7346 Statutes, is amended to read:
 7347 1002.34 Charter technical career centers.—
 7348 (9) FACILITIES.—A center may be located in any suitable
 7349 location, including part of an existing public school or Florida
 7350 College System institution building, space provided on a public
 7351 worksite, or a public building. A center's facilities must
 7352 comply with the State Uniform Building Code for Public
 7353 Educational Facilities Construction adopted pursuant to s.
 7354 1013.37, or with applicable state minimum building codes
 7355 pursuant to chapter 553, and state minimum fire protection codes
 7356 pursuant to s. ~~633.208~~ ~~633-025~~, adopted by the authority in
 7357 whose jurisdiction the facility is located. If K-12 public
 7358 school funds are used for construction, the facility must remain
 7359 on the local school district's Florida Inventory of School
 7360 Houses (FISH) school building inventory of the district school

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7361 board and must revert to the district school board if the
 7362 consortium dissolves and the program is discontinued. If Florida
 7363 College System institution public school funds are used for
 7364 construction, the facility must remain on the local Florida
 7365 College System institution's facilities inventory and must
 7366 revert to the local Florida College System institution board of
 7367 trustees if the consortium dissolves and the program is
 7368 discontinued. The additional student capacity created by the
 7369 addition of the center to the local school district's FISH may
 7370 not be calculated in the permanent student capacity for the
 7371 purpose of determining need or eligibility for state capital
 7372 outlay funds while the facility is used as a center. If the
 7373 construction of the center is funded jointly by K-12 public
 7374 school funds and Florida College System institution funds, the
 7375 sponsoring entities must agree, before granting the charter, on
 7376 the appropriate owner and terms of transfer of the facility if
 7377 the charter is dissolved.
 7378 Section 139. Subsection (1), paragraph (c) of subsection
 7379 (2), paragraphs (a) and (c) of subsection (6), and subsection
 7380 (8) of section 1013.12, Florida Statutes, are amended to read:
 7381 1013.12 Casualty, safety, sanitation, and firesafety
 7382 standards and inspection of property.—
 7383 (1) FIRESAFETY.—The State Board of Education shall adopt
 7384 and administer rules prescribing standards for the safety and
 7385 health of occupants of educational and ancillary plants as a
 7386 part of State Requirements for Educational Facilities or the
 7387 Florida Building Code for educational facilities construction as
 7388 provided in s. 1013.37, except that the State Fire Marshal in

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7389 consultation with the Department of Education shall adopt
 7390 uniform firesafety standards for educational and ancillary
 7391 plants and educational facilities, as provided in s.
 7392 633.206(1)(b) ~~633-022(4)(b)~~, and a firesafety evaluation system
 7393 to be used as an alternate firesafety inspection standard for
 7394 existing educational and ancillary plants and educational
 7395 facilities. The uniform firesafety standards and the alternate
 7396 firesafety evaluation system shall be administered and enforced
 7397 by fire officials certified by the State Fire Marshal under s.
 7398 633.216 ~~633-084~~. These standards must be used by all public
 7399 agencies when inspecting public educational and ancillary
 7400 plants, and the firesafety standards must be used by county,
 7401 municipal, or independent special fire control district
 7402 inspectors when performing firesafety inspections of public
 7403 educational and ancillary plants and educational facilities. In
 7404 accordance with such standards, each board shall prescribe
 7405 policies and procedures establishing a comprehensive program of
 7406 safety and sanitation for the protection of occupants of public
 7407 educational and ancillary plants. Such policies must contain
 7408 procedures for periodic inspections as prescribed in this
 7409 section or chapter 633 and for withdrawal of any educational and
 7410 ancillary plant, or portion thereof, from use until unsafe or
 7411 unsanitary conditions are corrected or removed.
 7412 (2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
 7413 BOARDS.-
 7414 (c) Under the direction of the fire official appointed by
 7415 the board under s. 1013.371(2), firesafety inspections of each
 7416 educational and ancillary plant located on property owned or

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7417 leased by the board, or other educational facilities operated by
 7418 the board, must be made no sooner than 1 year after issuance of
 7419 a certificate of occupancy and annually thereafter. Such
 7420 inspections shall be made by persons certified by the Division
 7421 of State Fire Marshal under s. 633.216 ~~633-084~~ to conduct
 7422 firesafety inspections in public educational and ancillary
 7423 plants. The board shall submit a copy of the firesafety
 7424 inspection report to the county, municipality, or independent
 7425 special fire control district providing fire protection services
 7426 to the school facility within 10 business days after the date of
 7427 the inspection. Alternate schedules for delivery of reports may
 7428 be agreed upon between the school district and the county,
 7429 municipality, or independent special fire control district
 7430 providing fire protection services to the site in cases in which
 7431 delivery is impossible due to hurricanes or other natural
 7432 disasters. Regardless, if immediate life-threatening
 7433 deficiencies are noted in the report, the report shall be
 7434 delivered immediately. In addition, the board and any other
 7435 authority conducting the fire safety inspection shall certify to
 7436 the State Fire Marshal that the annual inspection has been
 7437 completed. The certification shall be made electronically or by
 7438 such other means as directed by the State Fire Marshal.
 7439 (6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
 7440 FACILITIES.-
 7441 (a) Firesafety inspections of public college facilities,
 7442 including charter schools located on board-owned or board-leased
 7443 facilities or otherwise operated by public college boards, shall
 7444 be made in accordance with the Florida Fire Prevention Code, as

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7445 adopted by the State Fire Marshal. Notwithstanding s. 633.202

7446 ~~633-0215~~, provisions of the code relating to inspections of such

7447 facilities are not subject to any local amendments as provided

7448 by s. 1013.371. Each public college facility shall be inspected

7449 annually by persons certified under s. 633.216 ~~633-081~~.

7450 (c) Firesafety inspections of state universities shall

7451 comply with the Florida Fire Prevention Code, as adopted by the

7452 State Fire Marshal under s. 633.202 ~~633-0215~~.

7453 (8) ADDITIONAL STANDARDS.—In addition to any other rules

7454 adopted under this section or s. 633.206 ~~633-022~~, the State Fire

7455 Marshal in consultation with the Department of Education shall

7456 adopt and administer rules prescribing the following standards

7457 for the safety and health of occupants of educational and

7458 ancillary plants:

7459 (a) The designation of serious life-safety hazards,

7460 including, but not limited to, nonfunctional fire alarm systems,

7461 nonfunctional fire sprinkler systems, doors with padlocks or

7462 other locks or devices that preclude egress at any time,

7463 inadequate exits, hazardous electrical system conditions,

7464 potential structural failure, and storage conditions that create

7465 a fire hazard.

7466 (b) The proper placement of functional smoke and heat

7467 detectors and accessible, unexpired fire extinguishers.

7468 (c) The maintenance of fire doors without doorstops or

7469 wedges improperly holding them open.

7470 Section 140. Paragraphs (a), (b), and (d) of subsection

7471 (2) and paragraph (a) of subsection (4) of section 1013.38,

7472 Florida Statutes, are amended to read:

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7473 1013.38 Boards to ensure that facilities comply with

7474 building codes and life safety codes.—

7475 (2) In addition to the submission of site plans, boards

7476 may provide compliance as follows:

7477 (a) Boards or consortia may individually or cooperatively

7478 provide review services under the insurance risk management

7479 oversight through the use of board employees or consortia

7480 employees registered pursuant to chapter 471, chapter 481, or

7481 part XII of chapter 468 and firesafety inspectors certified

7482 under s. 633.216 ~~633-081~~.

7483 (b) Boards may elect to review construction documents

7484 using their own employees registered pursuant to chapter 471,

7485 chapter 481, or part XII of chapter 468 and firesafety

7486 inspectors certified under s. 633.216 ~~633-081~~.

7487 (d) Boards or consortia may contract for plan review

7488 services directly with engineers and architects registered

7489 pursuant to chapter 471 or chapter 481 and firesafety inspectors

7490 certified under s. 633.216 ~~633-081~~.

7491 (4)(a) Before the commencement of any new construction,

7492 renovation, or remodeling, the board shall:

7493 1. Approve or cause to be approved the construction

7494 documents and evaluate such documents for compliance with the

7495 Florida Building Code and the Florida Fire Prevention Code.

7496 2. Ensure compliance with all applicable firesafety codes

7497 and standards by contracting with a firesafety inspector

7498 certified by the State Fire Marshal under s. 633.216 ~~633-081~~.

7499 Section 141. This act shall take effect July 1, 2013.

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

hb0883-01-c1

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Boyd offered the following:

Amendment

Remove lines 1553-1556 and insert:

7 (2) All moneys collected by the State Fire Marshall
 8 pursuant to this chapter shall be deposited into the Insurance
 9 Regulatory Trust Fund.

10

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Boyd offered the following:

Amendment

Remove lines 4835-4836 and insert:

7 (f) Certificate of Competency.-Certificate of Competency
 8 may be awarded to a person who meets the experience,
 9

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Boyd offered the following:

Amendment

Remove line 5036 and insert:

(b) Maintain a current and valid fire service instructor