

By Senator Justice

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1                                   A bill to be entitled  
2           An act relating to the State Fire Marshal; amending s.  
3           633.021, F.S.; revising definitions; amending s.  
4           633.022, F.S.; requiring application of uniform  
5           firesafety standards to state universities; amending  
6           s. 633.025, F.S.; providing authority and requirements  
7           for completion of plans for and inspection of  
8           manufactured buildings at the point of manufacture  
9           under certain circumstances; providing for associated  
10          costs to be borne by the manufacturer; authorizing the  
11          Department of Financial Services to adopt rules;  
12          amending s. 633.026, F.S.; providing legislative  
13          intent; requiring the State Fire Marshal to establish  
14          a Fire Code Interpretation Committee for certain  
15          purposes; providing eligibility requirements for  
16          committee members; providing requirements for  
17          nonbinding interpretations of the Florida Fire  
18          Prevention Code; deleting certain legislative intent  
19          provisions; requiring the Division of State Fire  
20          Marshal to charge fees for nonbinding interpretations;  
21          authorizing payment of fees directly to certain  
22          contracted parties; providing for referral of disputed  
23          interpretations to the State Fire Marshal for formal  
24          interpretation; providing requirements for State Fire  
25          Marshal issuance of nonbinding code interpretations;  
26          specifying nonbinding interpretation petition  
27          requirements; providing procedural requirements for  
28          committee review and resolution of petitions;  
29          providing for issuance of interpretations by the

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30 committee; providing for formal interpretations by the  
31 State Fire Marshal of disputed interpretations;  
32 amending s. 633.027, F.S.; specifying nonapplication  
33 of requirements for light-frame truss-type buildings  
34 to certain townhouses; amending s. 633.061, F.S.;  
35 providing requirements and procedures for certain fire  
36 equipment dealers wishing to withdraw a previously  
37 filed halon equipment exemption affidavit; requiring  
38 fees; revising continuing education requirements for  
39 renewal of certain fire suppression equipment licenses  
40 and permits; providing equipment inspection  
41 requirements for license applicants with facilities  
42 outside this state; deleting provisions relating to  
43 license examinations and applications after failing  
44 certain examinations; providing requirements for  
45 licensed fire equipment dealers to downgrade certain  
46 licenses, including a fee; requiring certain  
47 applicants to undertake a completely new application  
48 process under certain circumstances and satisfy  
49 certain requirements; amending s. 633.071, F.S.;  
50 revising State Fire Marshal rulemaking authority  
51 relating to specifications for standard service tags  
52 for certain equipment; amending s. 633.081, F.S.;  
53 revising requirements and procedures for inspections  
54 of buildings and equipment; revising eligibility  
55 requirements for firesafety inspection personnel;  
56 abolishing special state firesafety inspector  
57 classifications and certifications; providing  
58 criteria, procedures, and requirements for special

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59 state firesafety inspectors to be certified as  
60 firesafety inspectors; authorizing the State Fire  
61 Marshal to develop an advanced training and  
62 certification program for certain firesafety  
63 inspectors; specifying program requirements; requiring  
64 the State Fire Marshal and the Florida Building Code  
65 Administrators and Inspectors Board to enter into a  
66 reciprocity agreement to recognize certain continuing  
67 education recertification hours for certain purposes;  
68 amending s. 633.082, F.S.; specifying required  
69 procedures for inspections of certain alarm systems,  
70 fire control systems, fire hydrants, and fire  
71 protection systems; requiring owners to replace fire  
72 sprinkler heads subject to government-mandated  
73 recalls; amending s. 633.085, F.S.; revising  
74 provisions relating to state buildings subject to  
75 inspections by the State Fire Marshal; amending s.  
76 633.161, F.S.; providing an additional violation  
77 subject to certain cease and desist orders; providing  
78 that violation of or failure to comply with such an  
79 order is a misdemeanor subject to certain penalties;  
80 amending s. 633.30, F.S.; revising definitions for  
81 standards for firefighting; amending s. 633.34, F.S.;  
82 revising qualifications for employment of  
83 firefighters; amending s. 633.35, F.S.; requiring the  
84 Division of State Fire Marshal to adopt rules  
85 establishing firefighter training programs for certain  
86 firefighting personnel; providing requirements and  
87 authority for certifications of certain firefighting

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88 personnel; authorizing the division to issue a Fire  
89 Service Administrative and Command Head certificate to  
90 certain persons for certain purposes; providing  
91 requirements and limitations; revising examination  
92 requirements; amending s. 633.351, F.S.; revising  
93 requirements, procedures, and standards for revocation  
94 of firefighter certification; requiring the division  
95 to adopt rules; amending s. 633.352, F.S.; revising  
96 requirements for retention of firefighter  
97 certification; amending s. 633.382, F.S.; revising  
98 definitions relating to supplemental compensation for  
99 career firefighters; revising qualifications for  
100 supplemental compensation; amending s. 633.521, F.S.;  
101 requiring certain applicants to undertake a completely  
102 new application process under certain circumstances  
103 and satisfy certain requirements; revising  
104 qualification and eligibility prerequisites for taking  
105 examinations for certifications of certain  
106 contractors; deleting an intent provision; amending s.  
107 633.524, F.S.; authorizing the State Fire Marshal to  
108 enter into contracts with qualified entities to  
109 provide certain examinations; authorizing the State  
110 Fire Marshal to direct payments from examination  
111 applicants directly to the contracted entity or  
112 company; amending s. 633.537, F.S.; deleting an  
113 obsolete continuing education curriculum requirement;  
114 amending s. 633.72, F.S.; providing for members of the  
115 Florida Fire Code Advisory Council to serve for two  
116 terms; amending s. 633.811, F.S.; authorizing the

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117 division to issue administrative cease and desist  
118 orders for certain violations under certain  
119 circumstances; requiring certain hearings to be held  
120 in Leon County; prohibiting the initiation of cease  
121 and desist orders or proceedings or the accrual of  
122 certain fines until after provision of notification  
123 and opportunity to correct a violation; amending s.  
124 633.821, F.S.; deleting certain obsolete workplace  
125 safety provisions; amending ss. 218.23 and 447.203,  
126 F.S.; conforming provisions relating to application to  
127 career firefighters; amending ss. 489.103 and 590.02,  
128 F.S.; conforming cross-references; amending s.  
129 1013.12, F.S.; deleting an annual reporting  
130 requirement of the State Fire Marshal; providing an  
131 effective date.

132  
133 Be It Enacted by the Legislature of the State of Florida:

134  
135 Section 1. Paragraph (d) of subsection (5) and subsection  
136 (9) of section 633.021, Florida Statutes, are amended to read:

137 633.021 Definitions.—As used in this chapter:

138 (5)

139 (d) "Contractor IV" means a contractor whose business is  
140 limited to the execution of contracts requiring the ability to  
141 lay out, fabricate, install, inspect, alter, repair, and service  
142 automatic fire sprinkler systems for occupancies protected  
143 within the scope of the National Fire Protection Association  
144 publication NFPA 13D, Standard for the Installation of Sprinkler  
145 Systems in One- and Two-Family Dwellings and Manufactured Homes

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146 ~~detached one-family dwellings, detached two-family dwellings,~~  
147 ~~and mobile homes,~~ excluding preengineered systems and excluding  
148 single-family homes in cluster units, such as apartments,  
149 condominiums, and assisted living facilities or any building  
150 that is connected to other dwellings.

151  
152 The definitions in this subsection must not be construed to  
153 include fire protection engineers or architects and do not limit  
154 or prohibit a licensed fire protection engineer or architect  
155 from designing any type of fire protection system. A distinction  
156 is made between system design concepts prepared by the design  
157 professional and system layout as defined in this section and  
158 typically prepared by the contractor. However, persons certified  
159 as a Contractor I, Contractor II, or Contractor IV under this  
160 chapter may design fire protection systems of 49 or fewer  
161 sprinklers, and may design the alteration of an existing fire  
162 sprinkler system if the alteration consists of the relocation,  
163 addition, or deletion of not more than 49 sprinklers,  
164 notwithstanding the size of the existing fire sprinkler system.  
165 A Contractor I, Contractor II, or Contractor IV may design a  
166 fire protection system the scope of which complies with NFPA  
167 13D, Standard for the Installation of Sprinkler Systems in One-  
168 and Two-Family Dwellings and Manufactured Homes, as adopted by  
169 the State Fire Marshal, notwithstanding the number of fire  
170 sprinklers. Contractor-developed plans may not be required by  
171 any local permitting authority to be sealed by a registered  
172 professional engineer.

173 (9) A "fire protection system" is a system individually  
174 designed to protect the interior or exterior of a specific

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175 building or buildings, structure, or other special hazard from  
176 fire. Such systems include, but are not limited to, water  
177 sprinkler systems, water spray systems, foam-water sprinkler  
178 systems, foam-water spray systems, CO<sub>2</sub> systems, foam  
179 extinguishing systems, dry chemical systems, and Halon and other  
180 chemical systems used for fire protection use. Such systems also  
181 include any overhead and underground fire mains, fire hydrants  
182 and hydrant mains, standpipes and hoses connected to sprinkler  
183 systems, sprinkler tank heaters, air lines, thermal systems used  
184 in connection with fire sprinkler systems, and tanks and pumps  
185 connected to fire sprinkler systems.

186 Section 2. Subsection (1) of section 633.022, Florida  
187 Statutes, is amended to read:

188 633.022 Uniform firesafety standards.—The Legislature  
189 hereby determines that to protect the public health, safety, and  
190 welfare it is necessary to provide for firesafety standards  
191 governing the construction and utilization of certain buildings  
192 and structures. The Legislature further determines that certain  
193 buildings or structures, due to their specialized use or to the  
194 special characteristics of the person utilizing or occupying  
195 these buildings or structures, should be subject to firesafety  
196 standards reflecting these special needs as may be appropriate.

197 (1) The department shall establish uniform firesafety  
198 standards that apply to:

199 (a) All new, existing, and proposed state-owned and state-  
200 leased buildings, including state universities.

201 (b) All new, existing, and proposed hospitals, nursing  
202 homes, assisted living facilities, adult family-care homes,  
203 correctional facilities, public schools, transient public

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204 lodging establishments, public food service establishments,  
205 elevators, migrant labor camps, mobile home parks, lodging  
206 parks, recreational vehicle parks, recreational camps,  
207 residential and nonresidential child care facilities, facilities  
208 for the developmentally disabled, motion picture and television  
209 special effects productions, tunnels, and self-service gasoline  
210 stations, of which standards the State Fire Marshal is the final  
211 administrative interpreting authority.

212  
213 In the event there is a dispute between the owners of the  
214 buildings specified in paragraph (b) and a local authority  
215 requiring a more stringent uniform firesafety standard for  
216 sprinkler systems, the State Fire Marshal shall be the final  
217 administrative interpreting authority and the State Fire  
218 Marshal's interpretation regarding the uniform firesafety  
219 standards shall be considered final agency action.

220 Section 3. Subsection (11) is added to section 633.025,  
221 Florida Statutes, to read:

222 633.025 Minimum firesafety standards.—

223 (11) (a) The plans for, and inspections of, manufactured  
224 buildings may be completed at the point of manufacture if:

225 1. The person reviewing the plans and inspecting the  
226 manufactured or prototype building is a person currently  
227 certified as a firesafety inspector under s. 633.081(2); and

228 2. The manufacturer's modular data plate, stating that the  
229 building is in compliance with this chapter and the rules of the  
230 department, has been affixed to the building.

231 (b) The local fire official shall recognize and approve  
232 such manufactured building, subject to local fire code



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233 amendments, acceptable performance testing of life safety  
234 systems, and site conditions. The cost of any additional work  
235 necessary to meet these requirements shall be borne by the  
236 manufacturer. The department may adopt rules to administer this  
237 subsection.

238 Section 4. Section 633.026, Florida Statutes, is amended to  
239 read:

240 633.026 Legislative intent; informal interpretations of the  
241 Florida Fire Prevention Code.—

242 (1) It is the intent of the Legislature that:

243 (a) The Florida Fire Prevention Code be interpreted by fire  
244 officials and local enforcement agencies in a manner that  
245 protects the public safety, health, and welfare by ensuring  
246 uniform interpretations throughout this state and by providing  
247 processes for resolving disputes regarding such interpretations  
248 which are just and expeditious.

249 (b) Such processes provide for the expeditious resolution  
250 of the issues presented and that the resulting interpretation of  
251 such issues be published on the website of the Division of State  
252 Fire Marshal.

253 (2) The Division of State Fire Marshal shall by rule  
254 establish an informal process of rendering nonbinding  
255 interpretations of the Florida Fire Prevention Code. The  
256 Division of State Fire Marshal may contract with and refer  
257 interpretive issues to a nonprofit organization that has  
258 experience in interpreting and enforcing the Florida Fire  
259 Prevention Code. ~~The Division of State Fire Marshal shall~~  
260 ~~immediately implement the process prior to the completion of~~  
261 ~~formal rulemaking.~~

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262 (3) (a) ~~It is the intent of the Legislature that~~ The  
263 Division of State Fire Marshal shall establish ~~create~~ a Fire  
264 Code Interpretation Committee composed of seven persons and  
265 seven alternates, equally representing each area of the state  
266 ~~process to refer questions to a small group of individuals~~  
267 ~~certified under s. 633.081(2), to which a party can pose~~  
268 questions regarding the interpretation of Florida Fire  
269 Prevention Code provisions.

270 (b) Each member and alternate member of the Fire Code  
271 Interpretation Committee must be certified as a firesafety  
272 inspector pursuant to s. 633.081 and must have a minimum of 5  
273 years of experience interpreting and enforcing the Florida Fire  
274 Prevention Code and the Life Safety Code. Each member and  
275 alternate member must be approved by the Division of State Fire  
276 Marshal and deemed by the division to have met these  
277 requirements for at least 30 days before participating in a  
278 review of a nonbinding interpretation.

279 (4) Each nonbinding interpretation of code provisions must  
280 be provided within 10 business days after receipt of a request  
281 for an interpretation. The response period established in this  
282 subsection may be waived only with the written consent of the  
283 party requesting the nonbinding interpretation and the Division  
284 of State Fire Marshal. Nonbinding ~~It is the intent of the~~  
285 ~~Legislature that the process provide for the expeditious~~  
286 ~~resolution of the issues presented and publication of the~~  
287 ~~resulting interpretation on the website of the Division of State~~  
288 ~~Fire Marshal. It is the intent of the Legislature that this~~  
289 ~~program be similar to the program established by the Florida~~  
290 ~~Building Commission in s. 553.775(3)(g). Such interpretations~~

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291 shall be advisory only and not binding ~~nonbinding~~ on the parties  
292 or the State Fire Marshal.

293 (5) In order to administer this section, the Division of  
294 State Fire Marshal shall charge ~~department may adopt by rule and~~  
295 ~~impose~~ a fee for each nonbinding interpretation interpretations,  
296 ~~with payment made directly to the third party.~~ The fee may not  
297 exceed \$150 for each request for a review or interpretation. The  
298 division may authorize payment of fees directly to the nonprofit  
299 organization under contract pursuant to subsection (2).

300 (6) A party requesting a nonbinding interpretation who  
301 disagrees with the interpretation issued under this section may  
302 apply for a formal interpretation from the State Fire Marshal  
303 pursuant to s. 633.01(6).

304 (7) The Division of State Fire Marshal shall issue or cause  
305 to be issued a nonbinding interpretation of the Florida Fire  
306 Prevention Code pursuant to this section when requested to do so  
307 upon submission of a petition by the owner or owner's  
308 representative, or the contractor or contractor's  
309 representative, of a project in dispute or by a fire official.  
310 The division shall adopt a petition form by rule and the  
311 petition form must be published on the State Fire Marshal's  
312 website. The form shall, at a minimum, require:

313 (a) The name and address of the local fire official,  
314 including the address of the county, municipality, or special  
315 district.

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

318 (c) A statement of the specific sections of the Florida  
319 Fire Prevention Code being interpreted by the local fire

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320 official.

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

324 (e) A statement of the interpretation of the specific  
325 sections of the Florida Fire Prevention Code by the local fire  
326 official.

327 (f) A statement of the interpretation that the petitioner  
328 contends should be given to the specific sections of the Florida  
329 Fire Prevention Code and a statement supporting the petitioner's  
330 interpretation.

331 (8) Upon receipt of a petition that meets the requirements  
332 of subsection (7), the Division of State Fire Marshal shall  
333 immediately provide copies of the petition to the Fire Code  
334 Interpretation Committee, and shall publish the petition and any  
335 response submitted by the local fire official on the State Fire  
336 Marshal's website.

337 (9) The committee shall conduct proceedings as necessary to  
338 resolve the issues and give due regard to the petition, the  
339 facts of the matter at issue, specific code sections cited, and  
340 any implications of provisions of state law affecting the  
341 Florida Fire Prevention Code. The committee shall issue an  
342 interpretation regarding the provisions of the Florida Fire  
343 Prevention Code within 10 days after the filing of a petition.  
344 The committee shall issue an interpretation based upon the  
345 Florida Fire Prevention Code or, if the code is ambiguous, the  
346 intent of the code. The committee's interpretation shall be  
347 provided to the petitioner and shall include a notice that, if  
348 the petitioner disagrees with the interpretation, the petitioner

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349 may file a request for formal interpretation by the State Fire  
350 Marshal under s. 633.01(6). The committee's interpretation shall  
351 be provided to the State Fire Marshal, and the division shall  
352 publish the interpretation on the State Fire Marshal's website  
353 and in the Florida Administrative Weekly.

354 Section 5. Section 633.027, Florida Statutes, is amended to  
355 read:

356 633.027 Buildings with light-frame truss-type construction;  
357 notice requirements; enforcement.—

358 (1) The owner of any commercial or industrial structure, or  
359 any multiunit residential structure of three units or more, that  
360 uses light-frame truss-type construction shall mark the  
361 structure with a sign or symbol approved by the State Fire  
362 Marshal in a manner sufficient to warn persons conducting fire  
363 control and other emergency operations of the existence of  
364 light-frame truss-type construction in the structure.

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

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

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

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

375 (3) The State Fire Marshal, and local fire officials in  
376 accordance with s. 633.121, shall enforce the provisions of this  
377 section. Any owner who fails to comply with the requirements of

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378 this section is subject to penalties as provided in s. 633.161.

379 (4) This section does not apply to townhouses designed and  
380 constructed in accordance with the Florida Building Code.

381 Section 6. Subsections (1), (2), and (3) of section  
382 633.061, Florida Statutes, are amended to read:

383 633.061 Fire suppression equipment; license to install or  
384 maintain.—

385 (1) (a) It is unlawful for any organization or individual to  
386 engage in the business of servicing, repairing, recharging,  
387 testing, marking, inspecting, installing, or hydrotesting any  
388 fire extinguisher or preengineered system in this state except  
389 in conformity with the provisions of this chapter. Each  
390 organization or individual that engages in such activity must  
391 possess a valid and subsisting license issued by the State Fire  
392 Marshal. All fire extinguishers and preengineered systems  
393 required by statute or by rule must be serviced by an  
394 organization or individual licensed under the provisions of this  
395 chapter. A licensee who receives appropriate training shall not  
396 be prohibited by a manufacturer from servicing any particular  
397 brand of fire extinguisher or preengineered system. The licensee  
398 is legally qualified to act for the business organization in all  
399 matters connected with its business, and the licensee must  
400 supervise all activities undertaken by such business  
401 organization. Each licensee shall maintain a specific business  
402 location. A further requirement, in the case of multiple  
403 locations where such servicing or recharging is taking place, is  
404 that each licensee who maintains more than one place of business  
405 where actual work is carried on must possess an additional  
406 license, as set forth in this section, for each location, except

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407 that a licensed individual may not qualify for more than five  
408 locations. A licensee is limited to a specific type of work  
409 performed depending upon the class of license held. Licenses and  
410 license fees are required for the following:

411 1.~~(a)~~ Class A.....\$250  
412 To service, recharge, repair, install, or inspect all types of  
413 fire extinguishers and to conduct hydrostatic tests on all types  
414 of fire extinguishers.

415 2.~~(b)~~ Class B.....\$150  
416 To service, recharge, repair, install, or inspect all types of  
417 fire extinguishers, including recharging carbon dioxide units  
418 and conducting hydrostatic tests on all types of fire  
419 extinguishers, except carbon dioxide units.

420 3.~~(c)~~ Class C.....\$150  
421 To service, recharge, repair, install, or inspect all types of  
422 fire extinguishers, except recharging carbon dioxide units, and  
423 to conduct hydrostatic tests on all types of fire extinguishers,  
424 except carbon dioxide units.

425 4.~~(d)~~ Class D.....\$200  
426 To service, repair, recharge, hydrotest, install, or inspect all  
427 types of preengineered fire extinguishing systems.

428 5.~~(e)~~ Licenses issued as duplicates or to reflect a change  
429 of address.....\$10

430 (b)1. Any fire equipment dealer licensed pursuant to this  
431 subsection who does not want to engage in the business of  
432 servicing, inspecting, recharging, repairing, hydrotesting, or  
433 installing halon equipment must file an affidavit on a form  
434 provided by the division so stating. Licenses will be issued by  
435 the division to reflect the work authorized thereunder. It is

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436 unlawful, unlicensed activity for any person or firm to falsely  
437 hold himself or herself or a business organization out to  
438 perform any service, inspection, recharge, repair, hydrotest, or  
439 installation except as specifically described in the license.

440 2. Any fire equipment dealer licensed pursuant to this  
441 subsection who wishes to withdraw a previously filed halon  
442 equipment exemption affidavit and engage in the business of  
443 servicing, inspecting, recharging, repairing, hydrotesting, or  
444 installing halon equipment must submit a written statement to  
445 the division requesting the withdrawal of the affidavit. The  
446 dealer must also submit to an inspection by the State Fire  
447 Marshal or his or her designee in order to determine that the  
448 dealer possesses the equipment required to service, recharge,  
449 repair, hydrotest, or install halon equipment and submit a fee  
450 of \$50 for each license and \$10 for each permit associated with  
451 the dealer.

452 (2) (a) Each individual actually performing the work of  
453 servicing, recharging, repairing, hydrotesting, installing,  
454 testing, or inspecting fire extinguishers or preengineered  
455 systems must possess a valid and subsisting permit issued by the  
456 State Fire Marshal. Permittees are limited as to specific type  
457 of work performed to allow work no more extensive than the class  
458 of license held by the licensee under whom the permittee is  
459 working. Permits will be issued by the division and the fees  
460 required are as follows:

461 1. (a) Portable permit.....\$90  
462 "Portable permittee" means a person who is limited to performing  
463 work no more extensive than the employing licensee in the  
464 servicing, recharging, repairing, installing, or inspecting all



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465 types of portable fire extinguishers.

466 2.~~(b)~~ Preengineered permit.....\$120

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

470 3.~~(e)~~ Permits issued as duplicates or to reflect a change  
471 of address.....\$10

472 (b) Any fire equipment permittee licensed pursuant to this  
473 subsection who does not want to engage in servicing, inspecting,  
474 recharging, repairing, hydrotesting, or installing halon  
475 equipment must file an affidavit on a form provided by the  
476 division so stating. Permits will be issued by the division to  
477 reflect the work authorized thereunder. It is unlawful,  
478 unlicensed activity for any person or firm to falsely hold  
479 himself or herself out to perform any service, inspection,  
480 recharge, repair, hydrotest, or installation except as  
481 specifically described in the permit.

482 (3) (a) Such licenses and permits shall be issued by the  
483 State Fire Marshal for 2 years beginning January 1, 2000, and  
484 each 2-year period thereafter and expiring December 31 of the  
485 second year. All licenses or permits issued will expire on  
486 December 31 of each odd-numbered year. The failure to renew a  
487 license or permit by December 31 of the second year will cause  
488 the license or permit to become inoperative. The holder of an  
489 inoperative license or permit shall not engage in any activities  
490 for which a license or permit is required by this section. A  
491 license or permit which is inoperative because of the failure to  
492 renew it shall be restored upon payment of the applicable fee  
493 plus a penalty equal to the applicable fee, if the application

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494 for renewal is filed no later than the following March 31. If  
495 the application for restoration is not made before the March  
496 31st deadline, the fee for restoration shall be equal to the  
497 original application fee and the penalty provided for herein,  
498 and, in addition, the State Fire Marshal shall require  
499 reexamination of the applicant. The fee for a license or permit  
500 issued for 1 year or less shall be prorated at 50 percent of the  
501 applicable fee for a biennial license or permit. Following the  
502 initial licensure, each licensee or permittee shall successfully  
503 complete a course or courses of continuing education for fire  
504 equipment technicians of at least 16 ~~32~~ hours. A license or  
505 permit may not be renewed unless the licensee or permittee  
506 produces documentation of the completion of at least 16 hours of  
507 continuing education for fire equipment technicians during the  
508 biennial licensure period ~~within 4 years of initial issuance of~~  
509 ~~a license or permit and within each 4-year period thereafter or~~  
510 ~~no such license or permit shall be renewed.~~ A person who is both  
511 a licensee and a permittee shall be required to complete 16 ~~32~~  
512 hours of continuing education during each renewal ~~per 4-year~~  
513 period. Each licensee shall ensure that all permittees in his or  
514 her employment meet their continuing education requirements. The  
515 State Fire Marshal shall adopt rules describing the continuing  
516 education requirements and shall have the authority upon  
517 reasonable belief, to audit a fire equipment dealer to determine  
518 compliance with continuing education requirements.

519 (b) The forms of such licenses and permits and applications  
520 therefor shall be prescribed by the State Fire Marshal; in  
521 addition to such other information and data as that officer  
522 determines is appropriate and required for such forms, there

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523 shall be included in such forms the following matters. Each such  
524 application shall be in such form as to provide that the data  
525 and other information set forth therein shall be sworn to by the  
526 applicant or, if a corporation, by an officer thereof. An  
527 application for a permit shall include the name of the licensee  
528 employing such permittee, and the permit issued in pursuance of  
529 such application shall also set forth the name of such licensee.  
530 A permit is valid solely for use by the holder thereof in his or  
531 her employment by the licensee named in the permit.

532 (c) A license of any class shall not be issued or renewed  
533 by the State Fire Marshal and a license of any class shall not  
534 remain operative unless:

535 1. The applicant has submitted to the State Fire Marshal  
536 evidence of registration as a Florida corporation or evidence of  
537 compliance with s. 865.09.

538 2. The State Fire Marshal or his or her designee has by  
539 inspection determined that the applicant possesses the equipment  
540 required for the class of license sought. The State Fire Marshal  
541 shall give an applicant a reasonable opportunity to correct any  
542 deficiencies discovered by inspection. A fee of \$50, payable to  
543 the State Fire Marshal, shall be required for any subsequent  
544 reinspection. To obtain such inspection, an applicant with  
545 facilities located outside this state must:

546 a. Provide a notarized statement from an engineer licensed  
547 by the applicant's state of domicile certifying that the  
548 applicant possesses the equipment required for the class of  
549 license sought and that all such equipment is operable; or

550 b. Allow the State Fire Marshal or his or her designee to  
551 inspect the facility. All costs associated with the State Fire

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552 Marshal's conduction of the inspection shall be paid by the  
553 applicant. The State Fire Marshal shall, in accordance with s.  
554 120.54, adopt by rule standards for the calculation and  
555 establishment of the amount of costs associated with any  
556 inspection conducted by the State Fire Marshal under this  
557 section. Such rules shall include procedures for invoicing and  
558 receiving funds in advance of the inspection.

559         3. The applicant has submitted to the State Fire Marshal  
560 proof of insurance providing coverage for comprehensive general  
561 liability for bodily injury and property damage, products  
562 liability, completed operations, and contractual liability. The  
563 State Fire Marshal shall adopt rules providing for the amounts  
564 of such coverage, but such amounts shall not be less than  
565 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
566 licenses, and \$100,000 for Class C licenses; and the total  
567 coverage for any class of license held in conjunction with a  
568 Class D license shall not be less than \$300,000. The State Fire  
569 Marshal may, at any time after the issuance of a license or its  
570 renewal, require upon demand, and in no event more than 30 days  
571 after notice of such demand, the licensee to provide proof of  
572 insurance, on a form provided by the State Fire Marshal,  
573 containing confirmation of insurance coverage as required by  
574 this chapter. Failure, for any length of time, to provide proof  
575 of insurance coverage as required shall result in the immediate  
576 suspension of the license until proof of proper insurance is  
577 provided to the State Fire Marshal. An insurer which provides  
578 such coverage shall notify the State Fire Marshal of any change  
579 in coverage or of any termination, cancellation, or nonrenewal  
580 of any coverage.

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581           4. The applicant applies to the State Fire Marshal and  
582 successfully completes a prescribed training course offered by  
583 the State Fire College or an equivalent course approved by the  
584 State Fire Marshal. This subparagraph does not apply to any  
585 holder of or applicant for a permit under paragraph (f) or to a  
586 business organization or a governmental entity seeking initial  
587 licensure or renewal of an existing license solely for the  
588 purpose of inspecting, servicing, repairing, marking,  
589 recharging, and maintaining fire extinguishers used and located  
590 on the premises of and owned by such organization or entity.

591           5. The applicant has a current retestor identification  
592 number that is appropriate for the license for which the  
593 applicant is applying and that is listed with the United States  
594 Department of Transportation.

595           6. The applicant has passed, with a grade of at least 70  
596 percent, a written examination testing his or her knowledge of  
597 the rules and statutes regulating the activities authorized by  
598 the license and demonstrating his or her knowledge and ability  
599 to perform those tasks in a competent, lawful, and safe manner.  
600 Such examination shall be developed and administered by the  
601 State Fire Marshal, or his or her designee in accordance with  
602 policies and procedures of the State Fire Marshal. An applicant  
603 shall pay a nonrefundable examination fee of \$50 for each  
604 examination or reexamination scheduled. No reexamination shall  
605 be scheduled sooner than 30 days after any administration of an  
606 examination to an applicant. No applicant shall be permitted to  
607 take an examination for any level of license more than a total  
608 of four times during 1 year, regardless of the number of  
609 applications submitted. As a prerequisite to licensure of the

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610 applicant:

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

612 b. Must have 4 years of proven experience as a fire  
613 equipment permittee at a level equal to or greater than the  
614 level of license applied for or have a combination of education  
615 and experience determined to be equivalent thereto by the State  
616 Fire Marshal. Having held a permit at the appropriate level for  
617 the required period constitutes the required experience.

618 c. Must not have been convicted of, or pled nolo contendere  
619 to, any felony. If an applicant has been convicted of any such  
620 felony, the applicant must comply with s. 112.011(1)(b).

621  
622 This subparagraph does not apply to any holder of or applicant  
623 for a permit under paragraph (f) or to a business organization  
624 or a governmental entity seeking initial licensure or renewal of  
625 an existing license solely for the purpose of inspecting,  
626 servicing, repairing, marking, recharging, hydrotesting, and  
627 maintaining fire extinguishers used and located on the premises  
628 of and owned by such organization or entity.

629 ~~(d) An applicant who fails the examination may take it~~  
630 ~~three more times during the 1-year period after he or she~~  
631 ~~originally filed an application for the examination. If the~~  
632 ~~applicant fails the examination within 1 year after the~~  
633 ~~application date and seeks to retake the examination, he or she~~  
634 ~~must file a new application, pay the application and examination~~  
635 ~~fees, and successfully complete a prescribed training course~~  
636 ~~approved by the State Fire College or an equivalent course~~  
637 ~~approved by the State Fire Marshal. An applicant may not submit~~  
638 ~~a new application within 6 months after the date of his or her~~

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639 ~~last reexamination.~~

640 (d)~~(e)~~ A fire equipment dealer licensed under this section  
641 may apply to upgrade the license currently held, if the licensed  
642 dealer:

643 1. Submits an application for the license on a form in  
644 conformance with paragraph (b). The application must be  
645 accompanied by a fee as prescribed in subsection (1) for the  
646 type of license requested.

647 2. Provides evidence of 2 years' experience as a licensed  
648 dealer and meets such relevant educational requirements as are  
649 established by rule by the State Fire Marshal for purposes of  
650 upgrading a license.

651 3. Meets the requirements of paragraph (c).

652 (e) A fire equipment dealer licensed under this section may  
653 apply to downgrade the license currently held by the dealer, if  
654 the dealer:

655 1. Submits an application for the downgraded license on a  
656 form in conformance with paragraph (b). The application must be  
657 accompanied by a fee as prescribed in subsection (1) for the  
658 type of license requested.

659 2. Submits proof of insurance providing coverage meeting  
660 the requirements prescribed in subparagraph (c)3.

661 3. Submits a fee of \$10 for every permit associated with  
662 the license to be downgraded.

663 (f) A ~~no~~ permit of any class may not ~~shall~~ be issued or  
664 renewed to a person by the State Fire Marshal, and a ~~no~~ permit  
665 of any class may not ~~shall~~ remain operative, unless the person  
666 has:

667 1. Submitted a nonrefundable examination fee in the amount

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668 of \$50.~~7~~

669 2. Successfully completed a training course offered by the  
670 State Fire College or an equivalent course approved by the State  
671 Fire Marshal.~~7~~ and

672 3. Passed, with a grade of at least 70 percent, a written  
673 examination testing his or her knowledge of the rules and  
674 statutes regulating the activities authorized by the permit and  
675 demonstrating his or her knowledge and ability to perform those  
676 tasks in a competent, lawful, and safe manner. Such examination  
677 shall be developed and administered by the State Fire Marshal in  
678 accordance with the policies and procedures of the State Fire  
679 Marshal. An examination fee shall be paid for each examination  
680 scheduled. No reexamination shall be scheduled sooner than 30  
681 days after any administration of an examination to an applicant.  
682 No applicant shall be permitted to take an examination for any  
683 level of permit more than four times during 1 year, regardless  
684 of the number of applications submitted. As a prerequisite to  
685 taking the permit examination, the applicant must be at least 16  
686 years of age.

687 (g) An applicant for a license or permit under this section  
688 who fails the examination may take the examination ~~it~~ three more  
689 times during the 1-year period after he or she originally filed  
690 an application for the examination. If the applicant fails the  
691 examination within 1 year after the application date and he or  
692 she seeks to retake the examination, he or she must file a new  
693 application, pay the application and examination fees, and  
694 successfully complete a prescribed training course offered by  
695 the State Fire College or an equivalent course approved by the  
696 State Fire Marshal. The applicant may not submit a new



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697 application within 6 months after the date of his or her last  
698 reexamination. An applicant who passes the examination but does  
699 not meet the remaining qualifications prescribed by law and rule  
700 within 1 year after the application date must file a new  
701 application, pay the application and examination fee,  
702 successfully complete a prescribed training course approved by  
703 the State Fire College or an equivalent course approved by the  
704 State Fire Marshal, and pass the written examination.

705 Section 7. Subsection (3) of section 633.071, Florida  
706 Statutes, is amended to read:

707 633.071 Standard service tag required on all fire  
708 extinguishers and preengineered systems; serial number required  
709 on all portable fire extinguishers; standard inspection tags  
710 required on all fire protection systems.—

711 (3) The State Fire Marshal shall adopt by rule  
712 specifications as to the method of attachment and placement,  
713 size, shape, color, information, and data contained thereon of  
714 inspection tags to be attached to all types of fire protection  
715 systems and information required on an inspection report of such  
716 an inspection.

717 Section 8. Section 633.081, Florida Statutes, is amended to  
718 read:

719 633.081 Inspection of buildings and equipment; orders;  
720 firesafety inspection training requirements; certification;  
721 disciplinary action.—The State Fire Marshal and her or his  
722 agents may ~~shall~~, at any reasonable hour, when the State Fire  
723 Marshal department ~~department~~ has reasonable cause to believe that a  
724 violation of this chapter or s. 509.215, or a rule promulgated  
725 thereunder, or a minimum firesafety code adopted by the State

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726 Fire Marshal or a local authority, may exist, inspect any and  
727 all buildings and structures which are subject to the  
728 requirements of this chapter or s. 509.215 and rules promulgated  
729 thereunder. The authority to inspect shall extend to all  
730 equipment, vehicles, and chemicals which are located on or  
731 within the premises of any such building or structure.

732 (1) Each county, municipality, and special district that  
733 has firesafety enforcement responsibilities shall employ or  
734 contract with a firesafety inspector. The firesafety inspector  
735 must conduct all firesafety inspections that are required by  
736 law, except as provided in subsection (4) and s. 633.082(2). The  
737 governing body of a county, municipality, or special district  
738 that has firesafety enforcement responsibilities may provide a  
739 schedule of fees to pay only the costs of inspections conducted  
740 pursuant to this subsection and related administrative expenses.  
741 Two or more counties, municipalities, or special districts that  
742 have firesafety enforcement responsibilities may jointly employ  
743 or contract with a firesafety inspector.

744 (2) Except as provided in subsection (4) and s. 633.082(2),  
745 every firesafety inspection conducted pursuant to state or local  
746 firesafety requirements shall be by a person certified as having  
747 met the inspection training requirements set by the State Fire  
748 Marshal. Such person shall:

749 (a) Be a high school graduate or the equivalent as the term  
750 may be determined by the division. ~~department;~~

751 (b) Not have been found guilty of, or having pled ~~pleaded~~  
752 guilty or nolo contendere to, a felony or a crime punishable by  
753 imprisonment of 1 year or more under the laws ~~law~~ of the United  
754 States, or of any state thereof, or under the laws of any other

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755 country. An applicant for certification as a firesafety  
756 inspector with a prior felony conviction shall be excluded from  
757 such certification for a period of 4 years after expiration of  
758 the sentence or final release by the Parole Commission unless  
759 the applicant, prior to the expiration of the 4-year period, has  
760 received a full pardon or has had his or her civil rights  
761 restored. However, a person may be denied certification by the  
762 state, any of its agencies or political subdivisions, or any  
763 municipality by reason of the prior conviction for a crime if  
764 the crime was a felony or first degree misdemeanor and was  
765 directly related to the duties authorized under the  
766 certification. ~~which involves moral turpitude, without regard to~~  
767 ~~whether a judgment of conviction has been entered by the court~~  
768 ~~having jurisdiction of such cases;~~

769 (c) Have her or his fingerprints on file with the  
770 department or with an agency designated by the department. ~~†~~

771 (d) Have good moral character as determined by the  
772 department. ~~†~~

773 (e) Be at least 18 years of age. ~~†~~

774 (f) Have satisfactorily completed the firesafety inspector  
775 certification examination as prescribed by the department. ~~†~~ ~~and~~

776 (g)1. Have satisfactorily completed, as determined by the  
777 department, a firesafety inspector training program of not less  
778 than 200 hours established by the department and administered by  
779 agencies and institutions approved by the department for the  
780 purpose of providing basic certification training for firesafety  
781 inspectors; or

782 2. Have received in another state training which is  
783 determined by the department to be at least equivalent to that

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784 required by the department for approved firesafety inspector  
785 education and training programs in this state.

786 (3)(a)1. Effective July 1, 2012, the classification of  
787 special state firesafety inspector is abolished and all special  
788 state firesafety inspector certifications shall expire at  
789 midnight June 30, 2012.

790 2. Any person who is a special state firesafety inspector  
791 on June 30, 2012, and who has failed to comply with paragraph  
792 (b) or paragraph (c) may not perform any firesafety inspection  
793 required by law.

794 3. A special state firesafety inspector certificate may not  
795 be issued after June 30, 2010.

796 (b)1. Any person who is a special state firesafety  
797 inspector on July 1, 2010, and who has at least 5 years of  
798 experience as a special state firesafety inspector as of July 1,  
799 2010, may take the firesafety inspection examination as provided  
800 in paragraph (2)(f) for firesafety inspectors before July 1,  
801 2012, to be certified as a firesafety inspector under this  
802 section.

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

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

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

810 a. Is a special state firesafety inspector on July 1, 2010,  
811 and who does not have 5 years of experience as a special state  
812 firesafety inspector as of July 1, 2010; or

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813        b. Has 5 years of experience as a special state firesafety  
814 inspector but has failed the examination taken as provided in  
815 paragraph (2) (f),

816  
817 must take an additional 80 hours of the courses described in  
818 paragraph (2) (g).

819        2. After successfully completing the courses described in  
820 this paragraph, such person may take the firesafety inspection  
821 examination as provided in (2) (f), if such examination is taken  
822 before July 1, 2012.

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

825        4. A person who fails the course of study or the  
826 examination described in this paragraph may not perform any  
827 firesafety inspection required by law on or after July 1, 2012.  
828 ~~Each special state firesafety inspection which is required by~~  
829 ~~law and is conducted by or on behalf of an agency of the state~~  
830 ~~must be performed by an individual who has met the provision of~~  
831 ~~subsection (2), except that the duration of the training program~~  
832 ~~shall not exceed 120 hours of specific training for the type of~~  
833 ~~property that such special state firesafety inspectors are~~  
834 ~~assigned to inspect.~~

835        (4) A firefighter certified pursuant to s. 633.35 may  
836 conduct firesafety inspections, under the supervision of a  
837 certified firesafety inspector, while on duty as a member of a  
838 fire department company conducting inservice firesafety  
839 inspections without being certified as a firesafety inspector,  
840 if such firefighter has satisfactorily completed an inservice  
841 fire department company inspector training program of at least

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842 24 hours' duration as provided by rule of the department.

843 (5) Every firesafety inspector ~~or special state firesafety~~  
844 ~~inspector~~ certificate is valid for a period of 3 years after  
845 ~~from~~ the date of issuance. Renewal of certification shall be  
846 subject to the affected person's completing proper application  
847 for renewal and meeting all of the requirements for renewal as  
848 established under this chapter or by rule adopted under this  
849 chapter promulgated thereunder, which shall include completion  
850 of at least 40 hours during the preceding 3-year period of  
851 continuing education as required by the rule of the department  
852 or, in lieu thereof, successful passage of an examination as  
853 established by the department.

854 (6) The State Fire Marshal may deny, refuse to renew,  
855 suspend, or revoke the certificate of a firesafety inspector ~~or~~  
856 ~~special state firesafety inspector~~ if the State Fire Marshal ~~it~~  
857 finds that any of the following grounds exist:

858 (a) Any cause for which issuance of a certificate could  
859 have been refused had it then existed and been known to the  
860 State Fire Marshal.

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

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

864 (d) Having been found guilty of or having pleaded guilty or  
865 nolo contendere to a felony, whether or not a judgment of  
866 conviction has been entered.

867 (e) Failure to meet any of the renewal requirements.

868 (f) Having been convicted of a crime in any jurisdiction  
869 which directly relates to the practice of fire code inspection,  
870 plan review, or administration.

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871 (g) Making or filing a report or record that the  
872 certificateholder knows to be false, or knowingly inducing  
873 another to file a false report or record, or knowingly failing  
874 to file a report or record required by state or local law, or  
875 knowingly impeding or obstructing such filing, or knowingly  
876 inducing another person to impede or obstruct such filing.

877 (h) Failing to properly enforce applicable fire codes or  
878 permit requirements within this state which the  
879 certificateholder knows are applicable by committing willful  
880 misconduct, gross negligence, gross misconduct, repeated  
881 negligence, or negligence resulting in a significant danger to  
882 life or property.

883 (i) Accepting labor, services, or materials at no charge or  
884 at a noncompetitive rate from any person who performs work that  
885 is under the enforcement authority of the certificateholder and  
886 who is not an immediate family member of the certificateholder.  
887 For the purpose of this paragraph, the term "immediate family  
888 member" means a spouse, child, parent, sibling, grandparent,  
889 aunt, uncle, or first cousin of the person or the person's  
890 spouse or any person who resides in the primary residence of the  
891 certificateholder.

892 (7) The department shall provide by rule for the  
893 certification of firesafety inspectors.

894 (8) The State Fire Marshal may develop by rule an advanced  
895 training and certification program for firesafety inspectors  
896 with fire code management responsibilities. This program must be  
897 consistent with the appropriate provisions of the National Fire  
898 Protection Association publication NFPA 1037, Standard for  
899 Professional Qualifications for Fire Marshal, or similar

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900 standards adopted by the division. The program must establish  
901 minimum training, education, and experience levels for fire  
902 safety inspectors with fire code management responsibilities.

903 (9) The Division of State Fire Marshal and the Florida  
904 Building Code Administrators and Inspectors Board established  
905 pursuant to s. 468.605 shall enter into a reciprocity agreement  
906 to facilitate joint recognition of continuing education  
907 recertification hours for certificateholders licensed in  
908 accordance with s. 468.609 and firesafety inspectors certified  
909 under this section.

910 Section 9. Subsection (2) of section 633.082, Florida  
911 Statutes, is amended, and subsection (6) is added to that  
912 section, to read:

913 633.082 Inspection of fire control systems, fire hydrants,  
914 and fire protection systems.—

915 (2) Fire hydrants and fire protection systems installed in  
916 public and private properties, except one-family or two-family  
917 dwellings, in this state shall be inspected following procedures  
918 established in the nationally recognized inspection, testing,  
919 and maintenance standards NFPA-24 and NFPA-25 as set forth in  
920 the edition adopted by the State Fire Marshal. Quarterly,  
921 annual, 3-year, and 5-year inspections consistent with the  
922 contractual provisions with the owner shall be conducted by the  
923 certificateholder or permittees employed by the  
924 certificateholder pursuant to s. 633.521.

925 (a) All alarm systems shall be serviced, tested, repaired,  
926 inspected, and improved in compliance with the provisions of the  
927 applicable standards of the National Fire Protection Association  
928 adopted by the State Fire Marshal pursuant to ss. 633.071 and



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929 633.701.

930 (b) Fire hydrants owned by public governmental entities  
931 shall be inspected following procedures established in the  
932 nationally recognized inspection, testing, and maintenance  
933 standards adopted by the State Fire Marshal. County, municipal,  
934 and special district utilities may comply with this section with  
935 designated employees notwithstanding the requirements of s.  
936 633.081. However, private contractors must be licensed pursuant  
937 to this chapter.

938 (c) Fire protection systems installed in public and private  
939 properties, and private hydrants that are attached to and an  
940 integral part of the fire protection system, shall be inspected  
941 following procedures established in the nationally recognized  
942 inspection, testing, and maintenance standards adopted by the  
943 State Fire Marshal.

944 (6) The owner shall replace any fire sprinkler heads that  
945 have been identified by a governmental regulatory agency as  
946 subject to a recall for a material defect in design or  
947 workmanship.

948 Section 10. Paragraph (a) of subsection (1) and subsections  
949 (2), (3), and (4) of section 633.085, Florida Statutes, are  
950 amended to read:

951 633.085 Inspections of state buildings and premises; tests  
952 of firesafety equipment; building plans to be approved.—

953 (1) (a) It is the duty of the State Fire Marshal and her or  
954 his agents to inspect, or cause to be inspected, each state-  
955 owned building, and each building located on land owned by the  
956 state and used primarily for state purposes as determined by the  
957 State Fire Marshal with such building for purposes of this

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958 section referred to as a state-owned building, on a recurring  
959 basis established by rule, and to ensure that high-hazard  
960 occupancies are inspected at least annually, for the purpose of  
961 ascertaining and causing to be corrected any conditions liable  
962 to cause fire or endanger life from fire and any violation of  
963 the firesafety standards for state-owned buildings, the  
964 provisions of this chapter, or the rules or regulations adopted  
965 and promulgated pursuant hereto. The State Fire Marshal shall,  
966 within 7 days following an inspection, submit a report of such  
967 inspection to the head of the department of state government  
968 responsible for the building.

969 (2) The State Fire Marshal and her or his agents may ~~shall~~  
970 conduct performance tests on any electronic fire warning and  
971 smoke detection system, and any pressurized air-handling unit,  
972 in any state-owned building or state-leased space on a recurring  
973 basis as provided in subsection (1). The State Fire Marshal and  
974 her or his agents shall also ensure that fire drills are  
975 conducted in all high-hazard state-owned building or high-hazard  
976 state-leased ~~high-hazard~~ occupancies at least annually.

977 (3) All construction of any new, or renovation, alteration,  
978 or change of occupancy of any existing, state-owned building or  
979 state-leased building or space shall comply with the uniform  
980 firesafety standards of the State Fire Marshal.

981 (a) For all new construction or renovation, alteration, or  
982 change of occupancy of state-leased space, compliance with the  
983 uniform firesafety standards shall be determined by reviewing  
984 the plans for the proposed construction or occupancy submitted  
985 by the lessor to the Division of State Fire Marshal for review  
986 and approval prior to commencement of construction or occupancy,

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987 which review shall be completed within 10 working days after  
988 receipt of the plans by the Division of State Fire Marshal.

989 (b) The plans for all construction of any new, or  
990 renovation or alteration of any existing, state-owned building  
991 are subject to the review and approval of the Division of State  
992 Fire Marshal for compliance with the uniform firesafety  
993 standards prior to commencement of construction or change of  
994 occupancy, which review shall be completed within 30 calendar  
995 days of receipt of the plans by the Division of State Fire  
996 Marshal.

997 (4) The Division of State Fire Marshal may inspect state-  
998 owned buildings and space and state-leased buildings and space  
999 as necessary prior to occupancy or during construction,  
1000 renovation, or alteration to ascertain compliance with the  
1001 uniform firesafety standards. Whenever the Division of State  
1002 Fire Marshal determines by virtue of such inspection or by  
1003 review of plans that construction, renovation, or alteration of  
1004 state-owned buildings and state-leased space is not in  
1005 compliance with the uniform firesafety standards, the Division  
1006 of State Fire Marshal shall issue an order to cease  
1007 construction, renovation, or alteration, or to preclude  
1008 occupancy, of a building until compliance is obtained, except  
1009 for those activities required to achieve such compliance.

1010 Section 11. Subsections (1) and (3) of section 633.161,  
1011 Florida Statutes, are amended to read:

1012 633.161 Violations; orders to cease and desist, correct  
1013 hazardous conditions, preclude occupancy, or vacate;  
1014 enforcement; penalties.—

1015 (1) If it is determined by the department that a violation

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1016 specified in this subsection exists, the State Fire Marshal or  
1017 her or his agent ~~deputy~~ may issue and deliver to the person  
1018 committing the violation an order to cease and desist from such  
1019 violation, to correct any hazardous condition, to preclude  
1020 occupancy of the affected building or structure, or to vacate  
1021 the premises of the affected building or structure. Such  
1022 violations consist of ~~are~~:

1023 (a) Except as set forth in paragraph (b), a violation of  
1024 any provision of this chapter, of any rule adopted pursuant  
1025 thereto, of any applicable uniform firesafety standard adopted  
1026 pursuant to s. 633.022 which is not adequately addressed by any  
1027 alternative requirements adopted on a local level, or of any  
1028 minimum firesafety standard adopted pursuant to s. 394.879.

1029 (b) A substantial violation of an applicable minimum  
1030 firesafety standard adopted pursuant to s. 633.025 which is not  
1031 reasonably addressed by any alternative requirement imposed at  
1032 the local level, or an unreasonable interpretation of an  
1033 applicable minimum firesafety standard, and which violation or  
1034 interpretation clearly constitutes a danger to lifesafety.

1035 (c) A building or structure which is in a dilapidated  
1036 condition and as a result thereof creates a danger to life,  
1037 safety, or property.

1038 (d) A building or structure which contains explosive matter  
1039 or flammable liquids or gases constituting a danger to life,  
1040 safety, or property.

1041 (e) Any organization that acts as or offers to act as a  
1042 fire department that is not designated as a fire department by a  
1043 political subdivision of the state.

1044 (3) Any person who violates or fails to comply with any

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1045 order under subsection (1) or subsection (2) commits ~~is guilty~~  
1046 ~~of~~ a misdemeanor, punishable as provided in s. 633.171.

1047 Section 12. Section 633.30, Florida Statutes, is amended to  
1048 read:

1049 633.30 Standards for firefighting; definitions.—As used in  
1050 this chapter, the term:

1051 (1) "Career firefighter" means any person who is  
1052 compensated at an hourly rate or is salaried and whose work  
1053 hours are scheduled in advance to maintain a schedule of  
1054 coverage at a state facility or area to function as described in  
1055 subsection (8).

1056 (2)~~(4)~~ "Council" means the Firefighters Employment,  
1057 Standards, and Training Council.

1058 (3) "Department" means the Department of Financial  
1059 Services.

1060 (4)~~(5)~~ "Division" means the Division of State Fire Marshal  
1061 of the Department of Financial Services.

1062 (5)~~(2)~~ "Employing agency" means any municipality or county,  
1063 the state, or any political subdivision of the state, including  
1064 authorities and special districts, employing firefighters as  
1065 defined in subsection (8) ~~(1)~~.

1066 (6) "Fire department" means an organization designated by a  
1067 county, municipality, or independent special fire control  
1068 district to provide emergency responses for the protection of  
1069 life and property within a specified geographical area.

1070 (7) "Fire service aide" means a high school student or  
1071 other individual who completes a course of instruction and  
1072 examination approved by the division that includes specified  
1073 components of firefighter I and II certification in accordance

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1074 with the division's rules.

1075 (8)-(1) "Firefighter" means any person ~~initially employed as~~  
1076 ~~a full-time professional firefighter by any employing agency, as~~  
1077 ~~defined herein,~~ whose primary responsibility is the emergency  
1078 response to fires and other emergencies, the prevention and  
1079 extinguishment of fires, the protection and saving of life and  
1080 property, and the enforcement of municipal, county, and state  
1081 fire prevention codes, as well as of any law pertaining to the  
1082 prevention and control of fires.

1083 (9) "Firefighter I" means the classification for a person  
1084 who has successfully completed the firefighter I training  
1085 program and is certified at level I in accordance with the  
1086 division's rules.

1087 (10) "Firefighter II" means the classification for a person  
1088 who has successfully completed the firefighter II training  
1089 program and is certified at level II in accordance with the  
1090 division's rules. Firefighter II classification is the minimum  
1091 level of certification to function as a career firefighter.

1092 Section 13. Section 633.34, Florida Statutes, is amended to  
1093 read:

1094 633.34 Firefighters; qualifications for employment.-

1095 (1) Any individual ~~person~~ applying for employment or  
1096 training as a firefighter must:

1097 (a)-(1) Be a high school graduate or the equivalent, as the  
1098 term may be determined by the division, and at least 18 years of  
1099 age.

1100 (b)-(2) Not ~~Neither~~ have been found guilty ~~convicted~~ of or  
1101 pled guilty or a felony or of a misdemeanor directly related to  
1102 the position of employment sought, nor have pled nolo contendere

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1103 to ~~any charge of a felony or a crime punishable by imprisonment~~  
1104 ~~of 1 year or more under the laws of the United States or of any~~  
1105 ~~state thereof or under the laws of any other country. If an~~  
1106 ~~applicant has been convicted of a felony, such applicant must be~~  
1107 ~~in compliance with s. 112.011(2)(b). If an applicant has been~~  
1108 ~~convicted of a misdemeanor directly related to the position of~~  
1109 ~~employment sought, such applicant shall be excluded from~~  
1110 ~~employment for a period of 4 years after expiration of sentence.~~  
1111 ~~If the sentence is suspended or adjudication is withheld in a~~  
1112 ~~felony charge or in a misdemeanor directly related to the~~  
1113 ~~position or employment sought and a period of probation is~~  
1114 ~~imposed, the applicant must have been released from probation.~~

1115 (c)(3) Have paid the required fee for fingerprint  
1116 processing and submitted fingerprints as directed by the  
1117 division. Submit a fingerprint card to the division with a  
1118 current processing fee. The fingerprints shall fingerprint card  
1119 will be forwarded to the Department of Law Enforcement and  
1120 and/or the Federal Bureau of Investigation for analysis pursuant  
1121 to s. 624.34.

1122 ~~(4) Have a good moral character as determined by~~  
1123 ~~investigation under procedure established by the division.~~

1124 (d)(5) Be in good physical condition as determined by a  
1125 recent medical examination, conducted in accordance with the  
1126 medical requirements for training and certification as set forth  
1127 in rules adopted by the division, given by a physician, surgeon,  
1128 or physician assistant licensed to practice in the state  
1129 pursuant to chapter 458; an osteopathic physician, surgeon, or  
1130 physician assistant licensed to practice in the state pursuant  
1131 to chapter 459; or an advanced registered nurse practitioner

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1132 licensed to practice in the state pursuant to chapter 464. ~~Such~~  
1133 ~~examination may include, but need not be limited to, provisions~~  
1134 ~~of the National Fire Protection Association Standard 1582.~~  
1135 Results of such A medical examination evidencing good physical  
1136 condition shall be submitted to the division, on a form as  
1137 provided by rule, before an individual is eligible for admission  
1138 into a firefighter training program as defined in s. 633.35.

1139 (e)-(6) Be a nonuser of tobacco or tobacco products for at  
1140 least 1 year immediately preceding application or employment or  
1141 commencement of training for certification as a career  
1142 firefighter, as evidenced by the sworn affidavit of the  
1143 applicant. A career firefighter certified after December 31,  
1144 2010, must be a nonuser of tobacco as a condition of employment.

1145 (2) An individual who does not hold a fire service aide,  
1146 firefighter I, or firefighter II certificate may not engage in  
1147 any operations that require the knowledge and skills taught in  
1148 the training programs established by the division, regardless of  
1149 volunteer or employment status.

1150 Section 14. Section 633.35, Florida Statutes, is amended to  
1151 read:

1152 633.35 Firefighter training and certification.-

1153 (1) The division shall adopt rules to establish a  
1154 firefighter training programs for certification as a fire  
1155 service aide, a firefighter I, and a firefighter II, to be  
1156 ~~program of not less than 360 hours,~~ administered by such  
1157 agencies and institutions approved by the division in accordance  
1158 with division rules as it approves for the purpose of providing  
1159 ~~basic employment~~ training for firefighters. Nothing herein shall  
1160 require a public employer to pay the cost of such training.



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1161 Certificates of compliance previously issued by this state that  
1162 do not identify Level I or Level II but that comply with the  
1163 requirements of ss. 633.351 and 633.352 shall remain in effect.

1164 (2) The division shall issue certificates ~~a certificate~~ of  
1165 compliance for certification as a fire service aide, a  
1166 firefighter I, and a firefighter II to any individual ~~person~~ who  
1167 has satisfactorily completed ~~complying with~~ the training  
1168 programs ~~program~~ established in subsection (1), who has  
1169 successfully passed an examination as prescribed by the  
1170 division, and who possesses the qualifications specified for  
1171 employment in s. 633.34, ~~except s. 633.34(5)~~. An individual ~~No~~  
1172 ~~person~~ may not be employed as a career ~~regular or permanent~~  
1173 firefighter by an employing agency, or by a private entity under  
1174 contract with the state or any political subdivision of the  
1175 state, including authorities and special districts, unless the  
1176 individual is certified as a firefighter II, except for an  
1177 individual hired to be trained and become certified as a  
1178 firefighter II. An individual hired to be trained and become  
1179 certified as a firefighter II has no longer than ~~for a period of~~  
1180 ~~time in excess of~~ 1 year after ~~from~~ the date of initial  
1181 employment to obtain the firefighter II ~~until he or she has~~  
1182 ~~obtained such~~ certificate of compliance. An individual ~~A person~~  
1183 who does not hold a firefighter II certificate of compliance and  
1184 is employed under this section may not directly engage in  
1185 hazardous operations, such as interior structural firefighting  
1186 and hazardous-materials-incident mitigation, requiring the  
1187 knowledge and skills taught in a training program established in  
1188 subsection (1). However, a current member of an employing agency  
1189 ~~person~~ who is certified as a fire service aide or a firefighter

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1190 ~~I has served as a volunteer firefighter with the state or any~~  
1191 ~~political subdivision of the state, including authorities and~~  
1192 ~~special districts,~~ who is then employed as a career regular or  
1193 ~~permanent~~ firefighter by the same employing agency may function,  
1194 during this initial 1-year period, in the same capacity in which  
1195 he or she acted prior to being employed as a career firefighter  
1196 by the employing agency as a volunteer firefighter, provided  
1197 ~~that he or she has completed all training required by the~~  
1198 ~~volunteer organization.~~

1199 (3) The division may issue a certificate of compliance as a  
1200 firefighter I or firefighter II to any individual ~~person~~ who has  
1201 received basic employment training for firefighters in another  
1202 state when the division has determined that such training was at  
1203 least equivalent to that required by the division for approved  
1204 firefighter education and training programs in this state and  
1205 when such person has satisfactorily complied with all other  
1206 requirements of this section.

1207 (4) The division may also issue a Fire Service  
1208 Administrative and Command Head ~~special~~ certificate to an  
1209 individual ~~a person~~ who received training in another state and  
1210 is otherwise qualified under this section and who is employed as  
1211 the administrative and command head of a fire/rescue/emergency  
1212 services organization, based on the acknowledgment that such  
1213 individual ~~person~~ is less likely to need physical dexterity and  
1214 more likely to need advanced knowledge of firefighting and  
1215 supervisory skills. For purposes of this subsection:

1216 (a) The certificate is valid only while the individual  
1217 ~~person~~ is serving in a position as an administrative and command  
1218 head of a fire/rescue/emergency services organization.

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1219 (b) The certificateholder is limited at emergency scenes to  
1220 command and control functions.

1221 (c) From the date of being hired, the individual has 1 year  
1222 to acquire the certificate. During the period from being hired  
1223 to the issuance of the special certificate, the individual may  
1224 operate only in an administrative capacity and may not engage in  
1225 any emergency activity including command and control functions  
1226 at such emergencies.

1227 (d) If at the end of the 1-year period, the individual has  
1228 not acquired the certificate, the employing agency shall  
1229 terminate the employment of the individual or submit an  
1230 affidavit approved by the division attesting that the individual  
1231 functions only in an administrative capacity.

1232 (5)-(4) An applicant ~~A person~~ who fails a required an  
1233 examination given under this section may retake the examination  
1234 once within 6 months after the original examination date. An  
1235 applicant who does not pass ~~retake~~ the examination within such  
1236 time must repeat or take the applicable training program ~~take~~  
1237 ~~the Minimum Standards Course,~~ pursuant to subsection (1), ~~r~~ before  
1238 being reexamined. The division may establish reasonable  
1239 preregistration deadlines for such reexaminations.

1240 (6)-(5) Pursuant to s. 590.02(1)(e), the division shall  
1241 establish a structural fire training program of not less than 40  
1242 hours. The division shall issue to any person satisfactorily  
1243 complying with this training program and who has successfully  
1244 passed an examination as prescribed by the division and who has  
1245 met the requirements of s. 590.02(1)(e) a Certificate of  
1246 Forestry Firefighter.

1247 (7)-(6) A certified forestry firefighter is entitled to the

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1248 same rights, privileges, and benefits provided for by law as a  
1249 career certified firefighter.

1250 Section 15. Section 633.351, Florida Statutes, is amended  
1251 to read:

1252 633.351 Disciplinary action; firefighters; standards for  
1253 revocation of certification.—

1254 (1) The certification of a firefighter shall be revoked by  
1255 the department if evidence is found that the certification was  
1256 improperly issued by the division or if evidence is found that  
1257 the certification was issued on the basis of false, incorrect,  
1258 incomplete, or misleading information.

1259 (2) The department shall revoke the certification of a  
1260 firefighter who has been found guilty of, or pled guilty or nolo  
1261 contendere to, any felony or a crime punishable by imprisonment  
1262 of 1 year or more under the laws of the United States or any  
1263 state of the United States or under the laws of any other  
1264 country, without regard to whether a judgment of conviction has  
1265 been entered or adjudication has been withheld by the court  
1266 having jurisdiction of the case ~~is convicted of a felony, or who~~  
1267 ~~is convicted of a misdemeanor relating to misleading or false~~  
1268 ~~statements, or who pleads nolo contendere to any charge of a~~  
1269 ~~felony shall be revoked until the firefighter complies with s.~~  
1270 ~~112.011(2)(b). However, if sentence upon such felony or such~~  
1271 ~~misdemeanor charge is suspended or adjudication is withheld, the~~  
1272 ~~firefighter's certification shall be revoked until she or he~~  
1273 ~~completes any probation.~~

1274 (3) If a firefighter certification is revoked, all  
1275 certifications issued in accordance with s. 633.33 held by the  
1276 individual shall also be revoked.

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1277       (4) The division shall adopt rules setting forth the  
1278 conditions under which an individual whose certificate has been  
1279 revoked can be issued a new certificate of compliance.

1280       Section 16. Section 633.352, Florida Statutes, is amended  
1281 to read:

1282       633.352 Retention of firefighter certification.—

1283       (1) Any certified firefighter who has not been active as a  
1284 firefighter, or as a volunteer firefighter with an organized  
1285 fire department, for a period of at least 3 years but less than  
1286 6 years shall be required to retake and pass the written and  
1287 practical portions portion of the minimum standards state  
1288 examination specified in division rules rule 4A-37.056(6)(b),  
1289 Florida Administrative Code, in order to maintain her or his  
1290 certification as a firefighter; however, this requirement does  
1291 not apply to state-certified instructors, as determined by the  
1292 division. The 3-year period begins on the date the certificate  
1293 of compliance is issued or upon termination of service with an  
1294 organized fire department.

1295       (2) The certification of a firefighter who has not been  
1296 active as a firefighter with an organized fire department for  
1297 more than 6 years automatically expires. To acquire  
1298 certification, the individual must comply with current  
1299 curriculum and certification requirements as defined in division  
1300 rules.

1301       (3) The 3-year and 6-year periods, as applicable, begin on  
1302 the date the firefighter I or firefighter II certificate of  
1303 compliance is issued or upon the date of termination of service  
1304 with an organized fire department.

1305       (4) A certified firesafety inspector employed or under

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1306 contract as a firesafety inspector for any agency set forth in  
1307 s. 633.081(1) and a certified active fire instructor who is also  
1308 a certified firefighter retains his or her firefighter  
1309 certification as provided by division rule.

1310 Section 17. Subsections (1), (2), (3), and (4) of section  
1311 633.382, Florida Statutes, are amended to read:

1312 633.382 Career firefighters; supplemental compensation.—

1313 (1) DEFINITION ~~DEFINITIONS~~.—As used in this section, the  
1314 term "accredited" means having received accreditation from an  
1315 accrediting agency that is recognized by the United States  
1316 Department of Education.÷

1317 ~~(a) "Employing agency" means any municipality or any~~  
1318 ~~county, the state, or any political subdivision of the state,~~  
1319 ~~including authorities and special districts employing~~  
1320 ~~firefighters.~~

1321 ~~(b) "Firefighter" means any person who meets the definition~~  
1322 ~~of the term "firefighter" in s. 633.30(1) who is certified in~~  
1323 ~~compliance with s. 633.35 and who is employed solely within the~~  
1324 ~~fire department of the employing agency or is employed by the~~  
1325 ~~division.~~

1326 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.—

1327 (a) In addition to the compensation now paid by an  
1328 employing agency to a career any firefighter, except a career  
1329 firefighter employed by a private entity under contract to  
1330 provide services to a municipality or county, the state, or any  
1331 political subdivision of the state, including authorities and  
1332 special districts, every career firefighter shall be paid  
1333 supplemental compensation by the employing agency when such  
1334 firefighter has complied with one of the following criteria:

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1335           1. Any career firefighter who receives an associate degree  
1336 from an accredited ~~a~~ college, which degree is applicable to fire  
1337 department duties, as outlined in policy guidelines of the  
1338 division, shall be additionally compensated as outlined in  
1339 paragraph (3) (a).

1340           2. Any career firefighter, regardless of whether or not she  
1341 or he earned an associate degree earlier, who receives from an  
1342 accredited college or university a bachelor's degree, which  
1343 bachelor's degree is applicable to fire department duties, as  
1344 outlined in policy guidelines of the division, shall receive  
1345 compensation as outlined in paragraph (3) (b).

1346           (b) Whenever any question arises as to the eligibility of  
1347 any career firefighter to receive supplemental compensation as  
1348 provided in this section, the question, together with all facts  
1349 relating thereto, shall be submitted to the division for  
1350 determination, and the decision of the division with regard to  
1351 determination of eligibility shall be final, subject to the  
1352 provisions of chapter 120.

1353           (3) SUPPLEMENTAL COMPENSATION.—Supplemental compensation  
1354 shall be determined as follows:

1355           (a) Fifty dollars shall be paid monthly to each career  
1356 firefighter who qualifies under the provisions of subparagraph  
1357 (2) (a)1.

1358           (b) One hundred and ten dollars shall be paid monthly to  
1359 each career firefighter who qualifies under the provisions of  
1360 subparagraph (2) (a)2.

1361           (4) FUNDING.—

1362           (a) The employing agency is responsible for the correct  
1363 payment of career firefighters pursuant to the provisions of

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1364 this section. The division may review, in a postaudit capacity,  
1365 any action taken by an agency in administering the educational  
1366 incentive program. The employing agency shall take appropriate  
1367 action when a postaudit shows that an action taken by the  
1368 employing agency was in error.

1369 (b) Each agency employing career firefighters who are  
1370 eligible for this compensation shall submit reports containing  
1371 information relating to compensation paid as a result of this  
1372 section to the division on March 31, June 30, September 30, and  
1373 December 31 of each year.

1374 (c) There is appropriated from the Police and Firefighter's  
1375 Premium Tax Trust Fund to the Firefighters' Supplemental  
1376 Compensation Trust Fund, which is hereby created under the  
1377 Department of Revenue, all moneys which have not been  
1378 distributed to municipalities and special fire control districts  
1379 in accordance with s. 175.121 as a result of the limitation  
1380 contained in s. 175.122 on the disbursement of revenues  
1381 collected pursuant to chapter 175 or as a result of any  
1382 municipality or special fire control district not having  
1383 qualified in any given year, or portion thereof, for  
1384 participation in the distribution of the revenues collected  
1385 pursuant to chapter 175. The total required annual distribution  
1386 from the Firefighters' Supplemental Compensation Trust Fund  
1387 shall equal the amount necessary to pay supplemental  
1388 compensation as provided in this section, provided that:

1389 1. Any deficit in the total required annual distribution  
1390 shall be made up from accrued surplus funds existing in the  
1391 Firefighters' Supplemental Compensation Trust Fund on June 30,  
1392 1990, for as long as such funds last. If the accrued surplus is



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1393 insufficient to cure the deficit in any given year, the  
1394 proration of the appropriation among the counties,  
1395 municipalities, and special fire service taxing districts shall  
1396 equal the ratio of compensation paid in the prior year to  
1397 county, municipal, and special fire service taxing district  
1398 career firefighters pursuant to this section. This ratio shall  
1399 be provided annually to the Department of Revenue by the  
1400 Division of State Fire Marshal. Surplus funds that have accrued  
1401 or accrue on or after July 1, 1990, shall be redistributed to  
1402 municipalities and special fire control districts as provided in  
1403 subparagraph 2.

1404 2. By October 1 of each year, any funds that have accrued  
1405 or accrue on or after July 1, 1990, and remain in the  
1406 Firefighters' Supplemental Compensation Trust Fund following the  
1407 required annual distribution shall be redistributed by the  
1408 Department of Revenue pro rata to those municipalities and  
1409 special fire control districts identified by the Department of  
1410 Management Services as being eligible for additional funds  
1411 pursuant to s. 175.121(3)(b).

1412 (d) Salary incentive payments to career firefighters shall  
1413 commence in the first full calendar month following the initial  
1414 date of certification of eligibility by the Division of State  
1415 Fire Marshal.

1416 (e) Special fire service taxing districts are authorized  
1417 and empowered to expend the funds necessary to ensure correct  
1418 payment to career firefighters.

1419 Section 18. Paragraph (e) of subsection (2) and subsections  
1420 (3) and (10) of section 633.521, Florida Statutes, are amended  
1421 to read:

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1422           633.521 Certificate application and issuance; permit  
1423 issuance; examination and investigation of applicant.-

1424           (2)

1425           (e) An applicant may not be examined more than four times  
1426 during 1 year for certification as a contractor pursuant to this  
1427 section unless the person is or has been certified and is taking  
1428 the examination to change classifications. If an applicant does  
1429 not pass one or more parts of the examination, she or he may  
1430 take any part of the examination three more times during the 1-  
1431 year period beginning upon the date she or he originally filed  
1432 an application to take the examination. If the applicant does  
1433 not pass the examination within that 1-year period, she or he  
1434 must file a new application and pay the application and  
1435 examination fees in order to take the examination or a part of  
1436 the examination again. However, the applicant may not file a new  
1437 application sooner than 6 months after the date of her or his  
1438 last examination. An applicant who passes the examination but  
1439 does not meet the remaining qualifications as provided in  
1440 applicable statutes and rules within 1 year after the  
1441 application date must file a new application, pay the  
1442 application and examination fee, successfully complete a  
1443 prescribed training course approved by the State Fire College or  
1444 an equivalent court approved by the State Fire Marshal, and  
1445 retake and pass the written examination.

1446           (3) (a)1. As a prerequisite to taking the examination for  
1447 certification as a Contractor I, ~~Contractor II, or Contractor~~  
1448 ~~III,~~ the applicant must be at least 18 years of age, be of good  
1449 moral character, and shall possess 4 years' proven experience in  
1450 the employment of a fire protection system Contractor I,

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1451 ~~Contractor II, or Contractor III~~ or a combination of equivalent  
1452 education and experience in both water-based and chemical fire  
1453 suppression systems.

1454 2. As a prerequisite to taking the examination for  
1455 certification as a Contractor II, the applicant must be at least  
1456 18 years of age, be of good moral character, and have 4 years'  
1457 proven experience in the employment of a fire protection system  
1458 Contractor I or Contractor II or a combination of equivalent  
1459 education and experience in water-based fire suppression  
1460 systems.

1461 3. As a prerequisite to taking the examination for  
1462 certification as a Contractor III, the applicant must be at  
1463 least 18 years of age, be of good moral character, and have 4  
1464 years' proven experience in the employment of a fire protection  
1465 system Contractor I or Contractor III or a combination of  
1466 equivalent education and experience in chemical fire suppression  
1467 systems.

1468 4. As a prerequisite to taking the examination for  
1469 certification as a Contractor IV, the applicant must be at least  
1470 18 years old, be of good moral character, and have at least 2  
1471 years' proven experience in the employment of a fire protection  
1472 system Contractor I, Contractor II, or Contractor IV or a  
1473 combination of equivalent education and experience.

1474 5. As a prerequisite to taking the examination for  
1475 certification as a Contractor IV, the applicant must ~~shall~~ be at  
1476 least 18 years old, be of good moral character, and have at  
1477 least 2 years' proven experience in the employment of a fire  
1478 protection system Contractor I, Contractor II, ~~Contractor III,~~  
1479 or Contractor IV or combination of equivalent education and

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1480 ~~experience which combination need not include experience in the~~  
1481 ~~employment of a fire protection system contractor.~~

1482 6. As a prerequisite to taking the examination for  
1483 certification as a Contractor V, the applicant, including any  
1484 applicant certified as a general contractor pursuant to chapter  
1485 489, must ~~shall~~ be at least 18 years old, be of good moral  
1486 character, and have been licensed as a certified underground  
1487 utility and excavation contractor or plumbing contractor  
1488 pursuant to chapter 489, have verification by an individual who  
1489 is licensed as a certified utility contractor or plumbing  
1490 contractor pursuant to chapter 489 that the applicant has 4  
1491 years' proven experience in the employ of a certified  
1492 underground utility and excavation contractor or plumbing  
1493 contractor, or have a combination of education and experience  
1494 equivalent to 4 years' proven experience in the employ of a  
1495 certified underground utility and excavation contractor or  
1496 plumbing contractor.

1497 (b) Required education and experience for Contractor I,  
1498 Contractor II, Contractor III, and Contractor IV certifications  
1499 includes training and experience in both the installation and  
1500 system layout as defined in s. 633.021(15).

1501 (c) Within 30 days after the date of the examination, the  
1502 State Fire Marshal shall inform the applicant in writing whether  
1503 she or he has qualified or not and, if the applicant has  
1504 qualified, that she or he is ready to issue a certificate of  
1505 competency, subject to compliance with the requirements of  
1506 subsection (4).

1507 (10) Effective July 1, 2008, the State Fire Marshal shall  
1508 require the National Institute of Certification in Engineering

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1509 Technologies (NICET), Sub-field of Inspection and Testing of  
1510 Fire Protection Systems Level II or equivalent training and  
1511 education as determined by the division as proof that the  
1512 permit holders are knowledgeable about nationally accepted  
1513 standards for the inspection of fire protection systems. ~~It is~~  
1514 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~  
1515 ~~to accept continuing education of all certificateholders'~~  
1516 ~~employees who perform inspection functions which specifically~~  
1517 ~~prepares the permit holder to qualify for NICET II certification.~~

1518 Section 19. Section 633.524, Florida Statutes, is amended  
1519 to read:

1520 633.524 Certificate and permit fees; examinations and fees;  
1521 use and deposit of collected funds.—

1522 (1) The initial application fee for each class of  
1523 certificate shall be \$300. The biennial renewal fee for each  
1524 class of certificate shall be \$150. The initial application fee  
1525 for the permit classification shall be \$100. The biennial  
1526 renewal fee for the permit classification shall be \$50. The fee  
1527 for certificates issued as duplicates or to reflect a change of  
1528 address is \$15. The fee for each examination or reexamination  
1529 for each class of certificate shall be \$100.

1530 (2) All moneys collected by the State Fire Marshal pursuant  
1531 to this chapter are hereby appropriated for the use of the State  
1532 Fire Marshal in the administration of this chapter and shall be  
1533 deposited in the Insurance Regulatory Trust Fund.

1534 (3) The State Fire Marshal may enter into a contract with  
1535 any qualified public entity or private company in accordance  
1536 with chapter 287 to provide examinations for any applicant for  
1537 any examination administered under the jurisdiction of the State

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1538 Fire Marshal. The State Fire Marshal may direct payments from  
1539 each applicant for each examination directly to such contracted  
1540 entity or company.

1541 Section 20. Subsection (4) of section 633.537, Florida  
1542 Statutes, is amended to read:

1543 633.537 Certificate; expiration; renewal; inactive  
1544 certificate; continuing education.—

1545 (4) The renewal period for the permit class is the same as  
1546 that for the employing certificateholder. The continuing  
1547 education requirements for permit holders are what is required to  
1548 maintain NICET Sub-field of Inspection and Testing of Fire  
1549 Protection Systems Level II or higher certification plus 8  
1550 contact hours of continuing education during each biennial  
1551 renewal period thereafter. ~~The continuing education curriculum~~  
1552 ~~from July 1, 2005, until July 1, 2008, shall be the preparatory~~  
1553 ~~curriculum for NICET II certification; after July 1, 2008, the~~  
1554 ~~technical curriculum is at the discretion of the State Fire~~  
1555 ~~Marshal and may be used to meet the maintenance of NICET Level~~  
1556 ~~II certification and 8 contact hours of continuing education~~  
1557 ~~requirements.~~ It is the responsibility of the permit holder to  
1558 maintain NICET II certification as a condition of permit renewal  
1559 after July 1, 2008.

1560 Section 21. Subsection (4) of section 633.72, Florida  
1561 Statutes, is amended to read:

1562 633.72 Florida Fire Code Advisory Council.—

1563 (4) Each appointee shall serve a 4-year term. A ~~No~~ member  
1564 may not shall serve more than two consecutive terms ~~one term~~. No  
1565 member of the council shall be paid a salary as such member, but  
1566 each shall receive travel and expense reimbursement as provided

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1567 in s. 112.061.

1568 Section 22. Section 633.811, Florida Statutes, is amended  
1569 to read:

1570 633.811 Firefighter employer penalties.—

1571 (1) If any firefighter employer violates or fails or  
1572 refuses to comply with ss. 633.801-633.821, or with any rule  
1573 adopted by the division under such sections in accordance with  
1574 chapter 120 for the prevention of injuries, accidents, or  
1575 occupational diseases or with any lawful order of the division  
1576 in connection with ss. 633.801-633.821, or fails or refuses to  
1577 furnish or adopt any safety device, safeguard, or other means of  
1578 protection prescribed by division rule under ss. 633.801-633.821  
1579 for the prevention of accidents or occupational diseases, the  
1580 division may:

1581 (a) Issue an administrative cease and desist order,  
1582 enforceable in the circuit court of the jurisdiction in which  
1583 the violation is occurring or has occurred.

1584 (b) In a proceeding initiated pursuant to chapter 120,  
1585 assess against the firefighter employer an administrative a  
1586 ~~civil~~ penalty of not less than \$100 nor more than \$5,000 for  
1587 each day the violation, omission, failure, or refusal continues  
1588 after the firefighter employer has been given written notice of  
1589 such violation, omission, failure, or refusal. The total penalty  
1590 for each violation shall not exceed \$50,000. The division shall  
1591 adopt rules requiring penalties commensurate with the frequency  
1592 or severity of safety violations. A hearing shall be held in  
1593 Leon County ~~the county in which the violation, omission,~~  
1594 ~~failure, or refusal is alleged to have occurred,~~ unless  
1595 otherwise agreed to by the firefighter employer and authorized

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1596 by the division. All penalties assessed and collected under this  
1597 section shall be deposited in the Insurance Regulatory Trust  
1598 Fund.

1599 (2) An administrative cease and desist order or proceeding  
1600 may not be initiated and a fine may not accrue until after the  
1601 firefighter employer has been notified in writing of the nature  
1602 of the violation and has been afforded a reasonable period of  
1603 time, as set forth in the notice, to correct the violation and  
1604 has failed to do so.

1605 Section 23. Subsection (3) of section 633.821, Florida  
1606 Statutes, is amended to read:

1607 633.821 Workplace safety.—

1608 (3) With respect to 29 C.F.R. s. 1910.134(g) (4), the two  
1609 individuals located outside the immediately dangerous to life  
1610 and health atmosphere may be assigned to an additional role,  
1611 such as incident commander, pumper operator, engineer, or  
1612 driver, so long as such individual is able to immediately  
1613 perform assistance or rescue activities without jeopardizing the  
1614 safety or health of any firefighter working at an incident. ~~Also~~  
1615 ~~with respect to 29 C.F.R. s. 1910.134(g) (4):~~

1616 ~~(a) Each county, municipality, and special district shall~~  
1617 ~~implement such provision by April 1, 2002, except as provided in~~  
1618 ~~paragraphs (b) and (c).~~

1619 ~~(b) If any county, municipality, or special district is~~  
1620 ~~unable to implement such provision by April 1, 2002, without~~  
1621 ~~adding additional personnel to its firefighting staff or~~  
1622 ~~expending significant additional funds, such county,~~  
1623 ~~municipality, or special district shall have an additional 6~~  
1624 ~~months within which to implement such provision. Such county,~~



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1625 ~~municipality, or special district shall notify the division that~~  
1626 ~~the 6-month extension to implement such provision is in effect~~  
1627 ~~in such county, municipality, or special district within 30 days~~  
1628 ~~after its decision to extend the time for the additional 6~~  
1629 ~~months. The decision to extend the time for implementation shall~~  
1630 ~~be made prior to April 1, 2002.~~

1631 ~~(c) If, after the extension granted in paragraph (b), the~~  
1632 ~~county, municipality, or special district, after having worked~~  
1633 ~~with and cooperated fully with the division and the Firefighters~~  
1634 ~~Employment, Standards, and Training Council, is still unable to~~  
1635 ~~implement such provisions without adding additional personnel to~~  
1636 ~~its firefighting staff or expending significant additional~~  
1637 ~~funds, such municipality, county, or special district shall be~~  
1638 ~~exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4).~~  
1639 ~~However, each year thereafter the division shall review each~~  
1640 ~~such county, municipality, or special district to determine if~~  
1641 ~~such county, municipality, or special district has the ability~~  
1642 ~~to implement such provision without adding additional personnel~~  
1643 ~~to its firefighting staff or expending significant additional~~  
1644 ~~funds. If the division determines that any county, municipality,~~  
1645 ~~or special district has the ability to implement such provision~~  
1646 ~~without adding additional personnel to its firefighting staff or~~  
1647 ~~expending significant additional funds, the division shall~~  
1648 ~~require such county, municipality, or special district to~~  
1649 ~~implement such provision. Such requirement by the division under~~  
1650 ~~this paragraph constitutes final agency action subject to~~  
1651 ~~chapter 120.~~

1652 Section 24. Paragraph (e) of subsection (1) of section  
1653 218.23, Florida Statutes, is amended to read:

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1654 218.23 Revenue sharing with units of local government.—

1655 (1) To be eligible to participate in revenue sharing beyond  
1656 the minimum entitlement in any fiscal year, a unit of local  
1657 government is required to have:

1658 (e) Certified that persons in its employ as career  
1659 firefighters, as defined in s. 633.30(1), meet the qualification  
1660 for employment as established by the Division of State Fire  
1661 Marshal pursuant to the provisions of ss. 633.34 and 633.35 and  
1662 that the provisions of s. 633.382 have been met.

1663

1664 Additionally, to receive its share of revenue sharing funds, a  
1665 unit of local government shall certify to the Department of  
1666 Revenue that the requirements of s. 200.065, if applicable, were  
1667 met. The certification shall be made annually within 30 days of  
1668 adoption of an ordinance or resolution establishing a final  
1669 property tax levy or, if no property tax is levied, not later  
1670 than November 1. The portion of revenue sharing funds which,  
1671 pursuant to this part, would otherwise be distributed to a unit  
1672 of local government which has not certified compliance or has  
1673 otherwise failed to meet the requirements of s. 200.065 shall be  
1674 deposited in the General Revenue Fund for the 12 months  
1675 following a determination of noncompliance by the department.

1676 Section 25. Paragraph (b) of subsection (4) of section  
1677 447.203, Florida Statutes, is amended to read:

1678 447.203 Definitions.—As used in this part:

1679 (4) "Managerial employees" are those employees who:

1680 (b) Serve as police chiefs, fire chiefs, or directors of  
1681 public safety of any police, fire, or public safety department.  
1682 Other police officers, as defined in s. 943.10(1), and career

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1683 firefighters, as defined in s. 633.30(1), may be determined by  
1684 the commission to be managerial employees of such departments.  
1685 In making such determinations, the commission shall consider, in  
1686 addition to the criteria established in paragraph (a), the  
1687 paramilitary organizational structure of the department  
1688 involved.

1689  
1690 However, in determining whether an individual is a managerial  
1691 employee pursuant to either paragraph (a) or paragraph (b),  
1692 above, the commission may consider historic relationships of the  
1693 employee to the public employer and to coemployees.

1694 Section 26. Subsection (22) of section 489.103, Florida  
1695 Statutes, is amended to read:

1696 489.103 Exemptions.—This part does not apply to:

1697 (22) A person licensed pursuant to s. 633.061(1) (a) 4.~~(d)~~ or  
1698 (2) (a) 2.~~(b)~~ performing work authorized by such license.

1699 Section 27. Paragraph (d) of subsection (1) of section  
1700 590.02, Florida Statutes, is amended to read:

1701 590.02 Division powers, authority, and duties; liability;  
1702 building structures; Florida Center for Wildfire and Forest  
1703 Resources Management Training.—

1704 (1) The division has the following powers, authority, and  
1705 duties:

1706 (d) To appoint center managers, forest area supervisors,  
1707 forestry program administrators, a forest protection bureau  
1708 chief, a forest protection assistant bureau chief, a field  
1709 operations bureau chief, deputy chiefs of field operations,  
1710 district managers, senior forest rangers, investigators, forest  
1711 rangers, firefighter rotorcraft pilots, and other employees who

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1712 may, at the division's discretion, be certified as forestry  
1713 firefighters pursuant to s. 633.35(5)~~(4)~~. Other provisions of  
1714 law notwithstanding, center managers, district managers, forest  
1715 protection assistant bureau chief, and deputy chiefs of field  
1716 operations shall have Selected Exempt Service status in the  
1717 state personnel designation;

1718 Section 28. Subsection (8) of section 1013.12, Florida  
1719 Statutes, is amended to read:

1720 1013.12 Casualty, safety, sanitation, and firesafety  
1721 standards and inspection of property.-

1722 ~~(8) ANNUAL REPORT. The State Fire Marshal shall publish an~~  
1723 ~~annual report to be filed with the substantive committees of the~~  
1724 ~~state House of Representatives and Senate having jurisdiction~~  
1725 ~~over education, the Commissioner of Education or his or her~~  
1726 ~~successor, the State Board of Education, the Board of Governors,~~  
1727 ~~and the Governor documenting the status of each board's~~  
1728 ~~firesafety program, including the improvement or lack thereof.~~

1729 Section 29. This act shall take effect July 1, 2010.