

CHAPTER 2013-183

Committee Substitute for Committee Substitute for Senate Bill No. 1410

An act relating to fire safety and prevention; providing a directive to the Division of Law Revision and Information to create part I of ch. 633, F.S., entitled "General Provisions"; transferring, renumbering, and amending s. 633.021, F.S.; revising and providing definitions; transferring, renumbering, and amending s. 633.01, F.S.; revising provisions relating to the authority of the State Fire Marshal; removing references to the Life Safety Code; revising the renewal period for firesafety inspector requirements for certification; conforming cross-references; authorizing the State Fire Marshal to administer oaths and take testimony; authorizing the State Fire Marshal to enter into contracts with private entities for the administration of examinations; transferring, renumbering, and amending s. 633.163, F.S.; revising provisions relating to the disciplinary authority of the State Fire Marshal; authorizing the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons; providing terms and conditions of probation; transferring and renumbering s. 633.15, F.S., relating to the force and effect of ch. 633, F.S., and rules adopted by the State Fire Marshal on municipalities, counties, and special districts having fire safety responsibilities; transferring, renumbering, and amending s. 633.101, F.S.; revising provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal; authorizing the State Fire Marshal to designate an agent for various purposes related to hearings; providing for the issuance of subpoenas; requiring the State Fire Marshal to investigate certain fires and explosions under certain circumstances; transferring, renumbering, and amending s. 633.111, F.S.; requiring the State Fire Marshal to keep records of all fires and explosions; transferring, renumbering, and amending s. 633.02, F.S.; revising provisions relating to the authority of agents of the State Fire Marshal; transferring and renumbering s. 633.14, F.S., relating to the powers of agents of the State Fire Marshal to make arrests, conduct searches and seizures, serve summonses, and carry firearms; transferring, renumbering, and amending s. 633.121, F.S., relating to persons authorized to enforce laws and rules of the State Fire Marshal; revising terminology; transferring, renumbering, and amending s. 633.151, F.S.; clarifying provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided; transferring, renumbering, and amending s. 633.171, F.S.; providing penalties for rendering a fire protection system required by statute or by rule inoperative; providing penalties for using the certificate of another person, holding a license or certificate and allowing another person to use the license or certificate, and using or allowing the use of any certificate or permit by any individual or organization other than the individual to whom the certificate or permit is issued; conforming a cross-reference;

transferring, renumbering, and amending s. 633.175, F.S., relating to investigation of fraudulent insurance claims and crimes and immunity of insurance companies supplying information relative thereto; defining the term “consultant”; revising provisions to include investigation of explosions in fraudulent insurance claim investigations; authorizing the State Fire Marshal to adopt rules to implement provisions relating to an insurance company’s investigation of a suspected fire or explosion by intentional means; revising terminology; conforming a cross-reference; transferring, renumbering, and amending s. 633.45, F.S.; clarifying and revising the powers and duties of the Division of State Fire Marshal; requiring the division to establish by rule uniform minimum standards for the employment and training of firefighters and volunteer firefighters; requiring the division to establish by rule minimum curriculum requirements and criteria for the approval of education or training providers; requiring the division to specify by rule standards for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters; requiring the division to specify by rule standards for the certification, denial of certification, probation, and revocation of certification for instructors; requiring the division to establish by rule minimum training qualifications for persons serving as specified fire safety coordinators; requiring the division to issue specified licenses, certificates, and permits; conforming cross-references; creating s. 633.132, F.S.; establishing fees to be collected by the division; authorizing the division to establish by rule fees necessary to cover administrative costs and to collect such fees in advance; providing for the appropriation and deposit of all funds collected by the State Fire Marshal pursuant to ch. 633, F.S.; transferring and renumbering s. 633.39, F.S., relating to acceptance by the division of donations of property and grants of money; transferring, renumbering, and amending s. 633.115, F.S., relating to the Fire and Emergency Incident Information Reporting Program; making technical changes; conforming a cross-reference; creating s. 633.138, F.S.; providing requirements with respect to notice of change of address of record for, and notice of felony actions against, a licensee, permittee, or certificateholder; transferring, renumbering and amending s. 633.042, F.S.; revising the “Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act” to include preemption by the act of local laws and rules; providing a directive to the Division of Law Revision and Information to create part II of ch. 633, F.S., entitled “Fire Safety and Prevention”; transferring, renumbering, and amending s. 633.0215, F.S., relating to the Florida Fire Prevention Code; conforming cross-references; deleting an obsolete provision; transferring, renumbering, and amending s. 633.72, F.S., relating to the Florida Fire Code Advisory Council; revising membership of the council; providing for semiannual meetings of the council; authorizing the council to review proposed changes to the Florida Fire Prevention Code and specified uniform firesafety standards; conforming cross-references; transferring, renumbering, and amending s. 633.022, F.S., relating to uniform firesafety standards; revising applicability of uniform firesafety standards; removing obsolete provisions; transferring, renumbering, and

amending s. 633.025, F.S., relating to minimum firesafety standards; deleting references to the Life Safety Code; conforming provisions to changes made by the act; conforming a cross-reference; transferring, renumbering, and amending s. 633.026, F.S., relating to informal interpretations of the Florida Fire Prevention Code and legislative intent with respect thereto; conforming provisions to changes made by the act; conforming cross-references; revising terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations of Florida Fire Prevention Code provisions; transferring, renumbering, and amending s. 633.052, F.S., relating to ordinances relating to fire safety and penalties for violation; conforming terminology; providing that a special district may enact any ordinance relating to fire safety codes that is identical to ch. 633, F.S., or any state law, except as to penalty; transferring, renumbering, and amending s. 633.081, F.S., relating to inspection of buildings and equipment; clarifying persons authorized to inspect buildings and structures; conforming cross-references; revising requirements of persons conducting fire safety inspections; revising the period of validity of, and continuing education requirements for, fire safety inspector certificates; requiring repeat training for certified firesafety inspectors whose certification has lapsed for a specified period; revising grounds for denial, refusal to renew, suspension, or revocation of a fire safety inspector certificate; requiring the department to provide by rule for the certification of Fire Code Administrators; transferring, renumbering, and amending s. 633.085, F.S., relating to inspection of state buildings and premises; defining the terms “high-hazard occupancy” and “state-owned building”; providing for identification of state-owned buildings or state-leased buildings or space; authorizing, rather than requiring, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis; requiring the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually; requiring that all new construction or renovation, alteration, or change of occupancy of any existing, state-owned building or state-leased building or space comply with uniform firesafety standards; authorizing the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy or during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards; requiring the division to issue orders to cease construction, renovation, or alteration, or to preclude occupancy, of a state-owned or state-leased building or space for noncompliance; transferring, renumbering, and amending s. 633.027, F.S., relating to buildings with light-frame truss-type construction; conforming cross-references; transferring, renumbering, and amending s. 633.60, F.S., relating to automatic fire sprinkler systems for one-family dwellings, two-family dwellings, and mobile homes; conforming a cross-reference; transferring and renumbering s. 633.557, F.S., relating to the nonapplicability of the act to owners of property who are building or improving farm outbuildings and standpipe systems

installed by plumbing contractors; transferring, renumbering, and amending s. 633.161, F.S., relating to violations and enforcement of ch. 633, F.S., orders resulting from violations, and penalties for violation; conforming cross-references; providing a directive to the Division of Law Revision and Information to create part III of ch. 633, F.S., entitled “Fire Protection and Suppression”; transferring, renumbering, and amending s. 633.511, F.S., relating to the Florida Fire Safety Board; conforming provisions to changes made by the act; conforming cross-references; requiring the board to act in an advisory capacity; authorizing the board to review complaints and make recommendations; providing for election of officers, quorum, and compensation of the board; requiring the board to adopt a seal; transferring, renumbering, and amending s. 633.061, F.S., relating to licensure to install or maintain fire suppression equipment; removing the fee schedule from such provisions; revising provisions relating to fire equipment dealers who wish to withdraw a previously filed halon equipment exemption affidavit; providing conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection; providing for the adoption of rules with respect to the establishment and calculation of inspection costs; revising and clarifying provisions that exclude from licensure for a specified period applicants having a previous criminal conviction; defining the term “convicted”; providing conditions under which a licensed fire equipment dealer may apply to convert the license currently held to a higher or lower licensing category; providing a procedure for an applicant who passes an examination for licensure or permit but fails to meet remaining qualifications within 1 year after the application date; transferring, renumbering, and amending s. 633.065, F.S., relating to requirements for installation, inspection, and maintenance of fire suppression equipment; conforming a cross-reference; transferring, renumbering, and amending s. 633.071, F.S., relating to standard service tags required on all fire extinguishers and preengineered systems; conforming a cross-reference; transferring, renumbering, and amending s. 633.082, F.S., relating to inspection of fire control systems, fire hydrants, and fire protection systems; conforming a cross-reference; making technical changes; transferring, renumbering, and amending s. 633.083, F.S., relating to the prohibited sale or use of certain types of fire extinguishers and penalty therefor; making a technical change; transferring, renumbering, and amending s. 633.162, F.S., relating to fire suppression system contractors and disciplinary actions with respect thereto; conforming cross-references; clarifying provisions; transferring, renumbering, and amending s. 633.521, F.S., relating to certification as fire protection system contractor; clarifying provisions and making technical changes; conforming cross-references; transferring, renumbering, and amending s. 633.551, F.S., relating to county and municipal powers and the effect of ch. 75-240, Laws of Florida; making technical changes; transferring and renumbering s. 633.527, F.S., relating to records concerning an applicant and the extent of confidentiality; transferring and renumbering s. 633.531, F.S., relating to statewide effectiveness and nontransferability of certificates; transferring, renumbering, and amending s. 633.534, F.S., relating to the issuance of

certificates to individuals and business organizations; making a technical change; transferring, renumbering, and amending s. 633.537, F.S., relating to renewal and expiration of certificates; deleting an obsolete provision; deleting a provision which prescribes the biennial renewal fee for an inactive status certificate; making technical changes; transferring, renumbering, and amending s. 633.539, F.S., relating to requirements for installation, inspection, and maintenance of fire protection systems; conforming a cross-reference; transferring, renumbering, and amending s. 633.541, F.S., relating to the prohibition against contracting as a fire protection contractor without a certificate and penalty for violation thereof; conforming cross-references; making a technical change; transferring, renumbering, and amending s. 633.547, F.S., relating to disciplinary action concerning fire protection system contractors; revising provisions that authorize the State Fire Marshal to suspend a fire protection system contractor's or permittee's certificate; deleting provisions authorizing revocation of a certificate for a specified period; conforming a cross-reference; transferring, renumbering, and amending s. 633.549, F.S., relating to violations that are subject to injunction; making a technical change; transferring and renumbering s. 633.554, F.S., relating to application of ch. 633, F.S., regulating contracting and contractors; transferring, renumbering, and amending s. 633.70, F.S., relating to jurisdiction of the State Fire Marshal over alarm system contractors and certified unlimited electrical contractors; conforming a cross-reference; transferring and renumbering s. 633.701, F.S., relating to requirements for fire alarm system equipment; transferring, renumbering, and amending s. 633.702, F.S., relating to prohibited acts regarding alarm system contractors or certified unlimited electrical contractors and penalties for violations; making technical changes; providing a directive to the Division of Law Revision and Information to create part IV of ch. 633, F.S., entitled "Fire Standards and Training"; transferring, renumbering, and amending s. 633.31, F.S.; revising provisions relating to the Firefighters Employment, Standards, and Training Council; providing for an additional member of the council; providing for organization of the council, meetings, quorum, compensation, and adoption of a seal; providing for special powers of the council in connection with the employment and training of firefighters; transferring, renumbering, and amending s. 633.42, F.S., relating to the authority of fire service providers to establish qualifications and standards for hiring, training, or promoting firefighters which exceed the minimum set by the department; conforming terminology; creating s. 633.406, F.S.; specifying classes of certification awarded by the division; authorizing the division to establish specified additional certificates by rule; transferring, renumbering, and amending s. 633.35, F.S.; revising provisions relating to firefighter and volunteer firefighter training and certification; requiring the division to establish by rule specified courses and course examinations; providing that courses may only be administered by specified education or training providers and taught by certified instructors; revising provisions with respect to payment of training costs and payment of tuition for attendance at approved courses; providing requirements for issuance by the division of a firefighter certificate of

compliance; providing requirements for issuance by the division of a Volunteer Firefighter Certificate of Completion; authorizing the division to issue a Special Certificate of Compliance; providing requirements and limitations with respect thereto; providing procedures and requirements for reexamination after failure of an examination; increasing the required number of hours of the structural fire training program; providing for a Forestry Certificate of Compliance and prescribing the rights, privileges, and benefits thereof; transferring, renumbering, and amending s. 633.34, F.S., relating to qualifications for certification as a firefighter; revising provisions relating to disqualifying offenses; providing requirements of the division with respect to suspension or revocation of a certificate; making technical changes; conforming cross-references; transferring, renumbering, and amending s. 633.352, F.S., relating to firefighter employment and volunteer firefighter service; revising provisions relating to retention of certification as a firefighter; defining the term “active”; transferring, renumbering, and amending s. 633.41, F.S.; prohibiting a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification; requiring a fire service provider to make a diligent effort to determine possession of required certification prior to employing or retaining an individual for specified services; defining the term “diligent effort”; requiring a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements; authorizing the division to conduct site visits to fire departments to monitor compliance; defining the term “employ”; conforming cross-references; transferring, renumbering, and amending s. 633.38, F.S., relating to curricula and standards for advanced and specialized training prescribed by the division; revising terminology to conform; conforming cross-references; transferring, renumbering, and amending s. 633.382, F.S., relating to supplemental compensation for firefighters who pursue specified higher educational opportunities; removing definitions; requiring the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals; specifying that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider; conforming terminology; clarifying provisions; specifying that policy guidelines be adopted by rule; classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division; transferring, renumbering, and amending s. 633.353, F.S., relating to falsification of qualifications; clarifying provisions that provide a penalty for falsification of qualifications provided to the Bureau of Fire Standards and Training of the division; transferring, renumbering, and amending s. 633.351, F.S., relating to disciplinary action and standards for revocation of certification; providing definitions; providing conditions for ineligibility to apply for certification under ch. 633, F.S.; providing conditions for permanent revocation of certification, prospective application of such provisions, and retroactive application with respect to specified

convictions; revising provisions relating to revocation of certification; providing requirements with respect to application for certification; requiring specified submission of fingerprints; providing a fee; providing requirements of the Department of Law Enforcement with respect to submitted fingerprints; transferring, renumbering, and amending s. 633.43, F.S., relating to the establishment of the Florida State Fire College; conforming a provision to changes made by the act; transferring, renumbering, and amending s. 633.44, F.S., relating to the purposes of the Florida State Fire College and part IV of ch. 633, F.S.; expanding such purpose; conforming a cross-reference; transferring, renumbering, and amending s. 633.48, F.S., relating to the superintendent of the Florida State Fire College; conforming a cross-reference; transferring, renumbering, and amending s. 633.461, F.S., relating to uses of funds from the Insurance Regulatory Trust Fund; clarifying provisions; transferring and renumbering s. 633.47, F.S., relating to the procedure for making expenditures on behalf of the Florida State Fire College; transferring, renumbering, and amending s. 633.49, F.S., relating to the use of buildings, equipment, and other facilities of the fire college; conforming a cross-reference; transferring, renumbering, and amending s. 633.50, F.S., relating to additional duties of the Division of State Fire Marshal related to the Florida State Fire College; conforming cross-references; transferring and renumbering s. 633.46, F.S., relating to fees to be charged for training; providing a directive to the Division of Law Revision and Information to create part V of ch. 633, F.S., entitled “Florida Firefighters Occupational Safety and Health Act”; transferring, renumbering, and amending s. 633.801, F.S., relating to a short title; conforming a cross-reference; transferring, renumbering, and amending s. 633.802, F.S., relating to definitions; revising definitions of “firefighter employee,” “firefighter employer,” and “firefighter place of employment”; transferring, renumbering, and amending s. 633.803, F.S., relating to legislative intent to enhance firefighter occupational safety and health in the state; clarifying provisions; conforming cross-references; transferring, renumbering, and amending s. 633.821, F.S., relating to assistance by the division in facilitating firefighter employee workplace safety; revising references to publications; removing obsolete provisions; revising requirements and responsibilities of the division; transferring, renumbering, and amending s. 633.817, F.S., relating to remedies available to the division for noncompliance with part V of ch. 633, F.S.; conforming cross-references; transferring and renumbering s. 633.805, F.S., relating to a required study by the division of firefighter employee occupational diseases; transferring, renumbering, and amending s. 633.806, F.S., relating to certain duties of the division; revising provisions that require the division to make studies, investigations, inspections, and inquiries with respect to compliance with part V of ch. 633, F.S., or rules authorized thereunder, and the causes of firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment; authorizing the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers under part V of ch. 633, F.S.; authorizing the division to enter premises to investigate compliance; providing a

criminal penalty; conforming references; transferring, renumbering, and amending s. 633.807, F.S., relating to safety responsibilities of firefighter employers; revising definitions of the terms “safe” and “safety”; transferring, renumbering, and amending s. 633.809, F.S.; relating to firefighter employers with a high frequency of firefighter employee work-related injuries; revising provisions relating to required safety inspections; clarifying that the division may not assess penalties as a result of such inspections; requiring firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule; providing procedures if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented; providing for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining; requiring the division to adopt rules; providing for compensation of the workplace safety committee; authorizing cancellation of an insurance plan due to noncompliance; transferring, renumbering, and amending s. 633.811, F.S., relating to firefighter employer penalties; prescribing additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S.; providing for location of hearings; transferring, renumbering, and amending s. 633.812, F.S., relating to specified cooperation by the division with the Federal Government; clarifying requirements from which private firefighter employers are exempt; eliminating a prerequisite to exemption for specified firefighter employers; requiring reinspection after specified noncompliance; transferring, renumbering, and amending s. 633.816, F.S., relating to firefighter employee rights and responsibilities; conforming cross-references; transferring, renumbering, and amending s. 633.818, F.S., relating to false statements; conforming a cross-reference; prohibiting a person from committing certain fraudulent acts in any matter within the jurisdiction of the division; providing criminal penalties; providing a statute of limitation; transferring, renumbering, and amending s. 633.814, F.S., relating to disbursement of expenses to administer part V of ch. 633, F.S.; conforming a cross-reference; amending s. 112.011, F.S.; removing provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction; amending s. 112.191, F.S.; revising provisions relating to adjustments in payments of accidental death benefits for firefighters; amending s. 120.541, F.S.; revising a cross-reference to conform with changes made in the act; amending s. 196.081, F.S.; revising a cross-reference to conform with changes made in the act; repealing s. 633.024, F.S., relating to legislative findings and intent with respect to ensuring effective fire protection of vulnerable nursing home residents, the expedited retrofit of existing nursing homes through a limited state loan guarantee, and funding thereof; repealing s. 633.0245, F.S., relating to the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program; repealing s. 633.03, F.S., relating to investigations of fire and reports; repealing s. 633.0421, F.S., relating to preemption of the reduced cigarette ignition propensity standard by the state; repealing s. 633.13, F.S., relating to the authority of State Fire Marshal agents; repealing s.

633.167, F.S., relating to the authority of the State Fire Marshal to place certain persons on probation; repealing s. 633.18, F.S., relating to hearings and investigations by the State Fire Marshal; repealing s. 633.30, F.S., relating to definitions with respect to standards for firefighting; repealing s. 633.32, F.S., relating to organization, meetings, quorum, compensation, and seal of the Firefighters Employment, Standards, and Training Council; repealing s. 633.33, F.S., relating to special powers of the Firefighters Employment, Standards, and Training Council in connection with the employment and training of firefighters; repealing s. 633.37, F.S., relating to payment of tuition at approved training programs by the employing agency; repealing s. 633.445, F.S., relating to the State Fire Marshal Scholarship Grant Program; repealing s. 633.514, F.S., relating to Florida Fire Safety Board duties, meetings, officers, quorum, and compensation; repealing s. 633.517, F.S.; relating to the authority of the State Fire Marshal to adopt rules, administer oaths, and take testimony; repealing s. 633.524, F.S., relating to certificate and permit fees assessed under ch. 633, F.S., and the use and deposit thereof; repealing s. 633.804, F.S., relating to the adoption of rules governing firefighter employer and firefighter employee safety inspections and consultations; repealing s. 633.808, F.S., relating to division authority; repealing s. 633.810, F.S., relating to workplace safety committees and safety coordinators; repealing s. 633.813, F.S., relating to cancellation of an insurance policy for failure to implement a safety and health program; repealing s. 633.815, F.S., relating to penalties for refusing entry to a firefighter place of employment for the purposes of investigations or inspections by the division; repealing s. 633.819, F.S., relating to matters within the jurisdiction of the division and fraudulent acts, penalties, and statute of limitations; repealing s. 633.820, F.S., relating to the applicability of specified sections of ch. 633, F.S., to volunteer firefighters and volunteer fire departments; amending ss. 112.1815, 112.191, 112.81, 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45, 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44, 429.73, 447.203, 468.602, 468.609, 489.103, 489.105, 496.404, 509.032, 513.05, 553.73, 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03, 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.; conforming cross-references; updating terminology; amending s. 191.009, F.S.; clarifying provisions that authorize a district to levy non-ad valorem assessments to construct, operate, and maintain specified district facilities and services; providing that if a district levies non-ad valorem assessments for certain services, the district must cease to levy ad valorem assessments for those services; amending s. 191.011, F.S.; revising provisions relating to district authority to provide for the levy of non-ad valorem assessments on lands within the district rather than benefited real property; eliminating provisions relating to rate of assessment for benefited real property; providing an effective date.

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

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

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

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

(1) “Board” means the Florida Fire Safety Board.

~~(2) “Certificate” means a certificate of competency issued by the State Fire Marshal.~~

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

~~(2)~~(4) “Contracting” means engaging in business as a contractor.

~~(3)~~(5)(a) “Contractor I” means a contractor whose business includes the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service all types of fire protection systems, excluding preengineered systems.

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

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

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

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

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

(4) “Department” means the Department of Financial Services.

(5) “Division” means the Division of State Fire Marshal within the Department of Financial Services.

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

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

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

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

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

(8) A “Fire extinguisher” means is a cylinder that:

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

(b) Is manually operated.

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

(d) Is rechargeable or nonrechargeable.

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

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

(9) “Firefighter” means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408.

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

~~(11)~~(10) A “Fire protection system” means is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. Such systems include, but are not limited to, water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, carbon dioxideCO₂-systems, foam extinguishing systems, dry chemical systems, and Halon and other chemical systems used for fire protection use. Such systems also include any overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, thermal systems used in connection with fire sprinkler systems, and tanks and pumps connected to fire sprinkler systems.

~~(12)~~(11) A “Firesafety inspector” means is an individual who holds a current and valid Fire Safety Inspector Certificate of Compliance issued

certified by the division State Fire Marshal under s. 633.216 s. 633.081 who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities.

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

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

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

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

- ~~1. That contains combustible or explosive matter or flammable conditions dangerous to the safety of life or property.~~
- ~~2. In which persons receive educational instruction.~~
- ~~3. In which persons reside, excluding private dwellings.~~
- ~~4. Containing three or more floor levels.~~

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

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

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

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

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

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

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

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

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

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

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

~~(25)~~⁽²¹⁾(a) A “Preengineered system” means is a fire suppression system which:

1. Uses any of a variety of extinguishing agents.
2. Is designed to protect specific hazards.
3. Must be installed according to pretested limitations and configurations specified by the manufacturer and applicable National Fire Protection Association (NFPA) standards. Only those chapters within the National Fire Protection Association standards which ~~that~~ pertain to servicing,

recharging, repairing, installing, hydrotesting, or inspecting any type of preengineered fire extinguishing system may be used.

4. Must be installed using components specified by the manufacturer or components that are listed as equal parts by a nationally recognized testing laboratory such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.

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

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

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

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

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

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

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

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

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

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

~~(34)(28)~~ A “Uniform firesafety standard” means is a requirement or group of requirements for the protection of life and property from loss by fire which shall be met by every building and structure specified in s. 633.206 ~~633.022(1)~~, and is not neither weakened or ~~nor~~ exceeded by law, rule, or ordinance of any other state agency or political subdivision or county, municipality, or special district with firesafety responsibilities.

~~(35)(29)~~ “Use” means application, employment; that enjoyment of property which consists of its employment, occupation, exercise, or practice.

~~(36)~~ “Volunteer firefighter” means an individual who holds a current and valid Volunteer Firefighter Certificate of Completion issued by the division under s. 633.408.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

633.112 633.101 State Fire Marshal; hearings; investigations; record-keeping and reports; subpoenas of witnesses; orders of circuit court investigatory powers of State Fire Marshal; costs of service and witness fees.

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

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

(3) The State Fire Marshal may summon and compel the attendance of witnesses before him or her to testify in relation to any matter ~~manner~~ which is, by ~~the provisions of this chapter~~, a subject of inquiry and investigation, and he or she may require the production of any book, paper, or document

deemed pertinent thereto by him or her, and may seize furniture and other personal property to be held for evidence.

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

(5) Any agent designated by the State Fire Marshal for such purposes may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of such accounts, records, memoranda, or other evidence, as may be material for the determination of any complaint or conducting any inquiry or investigation under this chapter. In the case of disobedience to a subpoena, the State Fire Marshal or her or his agent may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of accounts, records, memoranda, or other evidence and any such court may in case of refusal to obey a subpoena issued to a person, issue an order requiring the person to appear before the State Fire Marshal's agent or produce accounts, records, memoranda, or other evidence, as so ordered, or to give evidence touching any matter pertinent to any complaint or the subject of any inquiry or investigation, and any failure to obey such order of the court shall be punished by the court as contempt.

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

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

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

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

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

633.112 State Fire Marshal; hearings; investigations; recordkeeping and reports; subpoenas of witnesses; orders of circuit court investigatory powers of State Fire Marshal; costs of service and witness fees.—

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

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

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

633.114 633.02 State Fire Marshal agents Agents; authority; powers and duties; compensation.—

(1) The State Fire Marshal shall appoint such agents as may be necessary to carry out effectively ~~the provisions of this chapter~~, who shall be reimbursed for travel expenses as provided in s. 112.061, in addition to their salary, when traveling or making investigations in the performance of their duties. Such agents shall be at all times under the direction and control

of the State Fire Marshal, who shall fix their compensation, and all orders shall be issued in the State Fire Marshal's name and by her or his authority.

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

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

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

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

Section 11. Section 633.151, Florida Statutes, is transferred, renumbered as section 633.122, Florida Statutes, and amended to read:

633.122 633.151 Impersonating State Fire Marshal, firefighter firefighter, or firesafety inspector; criminal penalties.—A person who falsely assumes or pretends to be the State Fire Marshal, an agent of the division of State Fire Marshal, a firefighter as defined in s. 112.81, a volunteer firefighter, or a firesafety inspector by identifying herself or himself as the State Fire Marshal, an agent of the division, a firefighter, a volunteer firefighter, or a firesafety inspector by wearing a uniform or presenting or displaying a badge as credentials that would cause a reasonable person to believe that she or he is a State Fire Marshal, an agent of the division, a firefighter, a volunteer firefighter, or firesafety inspector commits and who acts as such to require a person to aid or assist him or her in any matter relating to the duties of the State Fire Marshal, an agent of the division, a firefighter, or a firesafety inspector is guilty of a felony of the third degree, punishable as provided in ss. 775.082 and 775.083 or, if the impersonation occurs during the commission of a separate felony by that person, commits is guilty of a felony of the first degree, punishable as provided in ss. 775.082 and 775.083.

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

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

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

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

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

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

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

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

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

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

(3)

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

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

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

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

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

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

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

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

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

2.(b) Any policy premium payment records.

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

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

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

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

(3) In the absence of fraud, bad faith, or malice, ~~a~~ no representative of or consultant to an insurance company or of the National Insurance Crime Bureau employed to adjust or investigate losses caused by fire or explosion is not ~~shall~~ be liable for damages in a civil action for furnishing information

concerning fires or explosion suspected to be other than accidental to investigators employed by other insurance companies or the National Insurance Crime Bureau.

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

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

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

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

(1) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Sue and be sued.

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

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

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

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

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

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

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

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

633.132 Fees.—

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

(a) Pursuant to part III of this chapter:

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

2. Contractor biennial renewal fee: \$150 for each class of certificate.
 3. Contractor permit initial application fee: \$100 for each class of permit.
 4. Contractor permit biennial renewal fee: \$50 for each class of permit.
 5. Contractor examination or reexamination fee: \$100 for each class of certificate.
 6. Fire equipment dealer license:
 - a. Class A: \$250.
 - b. Class B: \$150.
 - c. Class C: \$150.
 - d. Class D: \$200.
 7. Fire equipment dealer or contractor application and renewal fee for an inactive license: \$75.
 8. Fire equipment dealer license or permit exam or reexamination: \$50.
 9. Reinspection fee for a dealer equipment inspection conducted by the State Fire Marshal under s. 633.304(1): \$50 for each reinspection.
 10. Permit for a portable fire extinguisher installer/repairer/inspector: \$90.
 11. Permit for a preengineered fire extinguishing system installer/repairer/inspector: \$120.
 12. Conversion of a fire equipment dealer's license to a different category: \$10 for each permit and license.
 - (b) Pursuant to part IV of this chapter:
 1. Certificate of compliance: \$30.
 2. Certificate of competency: \$30.
 3. Renewal fee for a certificate of compliance, competency, or instruction: \$15.
 - (c) Duplicate or change of address for any license, permit, or certificate: \$10.
 - (2) All moneys collected by the State Fire Marshal pursuant to this chapter shall be deposited into the Insurance Regulatory Trust Fund.
- Section 16. Section 633.39, Florida Statutes, is transferred and renumbered as section 633.134, Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Fire and Emergency Incident Information System Technical Advisory Panel is created within the division of ~~State Fire Marshal~~. The panel shall advise, review, and recommend to the ~~State Fire Marshal~~ with

respect to the requirements of this section. The membership of the panel shall consist of the following 15 members:

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

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

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

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

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

633.138 Notice of change of address of record; notice of felony actions.

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

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

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

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

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

(11) PREEMPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

Except as provided in s. ~~633.206~~ 633.022, the local appeals process shall be the venue if there is a dispute between parties affected by the provisions of the more stringent local firesafety amendment adopted as part of the Florida Fire Prevention Code pursuant to the authority in this subsection. Local amendments adopted pursuant to this subsection shall be deemed local or regional variations and published as such in the Florida Fire Prevention Code. The act of publishing locally adopted firesafety amendments to the Florida Fire Prevention Code may shall not be construed to mean that the State Fire Marshal approves or denies the authenticity or appropriateness of the locally adopted firesafety provision, and the burden of protecting the local firesafety amendment remains solely with the adopting local governmental authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) There is created within the department the Florida Fire Code Advisory Council with 11 members appointed by the State Fire Marshal. The council shall advise and recommend to the State Fire Marshal changes to and interpretation of the uniform firesafety standards adopted under s.

633.206 ~~633.022~~, the Florida Fire Prevention Code, and those portions of the Florida Fire Prevention Code that have the effect of conflicting with building construction standards that are adopted pursuant to ss. 633.202 and 633.206 ~~633.0215 and 633.022~~. The members of the council shall represent the following groups and professions:

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

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

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

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

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

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

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

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

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

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

~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

633.208 ~~633.025~~ Minimum firesafety standards.—

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

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

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

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

(a) The local governing body shall determine, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, if there is a need to strengthen the requirements of the minimum firesafety code adopted by such governing body. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the minimum firesafety code for the protection of life and property or justify requirements that meet special situations arising from historic, geographic, or unusual conditions.

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

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

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

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

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

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

~~(4)(5)~~ The new building or structure provisions enumerated within the Florida Fire Prevention Code ~~firesafety code~~ adopted pursuant to this section shall apply only to buildings or structures for which the building permit is issued on or after the effective date of the current edition of the Florida Fire

Prevention Code this act. Subject to the provisions of subsection (5) (6), the existing building or structure provisions enumerated within the firesafety code adopted pursuant to this section shall apply to buildings or structures for which the building permit was issued or the building or structure was constructed before prior to the effective date of this act.

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

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

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

(8)(9) The provisions of the Life Safety Code, as contained in the Florida Fire Prevention Code, do shall not apply to newly constructed one-family and two-family dwellings. However, fire sprinkler protection may be permitted by local government in lieu of other fire protection-related development requirements for such structures. While local governments may adopt fire sprinkler requirements for one- and two-family dwellings under this subsection, it is the intent of the Legislature that the economic consequences of the fire sprinkler mandate on home owners be studied before the enactment of such a requirement. After the effective date of this act, any local government that desires to adopt a fire sprinkler requirement on one- or two-family dwellings must prepare an economic cost and benefit report that analyzes the application of fire sprinklers to one- or two-family dwellings or any proposed residential subdivision. The report must consider the tradeoffs and specific cost savings and benefits of fire sprinklers for future owners of property. The report must include an assessment of the cost savings from any reduced or eliminated impact fees if applicable, the reduction in special fire district tax, insurance fees, and other taxes or fees imposed, and the waiver of certain infrastructure requirements including the reduction of roadway widths, the reduction of water line sizes, increased fire hydrant spacing,

increased dead-end roadway length and a reduction in cul-de-sac sizes relative to the costs from fire sprinkling. A failure to prepare an economic report shall result in the invalidation of the fire sprinkler requirement to any one- or two-family dwelling or any proposed subdivision. In addition, a local jurisdiction or utility may not charge any additional fee, above what is charged to a non-fire sprinklered dwelling, on the basis that a one- or two-family dwelling unit is protected by a fire sprinkler system.

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

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

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

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

(1) The division of State Fire Marshal shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Fire Prevention Code. The division of State Fire Marshal may contract with and refer interpretive issues to a third party, selected based upon cost effectiveness, quality of services to be performed, and other performance-based criteria, which has experience in interpreting and enforcing the Florida Fire Prevention Code. It is the intent of the Legislature that the division of State Fire Marshal establish a Fire Code Interpretation Committee composed of seven persons and seven alternates, equally representing each area of the state, to which a party can pose questions regarding the interpretation of the Florida Fire Prevention Code provisions. The alternate member may respond to a nonbinding interpretation if the member notifies the Fire Code Interpretation Committee that he or she is unable to respond.

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

(3) Each nonbinding interpretation of code provisions must be provided within ~~15~~ 40 business days after receipt of a request for interpretation. The response period established in this subsection may be waived only with the written consent of the party requesting the nonbinding interpretation and the division of State Fire Marshal. Nonbinding interpretations shall be advisory only and nonbinding on the parties or the State Fire Marshal.

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

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

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

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

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

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

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

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

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

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

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

(8) The committee shall conduct proceedings as necessary to resolve the issues and give due regard to the petition, the facts of the matter at issue, specific code sections cited, and any statutory implications affecting the Florida Fire Prevention Code. The committee shall issue an interpretation regarding the provisions of the Florida Fire Prevention Code within 15 ~~40~~ days after the filing of a petition. The committee shall issue an interpretation based upon the Florida Fire Prevention Code or, if the code is ambiguous, the intent of the code. The committee's interpretation shall be provided to the petitioner and shall include a notice that if the petitioner disagrees with the interpretation, the petitioner may file a request for a declaratory statement ~~formal interpretation~~ by the State Fire Marshal under s. 633.104(6) ~~633.01(6)~~. The committee's interpretation shall be provided to the State Fire Marshal, and the division shall publish the declaratory statement ~~interpretation~~ on the State Fire Marshal's website and in the Florida Administrative Register Weekly.

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

633.214 ~~633.052~~ Ordinances relating to firesafety; definitions; penalties.

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Has 5 years of experience as a special state firesafety inspector but has failed the examination taken as provided in paragraph ~~(2)(a)~~ ~~(2)(f)~~,
must take an additional 80 hours of the courses described in paragraph ~~(2)(b)~~ ~~(2)(g)~~.

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

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

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

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

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

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

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

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

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

(c) Falsification of records relating to the certificate.

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

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

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

~~(e)~~(g) Making or filing a report or record that the certificateholder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or

knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.

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

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

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

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

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

Section 28. Section 633.085, Florida Statutes, is transferred and renumbered as section 633.218, Florida Statutes, paragraph (a) of subsection (1) and subsections (2) through (5) of that section are amended, and paragraphs (e) and (f) are added to subsection (1) of that section, to read:

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

(1)(a) It is the duty of the State Fire Marshal and her or his agents to inspect, or cause to be inspected, each state-owned building on a recurring basis established by rule, and to ensure that high-hazard occupancies are inspected at least annually, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or endanger life from fire and any violation of the firesafety standards for state-owned buildings, ~~the provisions of this chapter, or the rules or regulations adopted and promulgated pursuant hereto~~. The State Fire Marshal shall, within 7 days following an

inspection, submit a report of such inspection to the head of the department of state agency government responsible for the building.

(e) For purposes of this section:

1.a. The term “high-hazard occupancy” means any building or structure:

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

(II) At which persons receive educational instruction;

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

(IV) Containing three or more floor levels.

b. As used in this subparagraph, the phrase “building or structure”:

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

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

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

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

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

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

(a) For all new construction or renovation, alteration, or change of occupancy of state-leased space, compliance with the uniform firesafety standards shall be determined by reviewing the plans for the proposed construction or occupancy submitted by the lessor to the division of ~~State Fire~~

Marshal for review and approval before ~~prior to~~ commencement of construction or occupancy, which review shall be completed within 10 working days after receipt of the plans by the division of ~~State Fire Marshal~~.

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

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

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

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

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

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

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

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

(1) It is unlawful for a ~~any~~ person to engage in the business or act in the capacity of a contractor of automatic fire sprinkler systems for one-family dwellings, two-family dwellings, and mobile homes without having been duly

certified and holding a current certificate as a Contractor I, Contractor II, or Contractor IV as defined in s. 633.102 ~~633.021~~.

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

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

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

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

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

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

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

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

Section 33. The Division of Law Revision and Information is directed to create part III of chapter 633, Florida Statutes, consisting of sections 633.302, 633.304, 633.306, 633.308, 633.312, 633.314, 633.316, 633.318, 633.322, 633.324, 633.326, 633.328, 633.332, 633.334, 633.336, 633.338,

633.342, 633.344, 633.346, 633.348, and 633.3482, Florida Statutes, to be entitled “Fire Protection and Suppression.”

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

633.302 633.511 Florida Fire Safety Board; membership; duties; meetings; officers; quorum; compensation; seal.—

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

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

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

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

(4) The board shall act in an advisory capacity to the State Fire Marshal and shall meet regularly as the need presents itself. The board shall have the

authority to review complaints and disputed administrative action and make recommendations for disciplinary action to the division at the request of the licenseholder, permitholder, or certificateholder. The board will serve in an advisory capacity to the division regarding rules, codes, standards, interpretations, and training. As soon as practicable after July 1, 2013, the board shall meet to elect officers from its membership, whose terms shall expire on June 30 and annually thereafter. A majority of the board shall constitute a quorum. A member of the advisory board may not be paid a salary as such member, but shall be reimbursed for necessary expenses while attending advisory board meetings, including travel in the performance of her or his duties, as provided in s. 112.061.

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

Section 35. Section 633.061, Florida Statutes, is transferred and renumbered as section 633.304, Florida Statutes, and subsections (1) through (4) and subsection (9) of that section are amended, to read:

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

(1) It is unlawful for any organization or individual to engage in the business of servicing, repairing, recharging, testing, marking, inspecting, installing, or hydrotesting any fire extinguisher or preengineered system in this state except in conformity with ~~the provisions of this chapter~~. Each organization or individual that engages in such activity must possess a valid and subsisting license issued by the division ~~State Fire Marshal~~. All fire extinguishers and preengineered systems required by statute or by rule must be serviced by an organization or individual licensed under ~~the provisions of this chapter~~. A licensee who receives appropriate training shall not be prohibited by a manufacturer from servicing any particular brand of fire extinguisher or preengineered system. The licensee is legally qualified to act for the business organization in all matters connected with its business, and the licensee must supervise all activities undertaken by such business organization. Each licensee shall maintain a specific business location. A further requirement, in the case of multiple locations where such servicing or recharging is taking place, is that each licensee who maintains more than one place of business where actual work is carried on must possess an additional license, as set forth in this section, for each location, except that a licensed individual may not qualify for more than five locations. A licensee is limited to a specific type of work performed depending upon the class of license held. Licenses and license fees are required for the following:

(a) Class A:—\$250

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

(b) Class B:—\$150

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

(c) Class C:—\$150

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

(d) Class D:—\$200

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

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

Any fire equipment dealer licensed pursuant to this subsection who does not want to engage in the business of servicing, inspecting, recharging, repairing, hydrotesting, or installing halon equipment must file an affidavit on a form provided by the division so stating. Licenses will be issued by the division to show reflect the work authorized thereunder. It is unlawful, unlicensed activity for a any person or firm to falsely hold himself or herself or a business organization out to perform any service, inspection, recharge, repair, hydrotest, or installation except as specifically described in the license. A fire equipment dealer licensed pursuant to this subsection who wishes to withdraw a previously filed halon equipment exemption affidavit and engage in the business of servicing, inspecting, recharging, repairing, hydrotesting, or installing halon equipment must submit a written statement requesting the withdrawal to the division. The dealer must also submit to an inspection by the State Fire Marshal or her or his designee in order to determine that the dealer possesses the equipment required to service, inspect, recharge, repair, hydrotest, or install halon equipment.

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

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

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

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

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

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

(4)(a) Such licenses and permits shall be issued by the ~~division~~ State Fire Marshal for 2 years beginning January 1, 2000, and each 2-year period thereafter and expiring December 31 of the second year. All licenses or permits issued will expire on December 31 of each odd-numbered year. The failure to renew a license or permit by December 31 of the second year will cause the license or permit to become inoperative. The holder of an inoperative license or permit may ~~shall~~ not engage in any activities for which a license or permit is required by this section. A license or permit which is inoperative because of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty equal to the applicable fee, if the application for renewal is filed no later than the following March 31. If the application for restoration is not made before the March 31st deadline, the fee for restoration shall be equal to the original application fee and the penalty provided for herein, and, in addition, the State Fire Marshal shall require reexamination of the applicant. The fee for a license or permit issued for 1 year or less shall be prorated at 50 percent of the applicable fee for a biennial license or permit.

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

fire equipment dealer to determine compliance with continuing education requirements.

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

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

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

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

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

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

3. The applicant has submitted to the State Fire Marshal proof of insurance providing coverage for comprehensive general liability for bodily injury and property damage, products liability, completed operations, and contractual liability. The State Fire Marshal shall adopt rules providing for the amounts of such coverage, but such amounts shall not be less than \$300,000 for Class A or Class D licenses, \$200,000 for Class B licenses, and

\$100,000 for Class C licenses; and the total coverage for any class of license held in conjunction with a Class D license may shall not be less than \$300,000. The State Fire Marshal may, at any time after the issuance of a license or its renewal, require upon demand, and in no event more than 30 days after notice of such demand, the licensee to provide proof of insurance, on a form provided by the State Fire Marshal, containing confirmation of insurance coverage as required by this chapter. Failure, for any length of time, to provide proof of insurance coverage as required shall result in the immediate suspension of the license until proof of proper insurance is provided to the State Fire Marshal. An insurer which provides such coverage shall notify the State Fire Marshal of any change in coverage or of any termination, cancellation, or nonrenewal of any coverage.

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

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

6. The applicant has passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes governing regulating the activities authorized by the license and demonstrating his or her knowledge and ability to perform those tasks in a competent, lawful, and safe manner. Such examination shall be developed and administered by the State Fire Marshal, or his or her designee in accordance with policies and procedures of the State Fire Marshal. An applicant shall pay a nonrefundable examination fee of \$50 for each examination or reexamination scheduled. A ~~No~~ reexamination may not ~~shall~~ be scheduled sooner than 30 days after any administration of an examination to an applicant. An ~~No~~ applicant may not ~~shall~~ be permitted to take an examination for any level of license more than a total of four times during 1 year, regardless of the number of applications submitted. As a prerequisite to licensure of the applicant, he or she:

- a. Must be at least 18 years of age.
- b. Must have 4 years of proven experience as a fire equipment permittee at a level equal to or greater than the level of license applied for or have a combination of education and experience determined to be equivalent thereto by the State Fire Marshal. Having held a permit at the appropriate level for the required period constitutes the required experience.

c. Must not have been convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country, or pled nolo contendere to, any felony. "Convicted" means a finding of guilt or the acceptance of a plea of guilty or nolo contendere in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case. If an applicant has been convicted of any such felony, the applicant shall be excluded from licensure for a period of 4 years after expiration of sentence or final release by the Parole Commission unless the applicant, before the expiration of the 4-year period, has received a full pardon or has had her or his civil rights restored must comply with s. 112.011(1)(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes governing regulating the activities authorized by the permit and demonstrating his or her knowledge and ability to perform those tasks in a competent, lawful, and safe manner. Such examination must shall be developed and administered by the State Fire Marshal in accordance with the policies and procedures of the State Fire Marshal. An examination fee must shall be paid for each examination scheduled. A No reexamination may not shall be scheduled sooner than 30 days after any administration of an examination to an applicant. An No applicant may not shall be permitted to take an examination for any level of permit more than four times during 1 year, regardless of the number of applications submitted. As a prerequisite to taking the permit examination, the applicant must be at least 16 years of age.

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

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

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

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

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

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

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

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

(2) All portable fire extinguishers required by statute or by rule must ~~shall~~ be listed by Underwriters Laboratories, Inc., or approved by Factory Mutual Laboratories, Inc., or listed by a nationally recognized testing laboratory in accordance with procedures adopted pursuant to s. 633.314(2) ~~633.083(2)~~, and carry an Underwriters Laboratories, Inc., or manufacturer's serial number. These listings, approvals, and serial numbers may be stamped on the manufacturer's identification and instructions plate or on a separate Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc., plate soldered or attached to the extinguisher shell in some permanent manner.

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

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

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

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

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

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

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

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

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

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

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

(1) The violation of any provision of this chapter or any rule adopted and adopted ~~promulgated~~ pursuant hereto or the failure or refusal to comply with any notice or order to correct a violation or any cease and desist order by a

any person who possesses a license or permit issued pursuant to s. ~~633.304~~ ~~633.061~~ is cause for denial, nonrenewal, revocation, or suspension of such license or permit by the State Fire Marshal after such officer has determined that the person ~~committed is guilty of~~ such violation. An order of suspension ~~must~~ shall state the period of time of such suspension, which period may not be in excess of 2 years from the date of such order. An order of revocation may be entered for a period not exceeding 5 years. Such orders shall effect suspension or revocation of all licenses or permits issued by the division to then held by the person, and during such period ~~a~~ of time ~~no~~ license or permit ~~may not~~ shall be issued by the division to such person. During the suspension or revocation of any license or permit, the former licensee or permittee ~~may~~ shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm, business, or corporation for which a license or permit under this chapter is required. If, during the period between the beginning of proceedings and the entry of an order of suspension or revocation by the State Fire Marshal, a new license or permit has been issued by the division to the person so charged, the order of suspension or revocation shall operate to suspend or revoke such new license or permit held by such person.

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

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

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

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

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

(2)(a) Examinations shall be administered by the division ~~State Fire Marshal~~ and held at times and places within the state as the division ~~State Fire Marshal~~ determines, but there shall be at least two examinations a year. Each applicant shall take and pass an objective, written examination of her or his fitness for a certificate in the class for which the application is requested. There shall be a type of examination for each class of certificate for contractors as ~~of the classes of certificates~~ defined in s. ~~633.102~~ ~~633.021~~(5).

The examination must shall test the applicant's ability to lay out, fabricate, install, alter, repair, and inspect fire protection systems and their appurtenances and must shall test the applicant's fitness in business and financial management. The test must shall be based on applicable standards of the National Fire Protection Association and on relevant Florida and federal laws pertaining to the construction industry, safety standards, administrative procedures, and pertinent technical data.

(3)

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

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

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

(8) An individual employed by a Contractor I or Contractor II certificateholder, as established in this section, who will be inspecting water-based fire protection systems as required under s. ~~633.312~~ 633.082, must be issued a permit by the division ~~State Fire Marshal~~ to conduct such work. The permit is valid solely for use by the holder thereof in his or her employment by the certificateholder named in the permit. A permittee must have a valid and subsisting permit upon his or her person at all times while engaging in inspecting fire protection systems, and a permit holder must be able to produce such a permit upon demand. In addition, a permittee shall, at all times while performing inspections, carry an identification card containing his or her photograph and other identifying information as prescribed by the State Fire Marshal, and the permittee must produce the identification card and information upon demand. The permit and the identification may be one and the same. A permittee is limited as to the specific type of work performed, depending upon the class of certificate held by the

certificateholder under whom the permittee is working. The permit class shall be known as a Water-Based Fire Protection Inspector whose permit allows the holder to inspect water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, standpipes, combination standpipes and sprinkler systems, all piping that is an integral part of the system beginning at the point where the piping is used exclusively for fire protection, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and tanks and pumps connected thereto, excluding preengineered systems.

(11) It is intended that a certificateholder, or a permitholder who is employed by a certificateholder, conduct inspections required by this chapter. It is understood that after July 1, 2008, employee turnover may result in a depletion of personnel who are certified under the NICET Sub-field of Inspection and Testing of Fire Protection Systems Level II or equivalent training and education as required by the division of State Fire Marshal. A certificateholder may obtain a provisional permit with an endorsement for inspection, testing, and maintenance of water-based fire extinguishing systems for an employee if the employee has initiated procedures for obtaining Level II certification from the National Institute for Certification in Engineering Technologies Sub-field of Inspection and Testing of Fire Protection Systems and achieved Level I certification or an equivalent level as determined by the State Fire Marshal through verification of experience, training, and examination. The division State Fire Marshal may establish rules to administer this subsection. After 2 years of provisional certification, the employee must have achieved NICET Level II certification or obtain equivalent training and education as determined by the division, or cease performing inspections requiring Level II certification. The provisional permit is valid only for the 2 calendar years after the date of issuance, may not be extended, and is not renewable. After the initial 2-year provisional permit expires, the certificateholder must wait 2 additional years before a new provisional permit may be issued. The intent is to prohibit the certificateholder from using employees who never reach NICET Level II status, or equivalent training and education as determined by the division, by continuously obtaining provisional permits.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Certificates shall expire every 2 years at midnight on June 30. ~~Effective with the June 30, 1998, renewal,~~ All certificates must be renewed every 2 years. The failure to renew a certificate ~~before during~~ June 30, shall cause the certificate to become inoperative, and it is unlawful thereafter for a ~~any~~ person to engage, offer to engage, or hold herself or himself out as engaging in contracting under the certificate unless the certificate is restored or reissued. A certificate which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee if the application for restoration is made within 90 days after June 30. If the application for restoration is not made within the 90-day period, the fee for restoration must

shall be equal to the original application fee, and, in addition, the State Fire Marshal must shall require examination or reexamination of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) ~~She or he may suspend the contractor's certificate certificateholder for a period of up to not to exceed 2 years. During that period, the contractor must cease all operations as a contractor, but the State Fire Marshal may authorize the certificateholder from all operations as a contractor during the period fixed by the State Fire Marshal, but she or he may permit the certificateholder to complete any contracts then incomplete.~~

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

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

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

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

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

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

(1) ~~If~~ When the State Fire Marshal, in the course of its activities pursuant to s. ~~633.104(2)~~ 633.01(2), determines that an alarm system contractor or a certified unlimited electrical contractor working with an alarm system has violated any provision of this chapter or the rules of the State Fire Marshal, the State Fire Marshal shall have jurisdiction, notwithstanding any other provision of this chapter, to order corrective action by the alarm system contractor or the certified unlimited electrical contractor to bring the alarm system into compliance with applicable standards set forth in this chapter and the rules of the State Fire Marshal.

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

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

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

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

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

(c) Knowingly ~~combine combining or conspire conspiring with a~~ any person by allowing one's certificate to be used by ~~an~~ any uncertified person with intent to evade ~~the provisions of this act~~. When a licensee allows his or her license to be used by one or more companies without having any active participation in the operation or management of ~~the~~ said companies, such act constitutes prima facie evidence of any intent to evade ~~the provisions of this chapter act~~.

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

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

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

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

(a) The members shall be appointed as follows:

1. Two members shall be fire chiefs appointed by the Florida Fire Chiefs Association.~~5~~

2. Two members shall be firefighters, who are not officers, appointed by the Florida Professional Firefighters Association.~~5~~

3. Two members shall be firefighter officers, who are not fire chiefs, appointed by the State Fire Marshal.~~5~~

4. One individual member appointed by the Florida League of Cities.~~5~~

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

6. One individual member appointed by the Florida Association of Special Districts.~~5~~

7. One individual member appointed by the Florida Fire Marshals' and Inspectors' Marshal's Association.~~5~~ and

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

9. One individual member appointed by the State Fire Marshal.~~5~~ and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

633.406 Classes of certification.—

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

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

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

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

(d) Forestry Certificate of Compliance.—A Forestry Certificate of Compliance may be awarded to a person who has satisfactorily complied with a training program and successfully passed an examination as prescribed by rule, and who possesses the qualifications established in s. 590.02(1)(e).

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

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

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

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

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

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

(1) The division shall establish by rule:

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

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

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

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

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

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

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

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

(b) Passes the Minimum Standards Course examination. training program established in subsection (1), who has successfully passed an examination as prescribed by the division, and

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

(5) The division shall issue a Volunteer Firefighter Certificate of Completion to any individual who satisfactorily completes the course established under paragraph (1)(b) No person may be employed as a regular or permanent firefighter by an employing agency, or by a private entity under contract with the state or any political subdivision of the state, including authorities and special districts, for a period of time in excess of 1 year from the date of initial employment until he or she has obtained such certificate of compliance. A person who does not hold a certificate of compliance and is employed under this section may not directly engage in hazardous operations, such as interior structural firefighting and hazardous materials incident mitigation, requiring the knowledge and skills taught in a training program established in subsection (1). However, a person who has served as a volunteer firefighter with the state or any political subdivision of the state, including authorities and special districts, who is then employed as a regular or permanent firefighter may function, during this period, in the same

capacity in which he or she acted as a volunteer firefighter, provided that he or she has completed all training required by the volunteer organization.

~~(3) The division may issue a certificate to any person who has received basic employment training for firefighters in another state when the division has determined that such training was at least equivalent to that required by the division for approved firefighter education and training programs in this state and when such person has satisfactorily complied with all other requirements of this section.~~

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

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

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

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

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

(7)(4) An individual A person who fails an examination given under this section may retake the examination once within 6 months after the original examination date. If the individual An applicant who does not retake the examination or fails the reexamination within such time, the individual must take the Minimum Standards Course for a Firefighter Certificate of Compliance or the course established under paragraph (1)(b) for a Special Certificate of Compliance, pursuant to subsection (1), before being reexamined. The division may grant an extension of the 6-month period based upon documented medical necessity and may establish reasonable preregistration deadlines for such reexaminations.

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

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

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

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

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

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

(b)(2) ~~Not~~ Neither have been convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country, or dishonorably discharged from any of the Armed Forces of the United States. “Convicted” means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case ~~felony or of a misdemeanor directly related to the position of employment sought, nor have pled nolo contendere to any charge of a felony. If an applicant has been convicted of a felony, such applicant must be in compliance with s. 112.011(2)(b). If an applicant has been convicted of a misdemeanor directly related to the position of employment sought, such applicant shall be excluded from employment for a period of 4 years after expiration of sentence. If the sentence is suspended or adjudication is withheld in a felony charge or in a misdemeanor directly related to the position or employment sought and a period of probation is imposed, the applicant must have been released from probation.~~

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

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

(e)(5) Be in good physical condition as determined by a medical examination given by a physician, surgeon, or physician assistant licensed to practice in the state pursuant to chapter 458; an osteopathic physician, surgeon, or physician assistant licensed to practice in the state pursuant to chapter 459; or an advanced registered nurse practitioner licensed to practice in the state pursuant to chapter 464. Such examination may include, but need not be limited to, ~~provisions of the National Fire Protection Association Standard 1582.~~ A medical examination evidencing good physical condition shall be submitted to the division, on a form as provided by rule, before an individual is eligible for admission into a course under firefighter training program as defined in s. ~~633.408~~ 633.35.

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

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

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

633.414 ~~633.352~~ Retention of firefighter certification.—

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

(a) Be Any certified firefighter who has not been active as a firefighter, or as a volunteer firefighter with an organized fire department, for a period of 3 years shall be required to retake the practical portion of the minimum standards state examination specified in rule 69A-37.056(6)(b), Florida Administrative Code, in order to maintain her or his certification as a firefighter;

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

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

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

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

(a) Be active as a volunteer firefighter; or

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

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

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

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

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

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

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

633.416 ~~633.41~~ Firefighter employment and volunteer firefighter service; saving clause.—

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

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

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

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

(3)(a) A fire service provider must make a diligent effort to determine whether the individual has a current and valid certificate before employing or retaining an individual for the services under subsection (1) or subsection (2), including making a determination of whether the requirements set forth in s. 633.414 have been fulfilled.

(b) For the purposes of this subsection, the term “diligent effort” means contacting at least three of the individual’s previous employers to obtain her or his dates of employment and contacting the division to determine the certification status of the individual.

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

1. The hiring of a firefighter.
2. The retention of a volunteer firefighter.
3. The cessation of employment of a firefighter.
4. A decision not to retain a volunteer firefighter.

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

1. The individual's name.
2. The date on which he or she was hired or retained.
3. The last date of employment or retention before leaving the fire service provider.
4. Any other information deemed necessary by the division to determine compliance with ss. 633.414 and 633.426.

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

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

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

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

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

633.418 633.38 Inservice training and promotion; participation.—

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

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

~~(2) A fire service provider departments or any fire service participating under the provisions of this section shall adhere to the standards and procedures established by the division.~~

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

633.422 633.382 Firefighters; supplemental compensation.—

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

~~(a) “Employing agency” means any municipality or any county, the state, or any political subdivision of the state, including authorities and special districts employing firefighters.~~

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

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

~~(a) In addition to the compensation now paid by a fire service provider an employing agency to any firefighter, every firefighter shall be paid supplemental compensation by the fire service provider employing agency when such firefighter is a full-time employee, as determined by the employing fire service provider, and has complied with one of the following criteria:~~

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

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

~~(b) If Whenever~~ any question arises as to the eligibility of any firefighter to receive supplemental compensation as provided in this section, the question, together with all facts relating thereto, must shall be submitted to the division for determination, and the decision of the division with regard

to determination of eligibility shall be final, subject to the ~~provisions of~~ chapter 120.

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

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

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

~~(3)(4)~~ FUNDING.—

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

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

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

1. Any deficit in the total required annual distribution shall be made up from accrued surplus funds existing in the Firefighters' Supplemental Compensation Trust Fund on June 30, 1990, for as long as such funds last. If the accrued surplus is insufficient to cure the deficit in any given year, the proration of the appropriation among the counties, municipalities, and special fire service taxing districts shall equal the ratio of compensation paid in the prior year to county, municipal, and special fire service taxing district firefighters pursuant to this section. This ratio shall be provided annually to the Department of Revenue by the division of State Fire Marshal. Surplus funds that have accrued or accrue on or after July 1, 1990, shall be

redistributed to municipalities and special fire control districts as provided in subparagraph 2.

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

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

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

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

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

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

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

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

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

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

(a) “Certificate” means any of the certificates issued under s. 633.406.

(b) “Certification” or “certified” means the act of holding a current and valid certificate.

(c) “Convicted” means a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

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

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

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

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

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

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

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

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

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

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

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

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

(5) After investigation, if the division has reason to believe that an individual who is certified may have been convicted of a felony or of a misdemeanor related to perjury or false statement in this state or any other state or jurisdiction, the division may require the individual to submit fingerprints to the division with a current processing fee. The fingerprints shall be forwarded by the division to the Department of Law Enforcement for

state processing and shall be forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.

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

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

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

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

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

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

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

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

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

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

~~(6)(5)~~ To disseminate useful information on fires, firefighting and fire prevention and other related subjects, to fire departments and others interested in such information.

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

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

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

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

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

633.436 ~~633.461~~ Use of Insurance Regulatory Trust Fund.—The funds received from the Insurance Regulatory Trust Fund shall be used by the staff of the Florida State Fire College to provide all necessary services, training, equipment, and supplies to carry out the college's responsibilities, including, but not limited to, ~~the State Fire Marshal Scholarship Grant Program and~~ the procurement of training resources and films, videotapes, audiovisual ~~equipment,~~ and other useful information on fire, firefighting, and fire prevention, including public fire service information packages.

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

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

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

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

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

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

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

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

(c) Prepare the legislative budget request for the Florida State Fire College education program. The superintendent is responsible for all expenditures pursuant to appropriations.

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

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

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

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

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

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

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

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

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

Section 77. Section 633.802, Florida Statutes, is transferred and renumbered as section 633.504, Florida Statutes, and subsections (1), (2), and (4) of that section are amended, to read:

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

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

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

(4) “Firefighter place of employment” or “place of employment” means the physical location at which the firefighter employee is employed or deployed.

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

~~633.506~~ 633.803 Legislative intent.—It is the intent of the Legislature to enhance firefighter occupational safety and health in the state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter employee occupational diseases, and firefighter employee fatalities compensable under chapter 440 or otherwise. The Legislature further intends that the division develop a means by which the division can identify individual firefighter employers with a high frequency or severity of work-related injuries, conduct safety inspections of those firefighter employers,

and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs. In addition, it is the intent of the Legislature that the division administer and enforce this part ~~the provisions of ss. 633.801-633.821~~; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards set forth in this part ~~ss. 633.801-633.821~~.

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

633.508 633.821 Workplace safety; rulemaking authority; division authority.—

(2) The division shall have the authority to adopt rules for the purpose of ensuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, by assisting and encouraging firefighter employers to maintain safe working conditions, and by providing for education and training in the field of safety. Specifically, the division may by rule adopt the most current edition of all or any part of subparts C through T and subpart Z of 29 C.F.R. s. 1910, ~~as revised April 8, 1998; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); the National Fire Protection Association, Inc., Publication 1403, Standard on Live Fire Training Evolutions (latest edition), as limited by subsection (6); and ANSI A 10.4-1990.~~

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

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

(b) ~~If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional 6 months within which to implement such provision. Such county, municipality, or special district shall notify the division that the 6-month extension to implement such provision is in effect in such county, municipality, or special district within 30 days after its decision to extend the time for the additional 6 months. The decision to extend the time for implementation shall be made prior to April 1, 2002.~~

(c) ~~If, after the extension granted in paragraph (b), the county, municipality, or special district, after having worked with and cooperated fully with~~

~~the division and the Firefighters Employment, Standards, and Training Council, is still unable to implement such provisions without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4). However, each year thereafter the division shall review each such county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds. If the division determines that any county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds, the division shall require such county, municipality, or special district to implement such provision. Such requirement by the division under this paragraph constitutes final agency action subject to chapter 120.~~

(5) The division may adopt any rule necessary to implement, interpret, and make specific the provisions of this section, provided the division may not adopt by rule any other standard or standards of the Occupational Safety and Health Administration or the National Fire Protection Association relating solely to this part ss. 633.801-633.821 and firefighter employment safety without specific legislative authority.

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

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

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

2. Sections of the most current edition of the National Fire Protection Association, Inc., Publication 1403, Standard on Live Fire Training Evolutions, excluding, however:

a. Any chapter entitled “Referenced Publications.”

b. References to the National Fire Protection Association, Inc., Publication 1975, Station Uniform.

c. Provisions of the National Fire Protection Association, Inc., Publication 1001, not adopted under rule 69A-37 ~~or any references to such publication in the National Fire Protection Association, Inc., Publication 1975.~~

d. Any reference to an authority having jurisdiction in the National Fire Protection Association, Inc., Publication 1403, defined as the organization,

office, or individual responsible for approving equipment, materials, installations, and procedures.

3. A 40-hour training program for live fire training instructors, including:

a. Live fire instructional techniques.

b. Training safety in acquired or permanent facilities or props.

c. Personnel safety.

d. Exterior props, including, but not limited to, liquid petroleum gas, other liquid fuels, and similar props.

~~(e) The rules, excluding those pertaining to live fire training instructor certification, shall take effect no later than January 1, 2006.~~

~~(c)(d)~~ Each live fire training instructor is required to be a state certified fire safety instructor. All live fire training commenced on and after January 1, 2007, must be conducted by a certified live fire training instructor.

~~(d)(e)~~ This subsection does not apply to wildland or prescribed live fire training exercises sanctioned by the Florida Forest Service of the Department of Agriculture and Consumer Services or the National Wildfire Coordinating Group.

(7) The division shall:

(a) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents and injuries in every firefighter employee place of employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such firefighter places of employment or at any emergency fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighter employees engaged in interior firefighting, and the prevention of occupational diseases.

(b) Ascertain, fix, and order such reasonable standards and rules for the construction, repair, and maintenance of firefighter employee places of employment so as to render them safe. Such rules and standards shall be adopted in accordance with chapter 120.

(c) Adopt rules prescribing recordkeeping responsibilities for firefighter employers, which may include maintaining a log and summary of occupational injuries, diseases, and illnesses, for producing on request a notice of injury and firefighter employee accident investigation records, and prescribing a retention schedule for such records.

Section 80. Section 633.817, Florida Statutes, is transferred, renumbered as section 633.512, Florida Statutes, and amended to read:

633.512 ~~633.817~~ Compliance.—Failure of a firefighter employer or an insurer to comply with this part ss. 633.801-633.821, or with any rules adopted under this part ss. 633.801-633.821, constitutes grounds for the division to seek remedies, including injunctive relief, by making appropriate filings with the circuit court.

Section 81. Section 633.805, Florida Statutes, is transferred and renumbered as section 633.516, Florida Statutes.

Section 82. Section 633.806, Florida Statutes, is transferred, renumbered as section 633.518, Florida Statutes, and amended to read:

633.518 ~~633.806~~ Studies, investigations, inspections, or inquiries by the division; refusal to admit; penalty.—

(1) The division shall make studies, and investigations, inspections, or inquiries with respect to compliance with this part or any rules authorized under this part safety provisions and the causes of firefighter employee injuries, illnesses, safety-based complaints, or Line of Duty Deaths (LODD) as defined in rule in firefighter employee places of employment and shall make such recommendations to the Legislature and firefighter employers and insurers as the division considers proper as to prevent or reduce future occurrences the best means of preventing firefighter injuries. In making such studies, and investigations, inspections, or inquiries, the division may cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any place of firefighter employment covered by this part ss. 633.801-633.821 or any agency or department of the state engaged in enforcing any law to ensure safety for firefighter employees.

(2) The division by rule may adopt procedures for conducting investigations, inspections, or inquiries of firefighter employers under this part ss. 633.801-633.821.

(3) The division and authorized representatives of the division may enter and inspect any firefighter employee's place of employment at any reasonable time for the purpose of investigating compliance with this part and conducting inspections for the proper enforcement of this part. A firefighter employer who refuses to admit any member of the division or authorized representative of the division to any place of employment or to allow investigation and inspection pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 83. Section 633.807, Florida Statutes, is transferred, renumbered as section 633.520, Florida Statutes, and amended to read:

633.520 ~~633.807~~ Safety; firefighter employer responsibilities.—Every firefighter employer shall furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing

reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms “safe” and “safety,” as applied to any employment or place of firefighter employment, mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section do ~~shall~~ not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

Section 84. Section 633.809, Florida Statutes, is transferred, renumbered as section 633.522, Florida Statutes, and amended to read:

~~633.522 633.809~~ Firefighter employers; ~~whose firefighter employees have a high frequency of work-related injuries; corrective plans; workplace safety committees and coordinators; failure to implement a safety and health program; cancellation.~~—

(1) The division shall develop a means to by which the division may identify individual firefighter employers with ~~whose firefighter employees have a high frequency or severity of firefighter employee work-related injuries. The division shall carry out safety inspections of the facilities and operations of those firefighter employers in order to assist them in reducing the frequency and severity of work-related injuries. The division shall develop safety and health programs for those firefighter employers. Insurers shall distribute such safety and health programs to the firefighter employers so identified by the division. Those firefighter employers identified by the division as having a high frequency or severity of work-related injuries shall implement a safety and health program developed by the division. The division shall~~ conduct ~~carry out~~ safety inspections of those firefighter employers so identified to ensure compliance with this part or the division’s rules and make recommendations based upon current the safety and health practices program and to assist such firefighter employers in reducing the number of work-related injuries. The division may not assess penalties as a result of such inspections, ~~except as provided by s. 633.813.~~ Copies of any report made as the result of such an inspection shall be provided to the firefighter employer and its insurer. Firefighter employers shall ~~may~~ submit a plan for the correction of any noncompliance issues ~~their own safety and health programs~~ to the division for approval in accordance with division rule ~~lieu of using the safety and health program developed by the division.~~ The division shall promptly review the plan ~~program~~ submitted and approve or disapprove the plan ~~program~~ within 60 days or such plan ~~program~~ shall be deemed approved. Upon approval by the division, the plan ~~program~~ shall be implemented by the firefighter employer. If the plan ~~program~~ is not submitted, does not provide corrective actions for all deficiencies, is not complete, or is not implemented, the fire service provider shall be subject to s. 633.526 ~~approved or if a program is not submitted, the firefighter employer shall implement the program developed by the division. The division shall~~

adopt rules setting forth the criteria for safety and health programs, as such rules relate to this section.

(2) In order to promote health and safety in firefighter employee places of employment in this state:

(a) Each firefighter employer of 20 or more firefighter employees shall establish and administer a workplace safety committee in accordance with rules adopted under this section.

(b) Each firefighter employer of fewer than 20 firefighter employees with a high frequency or high severity of work-related injuries, as identified by the division, shall establish and administer a workplace safety committee or designate a workplace safety coordinator who shall establish and administer workplace safety activities in accordance with rules adopted under this section.

(3) The division shall adopt rules:

(a) Prescribing the membership of the workplace safety committees so as to ensure an equal number of firefighter employee representatives who are volunteers or are elected by their peers and firefighter employer representatives, and specifying the frequency of meetings.

(b) Requiring firefighter employers to make adequate records of each meeting and to file and to maintain the records subject to inspection by the division.

(c) Prescribing the duties and functions of the workplace safety committee and workplace safety coordinator which include, but are not limited to:

1. Establishing procedures for workplace safety inspections by the committee.

2. Establishing procedures for investigating all workplace accidents, safety-related incidents, illnesses, and deaths.

3. Evaluating accident prevention and illness prevention programs.

4. Prescribing guidelines for the training of safety committee members.

(4) The composition, selection, and function of workplace safety committees shall be a mandatory topic of negotiations with any certified collective bargaining agent for firefighter employers that operate under a collective bargaining agreement. Firefighter employers that operate under a collective bargaining agreement that contains provisions governing the formation and operation of workplace safety committees that meet or exceed the minimum requirements contained in this section, or firefighter employers who otherwise have existing workplace safety committees that meet or exceed the minimum requirements established by this section, are in compliance with this section.

(5) Firefighter employees shall be compensated their regular hourly wage while engaged in workplace safety committee or workplace safety coordinator training, meetings, or other duties prescribed under this section.

(6) If a firefighter employer fails to implement a corrective plan, the insurer or self-insurer's fund that is providing coverage for the firefighter employer may cancel the contract for insurance with the firefighter employer. In the alternative, the insurer or fund may terminate any discount or deviation granted to the firefighter employer for the remainder of the term of the policy. If the contract is canceled or the discount or deviation is terminated, the insurer must make such reports as are required by law.

Section 85. Section 633.811, Florida Statutes, is transferred, renumbered as section 633.526, Florida Statutes, and amended to read:

633.526 633.811 Firefighter employer penalties.—If any firefighter employer violates or fails or refuses to comply with this part ss. 633.801-633.821, or with any rule adopted by the division under such sections in accordance with chapter 120 for the prevention of injuries, accidents, or occupational diseases or with any lawful order of the division in connection with this part ss. 633.801-633.821, or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by division rule under this part ss. 633.801-633.821 for the prevention of accidents or occupational diseases, the division may:

(1) Issue an administrative cease and desist order, enforceable in the circuit court in the jurisdiction where the violation is occurring or has occurred.

(2) Assess an administrative fine against a firefighter employer of not less than \$100 or more than \$1,000 for each violation and each day a violation is committed.

(3) Assess against the firefighter employer a civil penalty of not less than \$100 nor more than \$5,000 for each day the violation, omission, failure, or refusal continues after the firefighter employer has been given written notice of such violation, omission, failure, or refusal. The total penalty for each violation shall not exceed \$50,000. The division shall adopt rules requiring penalties commensurate with the frequency or severity of safety violations. Hearings requested under this section shall be conducted in Tallahassee. A hearing shall be held in the county in which the violation, omission, failure, or refusal is alleged to have occurred, unless otherwise agreed to by the firefighter employer and authorized by the division. All penalties assessed and collected under this section shall be deposited in the Insurance Regulatory Trust Fund.

Section 86. Section 633.812, Florida Statutes, is transferred and renumbered as section 633.528, Florida Statutes, and subsections (2) and (3) of that section are amended, to read:

633.528 ~~633.812~~ Division cooperation with Federal Government; exemption from requirements for private firefighter employers.—

(2) ~~Except as provided in this section, A private firefighter employer is not subject to the requirements set forth in part IV and this part of the division if the private firefighter employer meets the requirements of this part and:~~

(a) The private firefighter employer is subject to the federal regulations in 29 C.F.R. ss. 1910 and 1926.

(b) The private firefighter employer has adopted and implemented a written safety program that conforms to the requirements of 29 C.F.R. ss. 1910 and 1926.

~~(c) A private firefighter employer with 20 or more full-time firefighter employees shall include provisions for a safety committee in the safety program. The safety committee shall include firefighter employee representation and shall meet at least once each calendar quarter. The private firefighter employer shall make adequate records of each meeting and maintain the records subject to inspections under subsection (3). The safety committee shall, if appropriate, make recommendations regarding improvements to the safety program and corrections of hazards affecting workplace safety.~~

~~(c)(d)~~ The private firefighter employer provides the division with a written statement that certifies compliance with this subsection.

(3) The division may enter at any reasonable time any place of private firefighter employment for the purpose of verifying the accuracy of the written certification. If the division determines that the private firefighter employer has not complied with the requirements of subsection (2), the private firefighter employer shall be subject to the rules of the division until the private firefighter employer complies with subsection (2), which must be verified by a reinspection by and recertifies that fact to the division.

Section 87. Section 633.816, Florida Statutes, is transferred, renumbered as section 633.532, Florida Statutes, and amended to read:

633.532 ~~633.816~~ Firefighter employee rights and responsibilities.—

(1) Each firefighter employee of a firefighter employer covered under this part ss. 633.801-633.821 shall comply with rules adopted by the division and with reasonable workplace safety and health standards, rules, policies, procedures, and work practices established by the firefighter employer and the workplace safety committee. A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

(2) A firefighter employer may not discharge, threaten to discharge, cause to be discharged, intimidate, coerce, otherwise discipline, or in any

manner discriminate against a firefighter employee for any of the following reasons:

(a) The firefighter employee has testified or is about to testify, on her or his own behalf or on behalf of others, in any proceeding instituted under this part ss. 633.801-633.821;

(b) The firefighter employee has exercised any other right given afforded under this part ss. 633.801-633.821; or

(c) The firefighter employee is engaged in activities relating to the workplace safety committee.

(3) No Pay, a position, seniority, or any other benefit may not be lost for exercising any right under, or for seeking compliance with any requirement of, this part ss. 633.801-633.821.

Section 88. Section 633.818, Florida Statutes, is transferred, renumbered as section 633.534, Florida Statutes, and amended to read:

633.534 633.818 False, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations to insurers.—

(1) A firefighter employer who knowingly and willfully falsifies or conceals a material fact, who makes a false, fictitious, or fraudulent statement or representation, or who makes or uses any false document knowing the document to contain any false, fictitious, or fraudulent entry or statement to an insurer of workers' compensation insurance under this part ss. 633.801-633.821 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person may not, in any matter within the jurisdiction of the division, knowingly and willfully falsify or conceal a material fact; make any false, fictitious, or fraudulent statement or representation; or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The statute of limitations for prosecution of an act committed in violation of this section is 5 years after the date the act was committed or, if not discovered within 30 days after the act was committed, 5 years after the date the act was discovered.

Section 89. Section 633.814, Florida Statutes, is transferred, renumbered as section 633.536, Florida Statutes, and amended to read:

633.536 633.814 Expenses of administration.—The amounts that are needed to administer this part ss. 633.801-633.821 shall be disbursed from the Insurance Regulatory Trust Fund.

Section 90. Paragraph (b) of subsection (2) of section 112.011, Florida Statutes, is amended to read:

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

(2)

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

Section 91. Paragraph (i) of subsection (2) of section 112.191, Florida Statutes, is amended, and paragraphs (a), (b), and (c) of subsection (2) of that section are reenacted, to read:

112.191 Firefighters; death benefits.—

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

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

(c) If a firefighter, while engaged in the performance of his or her firefighter duties, is unlawfully and intentionally killed, is injured by an unlawful and intentional act of another person and dies as a result of such injury, dies as a result of a fire which has been determined to have been caused by an act of arson, or subsequently dies as a result of injuries sustained therefrom, the sum of \$150,000, as adjusted pursuant to paragraph (i), shall be paid as provided in this section. Notwithstanding any other provision of law, the amount payable under this subsection may not be less than the actual amount stated therein.

(i) Any payments made pursuant to paragraph (a), paragraph (b), or paragraph (c) shall consist of the statutory amount adjusted to show reflect price level changes in the Consumer Price Index for All Urban Consumers

published by the United States Department of Labor since July 1, 2002 the effective date of the act. The Division of State Fire Marshal, using the most recent month for which Consumer Price Index data is available, shall, on June 15 of each year, calculate and publish on the division's internet website the amount resulting from the adjustments to ~~by rule adjust the statutory amounts amount based on the Consumer Price Index for All Urban Consumers published by the United States Department of Labor. The adjusted statutory amounts~~ Adjustment shall be effective on made July 1 of each year using the most recent month for which data are available at the time of the adjustment.

Section 92. Subsection (4) of section 120.541, Florida Statutes, as amended by section 1 of chapter 2011-222, 2011 Laws of Florida, is amended to read:

120.541 Statement of estimated regulatory costs.—

(4) Subsection (3) does not apply to the adoption of:

(a) Federal standards pursuant to s. 120.54(6).

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.202 ~~s. 633.0215~~.

Section 93. Paragraph (c) of subsection (6) of section 196.081, Florida Statutes, as amended by section 2 of chapter 2012-54, Laws of Florida, and section 19 of chapter 2012-193, Laws of Florida, is amended to read:

196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans exemption for surviving spouses of first responders who die in the line of duty.—

(6) Any real estate that is owned and used as a homestead by the surviving spouse of a first responder who died in the line of duty while employed by the state or any political subdivision of the state, including authorities and special districts, and for whom a letter from the state or appropriate political subdivision of the state, or other authority or special district, has been issued which legally recognizes and certifies that the first responder died in the line of duty while employed as a first responder is exempt from taxation if the first responder and his or her surviving spouse were permanent residents of this state on January 1 of the year in which the first responder died.

(c) As used in this subsection only, and not applicable to the payment of benefits under s. 112.19 or s. 112.191, the term:

1. "First responder" means a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.102 ~~s. 633.30~~,

or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer.

2. "In the line of duty" means:
 - a. While engaging in law enforcement;
 - b. While performing an activity relating to fire suppression and prevention;
 - c. While responding to a hazardous material emergency;
 - d. While performing rescue activity;
 - e. While providing emergency medical services;
 - f. While performing disaster relief activity;
 - g. While otherwise engaging in emergency response activity; or
 - h. While engaging in a training exercise related to any of the events or activities enumerated in this subparagraph if the training has been authorized by the employing entity.

A heart attack or stroke that causes death or causes an injury resulting in death must occur within 24 hours after an event or activity enumerated in this subparagraph and must be directly and proximately caused by the event or activity in order to be considered as having occurred in the line of duty.

Section 94. Section 633.024, Florida Statutes, is repealed.

Section 95. Section 633.0245, Florida Statutes, is repealed.

Section 96. Section 633.03, Florida Statutes, is repealed.

Section 97. Section 633.0421, Florida Statutes, is repealed.

Section 98. Section 633.13, Florida Statutes, is repealed.

Section 99. Section 633.167, Florida Statutes, is repealed.

Section 100. Section 633.18, Florida Statutes, is repealed.

Section 101. Section 633.30, Florida Statutes, is repealed.

Section 102. Section 633.32, Florida Statutes, is repealed.

Section 103. Section 633.33, Florida Statutes, is repealed.

Section 104. Section 633.37, Florida Statutes, is repealed.

Section 105. Section 633.445, Florida Statutes, is repealed.

Section 106. Section 633.514, Florida Statutes, is repealed.

Section 107. Section 633.517, Florida Statutes, is repealed.

Section 108. Section 633.524, Florida Statutes, is repealed.

Section 109. Section 633.804, Florida Statutes, is repealed.

Section 110. Section 633.808, Florida Statutes, is repealed.

Section 111. Section 633.810, Florida Statutes, is repealed.

Section 112. Section 633.813, Florida Statutes, is repealed.

Section 113. Section 633.815, Florida Statutes, is repealed.

Section 114. Section 633.819, Florida Statutes, is repealed.

Section 115. Section 633.820, Florida Statutes, is repealed.

Section 116. Subsection (1) of section 112.1815, Florida Statutes, is amended to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(1) The term “first responder” as used in this section means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.102 ~~633.30~~, or an emergency medical technician or paramedic as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 117. Paragraph (b) of subsection (1) of section 112.191, Florida Statutes, is amended to read:

112.191 Firefighters; death benefits.—

(1) Whenever used in this act:

(b) The term “firefighter” means any full-time duly employed uniformed firefighter employed by an employer, whose primary duty is the prevention and extinguishing of fires, the protection of life and property therefrom, the enforcement of municipal, county, and state fire prevention codes, as well as the enforcement of any law pertaining to the prevention and control of fires, who is certified pursuant to s. ~~633.408~~ 633.35, and who is a member of a duly constituted fire department of such employer or who is a volunteer firefighter.

Section 118. Subsection (1) of section 112.81, Florida Statutes, is amended to read:

112.81 Definitions.—As used in this part:

(1) “Firefighter” means a ~~any~~ person who is certified in compliance with s. ~~633.408~~ 633.35 and who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.

Section 119. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term “telephone numbers” includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of active or former sworn or civilian law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1).

b. The home addresses, telephone numbers, dates of birth, and photographs of firefighters certified in compliance with s. ~~633.408~~ 633.35; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1).

c. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and

children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1).

d. The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer provides a written statement that the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer has made reasonable efforts to protect such information from being accessible through other means available to the public.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home

addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such defenders or counsel; and the names and locations of schools and day care facilities attended by the children of such defenders or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the investigator or inspector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open

Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

1. The home addresses and telephone numbers of county tax collectors; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the county tax collector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

5. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 120. Subsection (17) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(17) STATE FIRE MARSHAL.—Section 120.541(3) does not apply to the adoption of amendments and the triennial update to the Florida Fire Prevention Code expressly authorized by s. 633.202 ~~633.0215~~.

Section 121. Subsection (3) and paragraph (a) of subsection (6) of section 121.0515, Florida Statutes, are amended to read:

121.0515 Special Risk Class.—

(3) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) Effective October 1, 1978, the member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs are excluded

from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or as of July 1, 1982, the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included;

(b) Effective October 1, 1978, the member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.408 ~~633.35~~ and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires; as of October 1, 2001, fire prevention or firefighter training; as of October 1, 2001, direct supervision of firefighting units, fire prevention, or firefighter training; or as of July 1, 2001, aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Florida Forest Service of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included. All periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, are included;

(c) Effective October 1, 1978, the member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or as of July 1, 1984, the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included; however, wardens and assistant wardens, as defined by rule, are included;

(d) Effective October 1, 1999, the member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or as of October 1, 2001, direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members

who have such responsibility. Administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, are not included;

(e) Effective January 1, 2001, the member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, are not included; however, probation and parole circuit and deputy circuit administrators are included;

(f) Effective January 1, 2001, the member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204);
2. Public health nutrition consultant (class code 5224);
3. Psychological specialist (class codes 5230 and 5231);
4. Psychologist (class code 5234);
5. Senior psychologist (class codes 5237 and 5238);
6. Regional mental health consultant (class code 5240);
7. Psychological Services Director—DCF (class code 5242);
8. Pharmacist (class codes 5245 and 5246);
9. Senior pharmacist (class codes 5248 and 5249);
10. Dentist (class code 5266);
11. Senior dentist (class code 5269);
12. Registered nurse (class codes 5290 and 5291);
13. Senior registered nurse (class codes 5292 and 5293);
14. Registered nurse specialist (class codes 5294 and 5295);
15. Clinical associate (class codes 5298 and 5299);

16. Advanced registered nurse practitioner (class codes 5297 and 5300);
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305);
18. Registered nurse supervisor (class codes 5306 and 5307);
19. Senior registered nurse supervisor (class codes 5308 and 5309);
20. Registered nursing consultant (class codes 5312 and 5313);
21. Quality management program supervisor (class code 5314);
22. Executive nursing director (class codes 5320 and 5321);
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251);

(g) Effective July 1, 2001, the member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community;

(h) Effective October 1, 2005, through June 30, 2008, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline recognized by the International Association for Identification and must qualify for active membership in the International Association for Identification. The member's primary duties and responsibilities must include the collection, examination, preservation, documentation, preparation, or analysis of physical evidence or testimony, or both, or the member must be the direct supervisor, quality management supervisor, or command officer of one or more individuals with such responsibility. Administrative support personnel, including, but not limited to, those whose primary responsibilities are clerical or in accounting, purchasing, legal, and personnel, are not included;

(i) Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshal in the forensic laboratory in one of the following classes:

1. Forensic technologist (class code 8459);
2. Crime laboratory technician (class code 8461);
3. Crime laboratory analyst (class code 8463);
4. Senior crime laboratory analyst (class code 8464);
5. Crime laboratory analyst supervisor (class code 8466);

6. Forensic chief (class code 9602); or
7. Forensic services quality manager (class code 9603);

(j) Effective July 1, 2008, the member must be employed by a local government law enforcement agency or medical examiner's office and must spend at least 65 percent of his or her time performing duties that involve the collection, examination, preservation, documentation, preparation, or analysis of human tissues or fluids or physical evidence having potential biological, chemical, or radiological hazard or contamination, or use chemicals, processes, or materials that may have carcinogenic or health-damaging properties in the analysis of such evidence, or the member must be the direct supervisor of one or more individuals having such responsibility. If a special risk member changes to another position within the same agency, he or she must submit a complete application as provided in paragraph (4)(a); or

(k) The member must have already qualified for and be actively participating in special risk membership under paragraph (a), paragraph (b), or paragraph (c), must have suffered a qualifying injury as defined in this paragraph, must not be receiving disability retirement benefits as provided in s. 121.091(4), and must satisfy the requirements of this paragraph.

1. The ability to qualify for the class of membership defined in paragraph (2)(i) occurs when two licensed medical physicians, one of whom is a primary treating physician of the member, certify the existence of the physical injury and medical condition that constitute a qualifying injury as defined in this paragraph and that the member has reached maximum medical improvement after August 1, 2008. The certifications from the licensed medical physicians must include, at a minimum, that the injury to the special risk member has resulted in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg; and:

a. That this physical loss or loss of use is total and permanent, ~~except if in the event that~~ the loss of use is due to a physical injury to the member's brain, in which event the loss of use is permanent with at least 75 percent loss of motor function with respect to each arm or leg affected.

b. That this physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her special risk position.

c. That, notwithstanding this physical loss or loss of use, the individual can ~~is able to~~ perform the essential job functions required by the member's new position, as provided in subparagraph 3.

d. That use of artificial limbs is ~~either~~ not possible or does not alter the member's ability to perform the essential job functions of the member's position.

e. That the physical loss or loss of use is a direct result of a physical injury and not a result of any mental, psychological, or emotional injury.

2. For the purposes of this paragraph, “qualifying injury” means an injury sustained in the line of duty, as certified by the member’s employing agency, by a special risk member that does not result in total and permanent disability as defined in s. 121.091(4)(b). An injury is a qualifying injury if the injury is a physical injury to the member’s physical body resulting in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg. Notwithstanding any other provision of this section, an injury that would otherwise qualify as a qualifying injury is not considered a qualifying injury if and when the member ceases employment with the employer for whom he or she was providing special risk services on the date the injury occurred.

3. The new position, as described in sub-subparagraph 1.c., that is required for qualification as a special risk member under this paragraph is not required to be a position with essential job functions that entitle an individual to special risk membership. Whether a new position as described in sub-subparagraph 1.c. exists and is available to the special risk member is a decision to be made solely by the employer in accordance with its hiring practices and applicable law.

4. This paragraph does not grant or create additional rights for any individual to continued employment or to be hired or rehired by his or her employer that are not already provided within the Florida Statutes, the State Constitution, the Americans with Disabilities Act, if applicable, or any other applicable state or federal law.

(6) CREDIT FOR PAST SERVICE.—A special risk member may purchase retirement credit in the Special Risk Class based upon past service, and may upgrade retirement credit for such past service, to the extent of 2 percent of the member’s average monthly compensation as specified in s. 121.091(1)(a) for such service as follows:

(a) The member may purchase special risk credit for past service with a municipality or special district which has elected to join the Florida Retirement System, or with a participating agency to which a member’s governmental unit was transferred, merged, or consolidated as provided in s. 121.081(1)(f), if the member was employed with the municipality or special district when ~~at the time~~ it commenced participating in the Florida Retirement System or with the governmental unit at the time of its transfer, merger, or consolidation with the participating agency. The service must satisfy the criteria set forth in subsection (3) for Special Risk Class membership as a law enforcement officer, firefighter, or correctional officer; however, a certificate or waiver of certificate of compliance with s. 943.1395 or s. 633.408 ~~633.35~~ is not required for such service.

Section 122. Paragraph (d) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. ~~633.206~~ 633.022 and 633.208 ~~633.025~~, and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.202 ~~633.0215~~.

Section 123. Subsection (2) of section 125.01045, Florida Statutes, is amended to read:

125.01045 Prohibition of fees for first responder services.—

(2) As used in this section, the term “first responder” means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.102 ~~633.30~~, or an emergency medical technician or paramedic as defined in s. 401.23 who is employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 124. Subsection (1) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(1) The board of county commissioners of each of the several counties of the state ~~may~~ is authorized to enforce the Florida Building Code and the Florida Fire Prevention Code, as provided in ss. 553.80, ~~633.206~~ 633.022, and ~~633.208~~ 633.025, and, at its discretion, ~~to~~ adopt local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c) and local technical amendments to the Florida Fire Prevention Code, pursuant to s. 633.202 ~~633.0215~~, to provide for the safe construction, erection, alteration, repair, securing, and demolition of any building within its territory outside the corporate limits of any municipality. Upon a determination to consider amending the Florida Building Code or the Florida Fire Prevention Code by a majority of the members of the board of county commissioners of such county, the board shall call a public hearing and comply with the public notice requirements of s. 125.66(2). The board shall hear all interested parties at the public hearing and may then amend the building code or the fire code consistent with the terms and purposes of this act. Upon adoption, an amendment to the code shall be in full force and effect throughout the unincorporated area of such county until otherwise notified by the Florida Building Commission pursuant to s. 553.73 or the State Fire Marshal pursuant to s. 633.202 ~~633.0215~~. Nothing herein contained shall be

construed to prevent the board of county commissioners from repealing such amendment to the building code or the fire code at any regular meeting of such board.

Section 125. Subsection (2) of section 166.0446, Florida Statutes, is amended to read:

166.0446 Prohibition of fees for first responder services.—

(2) As used in this section, the term “first responder” means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. ~~633.102~~ 633.30, or an emergency medical technician or paramedic as defined in s. 401.23 who is employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 126. Paragraph (a) of subsection (8) of section 175.032, Florida Statutes, is amended to read:

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the following words and phrases have the following meanings:

(8)(a) “Firefighter” means a ~~any~~ person employed solely by a constituted fire department of any municipality or special fire control district who is certified as a firefighter as a condition of employment in accordance with s. ~~633.408~~ 633.35 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters. However, for purposes of this chapter only, the term also includes public safety officers who are responsible for performing both police and fire services, who are certified as police officers or firefighters, and who are certified by their employers to the Chief Financial Officer as participating in this chapter before October 1, 1979. Effective October 1, 1979, public safety officers who have not been certified as participating in this chapter are considered police officers for retirement purposes and are eligible to participate in chapter 185. Any plan may provide that the fire chief has an option to participate, or not, in that plan.

Section 127. Subsection (3) of section 175.121, Florida Statutes, is amended to read:

175.121 Department of Revenue and Division of Retirement to keep accounts of deposits; disbursements.—For any municipality or special fire control district having a chapter or local law plan established pursuant to this chapter:

(3)(a) All moneys not distributed to municipalities and special fire control districts under this section as a result of the limitation on disbursement contained in s. 175.122, or as a result of any municipality or special fire control district not having qualified in any given year, or portion thereof, shall be transferred to the Firefighters' Supplemental Compensation Trust Fund administered by the Department of Revenue, as provided in s. 633.422 ~~633.382~~.

(b)1. Moneys transferred under paragraph (a) but not needed to support the supplemental compensation program in a given year shall be redistributed pro rata to those participating municipalities and special fire control districts that transfer any portion of their funds to support the supplemental compensation program in that year. Such additional moneys shall be used to cover or offset costs of the retirement plan.

2. To assist the Department of Revenue, the division shall identify those municipalities and special fire control districts that are eligible for redistribution as provided in s. 633.422(3)(c)2, ~~633.382(4)(c)2~~, by listing the municipalities and special fire control districts from which funds were transferred under paragraph (a) and specifying the amount transferred by each.

Section 128. Paragraph (e) of subsection (1) of section 218.23, Florida Statutes, is amended to read:

218.23 Revenue sharing with units of local government.—

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

(e) Certified that persons in its employ as firefighters, as defined in s. 633.102 ~~633.30(1)~~, meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.408 ~~633.34~~ and 633.412 ~~633.35~~ and that the provisions of s. 633.422 ~~has~~ 633.382 have been met.

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

Section 129. Paragraph (a) of subsection (3) of section 252.515, Florida Statutes, is amended to read:

252.515 Postdisaster Relief Assistance Act; immunity from civil liability.

(3) As used in this section, the term:

(a) “Emergency first responder” means:

1. A physician licensed under chapter 458.
2. An osteopathic physician licensed under chapter 459.
3. A chiropractic physician licensed under chapter 460.
4. A podiatric physician licensed under chapter 461.
5. A dentist licensed under chapter 466.
6. An advanced registered nurse practitioner certified under s. 464.012.
7. A physician assistant licensed under s. 458.347 or s. 459.022.
8. A worker employed by a public or private hospital in the state.
9. A paramedic as defined in s. 401.23(17).
10. An emergency medical technician as defined in s. 401.23(11).
11. A firefighter as defined in s. 633.102 ~~633.30~~.
12. A law enforcement officer as defined in s. 943.10.
13. A member of the Florida National Guard.
14. Any other personnel designated as emergency personnel by the Governor pursuant to a declared emergency.

Section 130. Section 255.45, Florida Statutes, is amended to read:

255.45 Correction of firesafety violations in certain state-owned property.—The Department of Management Services is responsible for ensuring that firesafety violations that are noted by the State Fire Marshal pursuant to s. 633.218 ~~633.085~~ are corrected as soon as practicable for all state-owned property which is leased from the Department of Management Services.

Section 131. Subsection (4) of section 258.0145, Florida Statutes, is amended to read:

258.0145 Military state park fee discounts.—The Division of Recreation and Parks shall provide the following discounts on park fees to persons who present written documentation satisfactory to the division which evidences their eligibility for the discounts:

(4) The surviving spouse and parents of a law enforcement officer, as defined in s. 943.10(1), or a firefighter, as defined in s. 633.102 ~~633.30(1)~~, who has died in the line of duty shall receive lifetime family annual entrance passes at no charge.

Section 132. Subsection (1) of section 281.02, Florida Statutes, is amended to read:

281.02 Powers and duties of the Department of Management Services with respect to firesafety and security.—The Department of Management Services has the following powers and duties with respect to firesafety and security:

(1) To assist the State Fire Marshal in maintaining the firesafety of public buildings pursuant to s. ~~633.218~~ 633.085.

Section 133. Subsection (1) of section 384.287, Florida Statutes, is amended to read:

384.287 Screening for sexually transmissible disease.—

(1) An officer as defined in s. 943.10(14); support personnel as defined in s. 943.10(11) who are employed by the Department of Law Enforcement, including, but not limited to, any crime scene analyst, forensic technologist, or crime lab analyst; firefighter as defined in s. ~~633.102~~ 633.30; or ambulance driver, paramedic, or emergency medical technician as defined in s. 401.23, acting within the scope of employment, who comes into contact with a person in such a way that significant exposure, as defined in s. 381.004, has occurred may request that the person be screened for a sexually transmissible disease that can be transmitted through a significant exposure.

Section 134. Paragraph (a) of subsection (1) of section 395.0163, Florida Statutes, is amended to read:

395.0163 Construction inspections; plan submission and approval; fees.

(1)(a) The design, construction, erection, alteration, modification, repair, and demolition of all public and private health care facilities are governed by the Florida Building Code and the Florida Fire Prevention Code under ss. 553.73 and ~~633.206~~ 633.022. In addition to the requirements of ss. 553.79 and 553.80, the agency shall review facility plans and survey the construction of any facility licensed under this chapter. The agency shall make, or cause to be made, such construction inspections and investigations as it deems necessary. The agency may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agency for preliminary inspection and approval or recommendation with respect to compliance with applicable provisions of the Florida Building Code or agency rules and standards. The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the fee for review of plans as required in subsection (2). The agency may be granted one 15-day extension for the review period if the director of the agency approves the extension. If the agency fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the agency disapproves plans

and specifications, it shall set forth in writing the reasons for its disapproval. Conferences and consultations may be provided as necessary.

Section 135. Section 400.232, Florida Statutes, is amended to read:

400.232 Review and approval of plans; fees and costs.—The design, construction, erection, alteration, modification, repair, and demolition of all public and private health care facilities are governed by the Florida Building Code and the Florida Fire Prevention Code under ss. 553.73 and 633.206 ~~633.022~~. In addition to the requirements of ss. 553.79 and 553.80, the agency shall review the facility plans and survey the construction of facilities licensed under this chapter.

(1) The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the final plans and specifications. The agency may be granted one 15-day extension for the review period, if the director of the agency so approves. If the agency fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it shall set forth in writing the reasons for disapproval. Conferences and consultations may be provided as necessary.

(2) The agency may ~~is authorized to~~ charge an initial fee of \$2,000 for review of plans and construction on all projects, no part of which is refundable. The agency may also collect a fee, not to exceed 1 percent of the estimated construction cost or the actual cost of review, whichever is less, for the portion of the review which encompasses initial review through the initial revised construction document review. The agency is further authorized to collect its actual costs on all subsequent portions of the review and construction inspections. Initial fee payment shall accompany the initial submission of plans and specifications. Any subsequent payment that is due is payable upon receipt of the invoice from the agency. Notwithstanding any other ~~provisions of law to the contrary~~, all money received by the agency pursuant to ~~the provisions of this section~~ shall be deemed to be trust funds, to be held and applied solely for the operations required under this section.

Section 136. Section 400.915, Florida Statutes, is amended to read:

400.915 Construction and renovation; requirements.—The requirements for the construction or renovation of a PPEC center shall comply with:

(1) The provisions of chapter 553, which pertain to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for the physically disabled;

(2) Section 633.206 ~~The provisions of s. 633.022~~ and applicable rules pertaining to physical standards for nonresidential child care facilities; and

(3) The standards or rules adopted pursuant to this part and part II of chapter 408.

Section 137. Paragraph (a) of subsection (1) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(a) The requirements for and maintenance of facilities, not in conflict with ~~the provisions of~~ chapter 553, relating to plumbing, heating, cooling, lighting, ventilation, living space, and other housing conditions, which will ensure the health, safety, and comfort of residents and protection from fire hazard, including adequate provisions for fire alarm and other fire protection suitable to the size of the structure. Uniform firesafety standards shall be established and enforced by the State Fire Marshal in cooperation with the agency, the department, and the Department of Health.

1. Evacuation capability determination.—

a. ~~The provisions of the~~ National Fire Protection Association, NFPA 101A, Chapter 5, 1995 edition, shall be used for determining the ability of the residents, with or without staff assistance, to relocate from or within a licensed facility to a point of safety as provided in the fire codes adopted herein. An evacuation capability evaluation for initial licensure shall be conducted within 6 months after the date of licensure. For existing licensed facilities that are not equipped with an automatic fire sprinkler system, the administrator shall evaluate the evacuation capability of residents at least annually. The evacuation capability evaluation for each facility not equipped with an automatic fire sprinkler system shall be validated, without liability, by the State Fire Marshal, by the local fire marshal, or by the local authority having jurisdiction over firesafety, before the license renewal date. If the State Fire Marshal, local fire marshal, or local authority having jurisdiction over firesafety has reason to believe that the evacuation capability of a facility as reported by the administrator may have changed, it may, with assistance from the facility administrator, reevaluate the evacuation capability through timed exiting drills. Translation of timed fire exiting drills to evacuation capability may be determined:

- (I) Three minutes or less: prompt.
- (II) More than 3 minutes, but not more than 13 minutes: slow.
- (III) More than 13 minutes: impractical.

b. The Office of the State Fire Marshal shall provide or cause the provision of training and education on the proper application of Chapter 5, NFPA 101A, 1995 edition, to its employees, to staff of the Agency for Health Care Administration who are responsible for regulating facilities under this part, and to local governmental inspectors. The Office of the State Fire Marshal shall provide or cause the provision of this training within its existing budget, but may charge a fee for this training to offset its costs. The initial training must be delivered within 6 months after July 1, 1995, and as needed thereafter.

c. The Office of the State Fire Marshal, in cooperation with provider associations, shall provide or cause the provision of a training program designed to inform facility operators on how to properly review bid documents relating to the installation of automatic fire sprinklers. The Office of the State Fire Marshal shall provide or cause the provision of this training within its existing budget, but may charge a fee for this training to offset its costs. The initial training must be delivered within 6 months after July 1, 1995, and as needed thereafter.

d. The administrator of a licensed facility shall sign an affidavit verifying the number of residents occupying the facility at the time of the evacuation capability evaluation.

2. Firesafety requirements.—

a. Except for the special applications provided herein, effective January 1, 1996, the ~~provisions of the~~ National Fire Protection Association, Life Safety Code, NFPA 101, 1994 edition, Chapter 22 for new facilities and Chapter 23 for existing facilities shall be the uniform fire code applied by the State Fire Marshal for assisted living facilities, pursuant to s. ~~633.206~~ 633.022.

b. Any new facility, regardless of size, that applies for a license on or after January 1, 1996, must be equipped with an automatic fire sprinkler system. The exceptions as provided in s. 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply to any new facility housing eight or fewer residents. On July 1, 1995, local governmental entities responsible for the issuance of permits for construction shall inform, without liability, any facility whose permit for construction is obtained before ~~prior to~~ January 1, 1996, of this automatic fire sprinkler requirement. As used in this part, the term “a new facility” does not mean an existing facility that has undergone change of ownership.

c. Notwithstanding any provision of s. ~~633.206~~ 633.022 or of the National Fire Protection Association, NFPA 101A, Chapter 5, 1995 edition, to the

contrary, any existing facility housing eight or fewer residents is not required to install an automatic fire sprinkler system, nor to comply with any other requirement in Chapter 23, NFPA 101, 1994 edition, that exceeds the firesafety requirements of NFPA 101, 1988 edition, that applies to this size facility, unless the facility has been classified as impractical to evacuate. Any existing facility housing eight or fewer residents that is classified as impractical to evacuate must install an automatic fire sprinkler system within the timeframes granted in this section.

d. Any existing facility that is required to install an automatic fire sprinkler system under this paragraph need not meet other firesafety requirements of Chapter 23, NFPA 101, 1994 edition, which exceed the provisions of NFPA 101, 1988 edition. The mandate contained in this paragraph which requires certain facilities to install an automatic fire sprinkler system supersedes any other requirement.

e. This paragraph does not supersede the exceptions granted in NFPA 101, 1988 edition or 1994 edition.

f. This paragraph does not exempt facilities from other firesafety provisions adopted under s. 633.206 ~~633.022~~ and local building code requirements in effect before July 1, 1995.

g. A local government may charge fees only in an amount not to exceed the actual expenses incurred by local government relating to the installation and maintenance of an automatic fire sprinkler system in an existing and properly licensed assisted living facility structure as of January 1, 1996.

h. If a licensed facility undergoes major reconstruction or addition to an existing building on or after January 1, 1996, the entire building must be equipped with an automatic fire sprinkler system. Major reconstruction of a building means repair or restoration that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before reconstruction. Multiple reconstruction projects within a 5-year period the total costs of which exceed 50 percent of the initial value of the building when ~~at the time~~ the first reconstruction project was permitted are to be considered as major reconstruction. Application for a permit for an automatic fire sprinkler system is required upon application for a permit for a reconstruction project that creates costs that go over the 50-percent threshold.

i. Any facility licensed before January 1, 1996, that is required to install an automatic fire sprinkler system shall ensure that the installation is completed within the following timeframes based upon evacuation capability of the facility as determined under subparagraph 1.:

- (I) Impractical evacuation capability, 24 months.
- (II) Slow evacuation capability, 48 months.
- (III) Prompt evacuation capability, 60 months.

The beginning date from which the deadline for the automatic fire sprinkler installation requirement must be calculated is upon receipt of written notice from the local fire official that an automatic fire sprinkler system must be installed. The local fire official shall send a copy of the document indicating the requirement of a fire sprinkler system to the Agency for Health Care Administration.

j. It is recognized that the installation of an automatic fire sprinkler system may create financial hardship for some facilities. The appropriate local fire official shall, without liability, grant two 1-year extensions to the timeframes for installation established herein, if an automatic fire sprinkler installation cost estimate and proof of denial from two financial institutions for a construction loan to install the automatic fire sprinkler system are submitted. However, for any facility with a class I or class II, or a history of uncorrected class III, firesafety deficiencies, an extension must not be granted. The local fire official shall send a copy of the document granting the time extension to the Agency for Health Care Administration.

k. A facility owner whose facility is required to be equipped with an automatic fire sprinkler system under Chapter 23, NFPA 101, 1994 edition, as adopted herein, must disclose to any potential buyer of the facility that an installation of an automatic fire sprinkler requirement exists. The sale of the facility does not alter the timeframe for the installation of the automatic fire sprinkler system.

l. Existing facilities required to install an automatic fire sprinkler system as a result of construction-type restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted herein, or evacuation capability requirements shall be notified by the local fire official in writing of the automatic fire sprinkler requirement, as well as the appropriate date for final compliance as provided in this subparagraph. The local fire official shall send a copy of the document to the Agency for Health Care Administration.

m. Except in cases of life-threatening fire hazards, if an existing facility experiences a change in the evacuation capability, or if the local authority having jurisdiction identifies a construction-type restriction, such that an automatic fire sprinkler system is required, it shall be given ~~afforded~~ time for installation as provided in this subparagraph.

Facilities that are fully sprinkled and in compliance with other firesafety standards are not required to conduct more than one of the required fire drills between the hours of 11 p.m. and 7 a.m., per year. In lieu of the remaining drills, staff responsible for residents during such hours may be required to participate in a mock drill that includes a review of evacuation procedures. Such standards must be included or referenced in the rules adopted by the State Fire Marshal. Pursuant to s. 633.206(1)(b) ~~633.022(1)(b)~~, the State Fire Marshal is the final administrative authority for firesafety standards established and enforced pursuant to this section. All licensed facilities must have an annual fire inspection conducted by the local fire marshal or authority having jurisdiction.

3. Resident elopement requirements.—Facilities are required to conduct a minimum of two resident elopement prevention and response drills per year. All administrators and direct care staff must participate in the drills which shall include a review of procedures to address resident elopement. Facilities must document the implementation of the drills and ensure that the drills are conducted in a manner consistent with the facility's resident elopement policies and procedures.

Section 138. Subsection (1) of section 429.44, Florida Statutes, is amended to read:

429.44 Construction and renovation; requirements.—

(1) The requirements for the construction and renovation of a facility shall comply with ~~the provisions of chapter 553 which~~ pertains ~~pertain~~ to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for persons with disabilities, and the state minimum building code and with ~~the provisions of s. 633.206~~ 633.022, which pertains ~~pertain~~ to uniform firesafety standards.

Section 139. Subsection (2) of section 429.73, Florida Statutes, is amended to read:

429.73 Rules and standards relating to adult family-care homes.—

(2) The department shall by rule provide minimum standards and procedures for emergencies. Pursuant to s. ~~633.206~~ 633.022, the State Fire Marshal, in consultation with the department and the agency, shall adopt uniform firesafety standards for adult family-care homes.

Section 140. Subsection (4) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(4) “Managerial employees” are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs and to whom one or more of the following applies:

1. They formulate or assist in formulating policies which are applicable to bargaining unit employees.

2. They may reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations.

3. They have a role in the administration of agreements resulting from collective bargaining negotiations.

4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.
 6. They are included in the definition of administrative personnel contained in s. 1012.01(3).
 7. They have a significant role in the preparation or administration of budgets for any public agency or institution or subdivision thereof.
- (b) Serve as police chiefs, fire chiefs, or directors of public safety of any police, fire, or public safety department. Other police officers, as defined in s. 943.10(1), and firefighters, as defined in s. 633.102 ~~633.30(1)~~, may be determined by the commission to be managerial employees of such departments. In making such determinations, the commission shall consider, in addition to the criteria established in paragraph (a), the paramilitary organizational structure of the department involved.

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

Section 141. Subsection (1) of section 468.602, Florida Statutes, is amended to read:

468.602 Exemptions.—This part does not apply to:

(1) Persons who possess a valid certificate, issued pursuant to s. 633.216 ~~633.081~~, for conducting firesafety inspections, when conducting firesafety inspections.

Section 142. Paragraph (c) of subsection (2) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate as issued by the board, or a fire safety inspector license issued pursuant to chapter 633, has a minimum of 5 years' verifiable full-time experience in inspection or plan review, and satisfactorily completes a building code inspector or plans examiner training program of not less than 200 hours in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs; or

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. ~~633.216~~ ~~633-081(2)~~, or construction. The approved training portion of this requirement shall include proof of satisfactory completion of a training program of not less than 300 hours which is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with not less than 20 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program.

Section 143. Subsection (22) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(22) A person licensed pursuant to s. ~~633.304(1)(d)~~ ~~633-061(1)(d)~~ or (3)(b) performing work authorized by such license.

Section 144. Paragraph (n) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than

50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(n) “Underground utility and excavation contractor” means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install piping that is an integral part of a fire protection system as defined in s. 633.102 ~~633.021~~ beginning at the point where the piping is used exclusively for such system.

Section 145. Subsection (9) of section 496.404, Florida Statutes, is amended to read:

496.404 Definitions.—As used in ss. 496.401-496.424:

(9) “Emergency service employee” means any employee who is a fire-fighter, as defined in s. 633.102 ~~633.30~~, or ambulance driver, emergency medical technician, or paramedic, as defined in s. 401.23.

Section 146. Paragraph (a) of subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the

nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206 ~~633.022~~.

Section 147. Section 513.05, Florida Statutes, is amended to read:

513.05 Rules.—The department may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks, lodging parks, recreational vehicle parks, and recreational camps, except as provided in s. 633.206 ~~633.022~~, as necessary to administer this chapter. Such rules may include definitions of terms; requirements for plan reviews of proposed and existing parks and camps; plan reviews of parks that consolidate space or change space size; water supply; sewage collection and disposal; plumbing and backflow prevention; garbage and refuse storage, collection, and disposal; insect and rodent control; space requirements; heating facilities; food service; lighting; sanitary facilities; bedding; an occupancy equivalency to spaces for permits for recreational camps; sanitary facilities in recreational vehicle parks; and the owners' responsibilities at recreational vehicle parks and recreational camps.

Section 148. Paragraph (d) of subsection (1) and paragraph (f) of subsection (11) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(1)

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 ~~633.022~~ and 633.208 ~~633.025~~ shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(11)

(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person ~~all persons~~ but do ~~shall~~ not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 ~~633.01~~ and 633.228 ~~633.161~~. Decisions of general application

shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

Section 149. Paragraph (e) of subsection (1) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(e) Participate with the Florida Fire Code Advisory Council created under s. ~~633.204~~ 633.72, to provide assistance and recommendations relating to firesafety code interpretations. The administrative staff of the commission shall attend meetings of the Florida Fire Code Advisory Council and coordinate efforts to provide consistency between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code.

Section 150. Subsections (2) and (12) of section 553.79, Florida Statutes, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(2) Except as provided in subsection (6), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant. In addition, an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. ~~633.216~~ 633.081 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply

appropriate approved drawings to local building and firesafety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the provisions of the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(12) One-family and two-family detached residential dwelling units are not subject to plan review by the local fire official as described in this section or inspection by the local fire official as described in s. ~~633.216~~ ~~633.081~~, unless expressly made subject to the said plan review or inspection by local ordinance.

Section 151. Paragraph (d) of subsection (1) of section 590.02, Florida Statutes, is amended to read:

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

(1) The Florida Forest Service has the following powers, authority, and duties:

(d) To appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service's discretion, be certified as forestry firefighters pursuant to s. ~~633.408(8)~~ ~~633.35(4)~~. Other provisions of law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations shall have Selected Exempt Service status in the state personnel designation;

Section 152. Section 627.4107, Florida Statutes, is amended to read:

627.4107 Government employees exposed to toxic drug chemicals; cancellation of life or health policy or certificate prohibited.—No life or health insurer may cancel or nonrenew a life or health insurance policy or certificate of insurance providing coverage to a state or local law enforcement officer as defined in s. 943.10, firefighter as defined in s. ~~633.102~~ ~~633.30~~, emergency medical technician as defined in s. 401.23, or paramedic as defined in s. 401.23, a volunteer firefighter as defined in s. 633.102 engaged by state or local government, a law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee solely based on the fact that the individual has been exposed to toxic chemicals or suffered injury or disease as a result of the individual's lawful duties arising out of the commission of a violation of chapter 893 by another person. This section does not apply to a ~~any~~ person who commits an

offense under chapter 893. This section does not prohibit an insurer from canceling or nonrenewing an insurance policy or certificate, as permitted under the applicable state insurance code, based on an act or practice of the policyholder or certificateholder that constitutes fraud or intentional misrepresentation of material fact by the policyholder or certificateholder.

Section 153. Subsection (10) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(10) If a person violates any provision of this chapter and the violation results in a serious injury to a state or local law enforcement officer as defined in s. 943.10, firefighter as defined in s. 633.102 ~~633.30~~, emergency medical technician as defined in s. 401.23, paramedic as defined in s. 401.23, employee of a public utility or an electric utility as defined in s. 366.02, animal control officer as defined in s. 828.27, volunteer firefighter engaged by state or local government, law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee injured during the course and scope of his or her employment, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the injury sustained results in death or great bodily harm, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 154. Paragraph (g) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(2)

(g) It is lawful under ss. 934.03-934.09 for an employee of:

1. An ambulance service licensed pursuant to s. 401.25, a fire station employing firefighters as defined by s. 633.102 ~~633.30~~, a public utility, a law enforcement agency as defined by s. 934.02(10), or any other entity with published emergency telephone numbers;

2. An agency operating an emergency telephone number “911” system established pursuant to s. 365.171; or

3. The central abuse hotline operated pursuant to s. 39.201

to intercept and record incoming wire communications; however, such employee may intercept and record incoming wire communications on designated “911” telephone numbers and published nonemergency telephone numbers staffed by trained dispatchers at public safety answering points only. It is also lawful for such employee to intercept and record outgoing wire communications to the numbers from which such incoming wire

communications were placed when necessary to obtain information required to provide the emergency services being requested. For the purpose of this paragraph, the term “public utility” has the same meaning as provided in s. 366.02 and includes a person, partnership, association, or corporation now or hereafter owning or operating equipment or facilities in the state for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

Section 155. Paragraph (b) of subsection (4) of section 943.61, Florida Statutes, is amended to read:

943.61 Powers and duties of the Capitol Police.—

(4) The Capitol Police shall have the following responsibilities, powers, and duties:

(b) To provide and maintain the security of all property located in the Capitol Complex in a manner consistent with the security plans developed and approved under paragraph (a) and, in consultation with the State Fire Marshal, to provide for evacuations, information, and training required for firesafety on such property in a manner consistent with s. 633.218 ~~633.085~~.

Section 156. Paragraph (b) of subsection (18) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(18) FACILITIES.—

(b) A charter school shall use ~~utilize~~ facilities that comply with the Florida Fire Prevention Code, pursuant to s. 633.208 ~~633.025~~, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

Section 157. Subsection (9) of section 1002.34, Florida Statutes, is amended to read:

1002.34 Charter technical career centers.—

(9) FACILITIES.—A center may be located in any suitable location, including part of an existing public school or Florida College System institution building, space provided on a public worksite, or a public building. A center’s facilities must comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37, or with applicable state minimum building codes pursuant to chapter 553, and state minimum fire protection codes pursuant to s. 633.208 ~~633.025~~, adopted by the authority in whose jurisdiction the facility is located. If K-12 public school funds are used for construction, the facility must remain on the local school district’s Florida Inventory of School Houses (FISH) school building inventory of the district school board and must revert to the district school board if the consortium dissolves and the program is discontinued. If Florida

College System institution public school funds are used for construction, the facility must remain on the local Florida College System institution's facilities inventory and must revert to the local Florida College System institution board of trustees if the consortium dissolves and the program is discontinued. The additional student capacity created by the addition of the center to the local school district's FISH may not be calculated in the permanent student capacity for the purpose of determining need or eligibility for state capital outlay funds while the facility is used as a center. If the construction of the center is funded jointly by K-12 public school funds and Florida College System institution funds, the sponsoring entities must agree, before granting the charter, on the appropriate owner and terms of transfer of the facility if the charter is dissolved.

Section 158. Subsection (1), paragraph (c) of subsection (2), and paragraphs (a) and (c) of subsection (6) of section 1013.12, Florida Statutes, are amended to read:

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.—

(1) **FIRESAFETY.**—The State Board of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of State Requirements for Educational Facilities or the Florida Building Code for educational facilities construction as provided in s. 1013.37, except that the State Fire Marshal in consultation with the Department of Education shall adopt uniform fire-safety standards for educational and ancillary plants and educational facilities, as provided in s. 633.206(1)(b) ~~633.022(1)(b)~~, and a firesafety evaluation system to be used as an alternate firesafety inspection standard for existing educational and ancillary plants and educational facilities. The uniform firesafety standards and the alternate firesafety evaluation system shall be administered and enforced by fire officials certified by the State Fire Marshal under s. 633.216 ~~633.081~~. These standards must be used by all public agencies when inspecting public educational and ancillary plants, and the firesafety standards must be used by county, municipal, or independent special fire control district inspectors when performing firesafety inspections of public educational and ancillary plants and educational facilities. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed in this section or chapter 633 and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) **PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL BOARDS.**—

(c) Under the direction of the fire official appointed by the board under s. 1013.371(2), firesafety inspections of each educational and ancillary plant

located on property owned or leased by the board, or other educational facilities operated by the board, must be made no sooner than 1 year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons certified by the Division of State Fire Marshal under s. ~~633.216~~ ~~633.081~~ to conduct firesafety inspections in public educational and ancillary plants. The board shall submit a copy of the firesafety inspection report to the county, municipality, or independent special fire control district providing fire protection services to the school facility within 10 business days after the date of the inspection. Alternate schedules for delivery of reports may be agreed upon between the school district and the county, municipality, or independent special fire control district providing fire protection services to the site in cases in which delivery is impossible due to hurricanes or other natural disasters. Regardless, if immediate life-threatening deficiencies are noted in the report, the report shall be delivered immediately. In addition, the board and any other authority conducting the fire safety inspection shall certify to the State Fire Marshal that the annual inspection has been completed. The certification shall be made electronically or by such other means as directed by the State Fire Marshal.

(6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION FACILITIES.—

(a) Firesafety inspections of public college facilities, including charter schools located on board-owned or board-leased facilities or otherwise operated by public college boards, shall be made in accordance with the Florida Fire Prevention Code, as adopted by the State Fire Marshal. Notwithstanding s. ~~633.202~~ ~~633.0215~~, provisions of the code relating to inspections of such facilities are not subject to any local amendments as provided by s. 1013.371. Each public college facility shall be inspected annually by persons certified under s. ~~633.216~~ ~~633.081~~.

(c) Firesafety inspections of state universities shall comply with the Florida Fire Prevention Code, as adopted by the State Fire Marshal under s. ~~633.202~~ ~~633.0215~~.

Section 159. Paragraphs (a), (b), and (d) of subsection (2) and paragraph (a) of subsection (4) of section 1013.38, Florida Statutes, are amended to read:

1013.38 Boards to ensure that facilities comply with building codes and life safety codes.—

(2) In addition to the submission of site plans, boards may provide compliance as follows:

(a) Boards or consortia may individually or cooperatively provide review services under the insurance risk management oversight through the use of board employees or consortia employees registered pursuant to chapter 471, chapter 481, or part XII of chapter 468 and firesafety inspectors certified under s. ~~633.216~~ ~~633.081~~.

(b) Boards may elect to review construction documents using their own employees registered pursuant to chapter 471, chapter 481, or part XII of chapter 468 and firesafety inspectors certified under s. ~~633.216~~ ~~633.081~~.

(d) Boards or consortia may contract for plan review services directly with engineers and architects registered pursuant to chapter 471 or chapter 481 and firesafety inspectors certified under s. ~~633.216~~ ~~633.081~~.

(4)(a) Before the commencement of any new construction, renovation, or remodeling, the board shall:

1. Approve or cause to be approved the construction documents and evaluate such documents for compliance with the Florida Building Code and the Florida Fire Prevention Code.

2. Ensure compliance with all applicable firesafety codes and standards by contracting with a firesafety inspector certified by the State Fire Marshal under s. ~~633.216~~ ~~633.081~~.

Section 160. Subsection (2) of section 191.009, Florida Statutes, is amended to read:

191.009 Taxes; non-ad valorem assessments; impact fees and user charges.—

(2) NON-AD VALOREM ASSESSMENTS.—

(a) A district may levy non-ad valorem assessments as defined in s. 197.3632 to construct, operate, and maintain those district facilities and services provided pursuant to the general powers listed in s. 191.006, the special powers listed in s. 191.008, any applicable general laws of local application, and a district's enabling legislation. The rate of such assessments must be fixed by resolution of the board pursuant to the procedures contained in s. 191.011. Non-ad valorem assessment rates set by the board may exceed the maximum rates established by special act, county ordinance, the previous year's resolution, or referendum in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years. Non-ad valorem assessment rate increases within the personal income threshold are deemed to be within the maximum rate authorized by law at the time of initial imposition. Proposed non-ad valorem assessment increases that which exceed the rate set the previous fiscal year or the rate previously set by special act or county ordinance, whichever is more recent, by more than the average annual growth rate in Florida personal income over the last 5 years, or the first-time levy of non-ad valorem assessments in a district, must be approved by referendum of the electors of the district. The referendum on the first-time levy of an assessment shall include a notice of the future non-ad valorem assessment rate increases permitted by this act without a referendum. Non-ad valorem assessments shall be imposed, collected, and enforced pursuant to s. 191.011.

(b)1. The non-ad valorem assessments in paragraph (a) may be used to fund emergency medical services and emergency transport services. However, if a district levies a non-ad valorem assessment for emergency medical services or emergency transport services, the district shall cease collecting ad valorem taxes under subsection (1) of this section for that particular service.

2. It is recognized that the provision of emergency medical services and emergency transport services constitutes a benefit to real property the same as any other improvement performed by a district, such as fire suppression services, fire protection services, fire prevention services, emergency rescue services, and first response medical aid.

Section 161. Subsection (1) of section 191.011, Florida Statutes, is amended to read:

191.011 Procedures for the levy and collection of non-ad valorem assessments.—

~~(1) A district may provide for the levy of non-ad valorem assessments under this act on the lands within the district for and real estate benefited by the exercise of the powers authorized by this act, or any part thereof, for all or any part of the cost thereof. Non-ad valorem assessments may be levied only on benefited real property at a rate of assessment based on the special benefit accruing to such property from such services or improvements. The district may use any assessment apportionment methodology that meets fair apportionment standards.~~

Section 162. This act shall take effect July 1, 2013.

Approved by the Governor June 14, 2013.

Filed in Office Secretary of State June 14, 2013.