

CHAPTER 633

FIRE PREVENTION AND CONTROL

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633.01 State Fire Marshal; 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 shall be in substantial conformity with generally accepted standards of firesafety; shall take into consideration the direct supervision of children in nonresidential child care facilities; and 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.

(2) Subject to the limitations of subsection (1), it is the intent of the Legislature that the State Fire Marshal shall have the responsibility to minimize the loss of life and property in this state due to fire. The State Fire Marshal shall enforce all laws and provisions of this chapter, and any rules adopted pursuant thereto, relating to:

(a) The prevention of fire and explosion through the regulation of conditions which could cause fire or explosion, the spread of fire, and panic resulting therefrom;

(b) Installation and maintenance of fire alarm systems and fire protection systems, including fire suppression systems, fire-extinguishing equipment, and fire sprinkler systems;

(c)1. Servicing, repairing, recharging, testing, marking, inspecting, installing, maintaining, and tagging of fire extinguishers, preengineered systems, and individually designed fire protection systems;

2. The training and licensing of persons engaged in the business of servicing, repairing, recharging, testing, marking, inspecting, installing, maintaining, and tagging fire extinguishers, preengineered systems, and individually designed fire protection systems;

(d) The maintenance of fire cause and loss records; and

(e) Suppression of arson and the investigation of the cause, origin, and circumstances of fire.

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

(4) It is the intent of the Legislature that the rules promulgated by the State Fire Marshal pursuant to this section be enforced in such a manner as to prohibit the displacement of currently placed mobile homes unless there is a threat of imminent danger to the health, safety, or welfare of the general public.

(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 VII 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 shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary facilities pursuant to ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any county that does not employ or appoint a local fire official, the State Fire Marshal shall assume the duties of the local fire official with respect to firesafety inspections of educational property required under s. 1013.12(2)(b), and the State Fire Marshal may take necessary corrective action as authorized under s. 1013.12(5).

History.--s. 1, ch. 20671, 1941; s. 1, ch. 65-216; s. 1, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 5, ch. 71-271; s. 3, ch. 87-287; s. 13, ch. 89-233; s. 1, ch. 90-359; s. 5, ch. 95-379; s. 207, ch. 98-200; s. 57, ch. 98-287; ss. 100, 101, ch. 2000-141; s. 2, ch. 2002-287; s. 93, ch. 2003-1; s. 1391, ch. 2003-261.

633.02 Agents; powers and duties; compensation.--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 fire marshal, who shall fix their compensation, and all orders shall be issued in the fire marshal's name and by her or his authority.

History.--s. 2, ch. 20671, 1941; s. 1, ch. 57-102; s. 19, ch. 63-400; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 421, ch. 97-102.

633.021 Definitions.--As used in this chapter:

(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.

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

(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 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.

(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 must not be construed to include fire protection engineers or architects and do not limit or prohibit a licensed fire protection engineer or architect 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, 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 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.

(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 extinguisher" 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.

(8) A "fire protection system" is a system individually designed to protect the interior or exterior of a specific building, 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, CO₂ 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.

(9) A "firesafety inspector" is an individual 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 firesafety responsibilities.

(10) "Handling" means touching, holding, taking up, moving, controlling, or otherwise affecting with the hand or by any other agency.

(11)(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.

(12) "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.

(13) "Keeping" means possessing, holding, retaining, maintaining, or having habitually in stock for sale.

(14) "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.

(15) "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.

(16) A "minimum firesafety standard" is a requirement or group of requirements adopted pursuant to s. 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.

(17) "Motor vehicle" means any device propelled by power other than muscular power in, upon, or by which any 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.

(18) "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.

(19) A "preengineered system" is a fire suppression system which:

(a) Uses any of a variety of extinguishing agents.

(b) Is designed to protect specific hazards.

(c) Must be installed according to pretested limitations and configurations specified by the manufacturer and applicable National Fire Protection Association (NFPA) standards.

(d) 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.

(e) Must be listed by a nationally recognized testing laboratory.

Preengineered systems may incorporate special nozzles, flow rates, methods of application, pressurization levels, and quantities of agents designed by the manufacturer for specific hazards.

(20) "Private carrier" means any motor vehicle, aircraft, or vessel operating intrastate in which there is identity of ownership between freight and carrier.

(21) "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.

(22) "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.

(23) A "sprinkler system" 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.

(24) "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.

(25) "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.

(26) A "uniform firesafety standard" 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. 633.022(1), and is neither weakened nor exceeded by law, rule, or ordinance of any other state agency or political subdivision or county, municipality, or special district with firesafety responsibilities.

(27) "Use" means application, employment; that enjoyment of property which consists of its employment, occupation, exercise, or practice.

History.--s. 2, ch. 65-216; s. 6, ch. 71-271; s. 2, ch. 75-240; s. 1, ch. 80-342; s. 27, ch. 82-186; s. 1, ch. 84-107; s. 1, ch. 84-143; s. 1, ch. 84-243; s. 34, ch. 86-191; s. 4, ch. 87-287; s. 2, ch. 88-209; s. 2, ch. 88-362; s. 14, ch. 89-233; s. 1, ch. 91-189; s. 43, ch. 95-210; s. 6, ch. 95-379; s. 1, ch. 98-170; s. 52, ch. 98-419; s. 44, ch. 2000-372; s. 2, ch. 2001-64; s. 22, ch. 2005-147.

633.0215 Florida Fire Prevention Code.--

(1) The State Fire Marshal shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code which shall contain or incorporate by reference all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities

and the enforcement of such firesafety laws and rules. The State Fire Marshal shall adopt a new edition of the Florida Fire Prevention Code every third year.

(2) The State Fire Marshal shall adopt the National Fire Protection Association's Standard 1, Fire Prevention Code but shall not adopt a building, mechanical, or plumbing code. The State Fire Marshal shall adopt the Life Safety Code, 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. 633.022. The State Fire Marshal shall incorporate within sections of the Florida Fire Prevention Code provisions addressing regional and local concerns and variations.

(3) No later than 180 days before the triennial adoption of the Florida Fire Prevention Code, the State Fire Marshal shall notify each municipal, county, and special district fire department of the triennial code adoption and steps necessary for local amendments to be included within the code. No later than 120 days before the triennial adoption of the Florida Fire Prevention Code, each local jurisdiction shall provide the State Fire Marshal with copies of its local fire code amendments. The State Fire Marshal has the option to process local fire code amendments that are received less than 120 days before the adoption date of the Florida Fire Prevention Code.

(a) The State Fire Marshal shall review or cause the review of local amendments to determine:

1. If the local amendment should be adopted as a statewide provision;
2. That the local amendment does not provide a lesser degree of lifesafety than the code otherwise provides; and
3. That the local amendment does not reference a different edition of the national fire codes or other national standard than the edition provided or referenced in the uniform or minimum firesafety codes adopted by the State Fire Marshal or prescribed by statute.

(b) Any local amendment to the Florida Fire Prevention Code adopted by a local government shall be effective only until the adoption of the new edition of the Florida Fire Prevention Code, which shall be every third year. At such time, the State Fire Marshal shall adopt such amendment as part of the Florida Fire Prevention Code or rescind the amendment. The State Fire Marshal shall immediately notify the respective local government of the rescission of the amendment and the reason for the rescission. After receiving such notice, the respective local government may readopt the rescinded amendment. Incorporation of local amendments as regional and local concerns and variations shall be considered as adoption of an amendment pursuant to this ¹part.

(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.

(5) The State Fire Marshal may approve technical amendments notwithstanding the 3-year update cycle of the Florida Fire Prevention Code upon finding that a threat to life exists that would warrant such action, subject to chapter 120.

(6) The Florida Fire Prevention Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements or land use requirements. Additionally, a local code enforcement agency may not administer or enforce the Florida Fire Prevention Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities. This section shall not be construed to prohibit local government from imposing built-in fire protection systems or fire-related infrastructure requirements needed to properly protect the intended facility.

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

(8) Within 30 days after a local government adopts a local amendment, the local government must transmit the amendment to the Florida Building Commission and the State Fire Marshal.

(9) The State Fire Marshal shall make rules that implement this section and ss. 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. 633.022, 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 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 fire safety amendment remains solely with the adopting local governmental authority.

(11) The design of interior stairways within dwelling units, including stair tread width and riser height, landings, handrails, and guards, must be consistent with chapter 10 of the Florida Building Code.

History.--s. 58, ch. 98-287; ss. 102, 103, ch. 2000-141; s. 43, ch. 2001-186; s. 123, ch. 2005-2; s. 23, ch. 2005-147.

¹**Note.**--Chapter 633 is not divided into parts.

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, 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.

(2)(a) With respect to the uniform firesafety standards, the department shall develop uniform statewide standards which are reasonably prudent with respect to protecting life, safety, and property and which take into consideration the characteristics of the people utilizing the subject buildings and structures and other hazards associated with the subject buildings and structures throughout the state.

(b) A local authority may not require more stringent uniform firesafety standards with respect to buildings or structures subject to such standards except as provided in paragraph (c). A local authority may, on a case-by-case basis, in order to meet special situations arising from historic, geographic, or unusual conditions, with respect to a building or structure which is subject to the uniform firesafety standards, authorize equivalent alternative standards for such building or structure; however, the alternative requirements shall not result in a level of protection to life, safety, or property less stringent than the applicable uniform firesafety standards. All such local authorities shall enforce, within their firesafety jurisdiction, the uniform firesafety standards for those buildings specified in paragraph (1)(b) and the minimum firesafety standards adopted pursuant to s. 394.879.

(c) A local authority may require more stringent uniform firesafety standards for sprinkler systems in buildings specified in paragraph (b), for which the construction contract is let after January 1, 1994, if the following conditions are met:

1. 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 for the next 5 years.
2. The local authority has adopted, by ordinance, a provision requiring proportionate reductions 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 sprinkler standards.
3. The local authority has adopted, by ordinance, a plan that requires buildings specified in paragraph (b) to be equipped with an automatic sprinkler system installed in compliance with the provisions prescribed in standards as established by the National Fire Protection Association and adopted by the State Fire Marshal.

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.

(3) In establishing the uniform firesafety standards and the minimum firesafety standards, as required by s. 394.879, the department shall consider types of construction materials and their flame spread and smoke characteristics, occupancy levels, means of egress, special hazard protection, smoke barriers, interior finish, and fire protection systems or equipment and occupancy features necessary to minimize danger to life from fire, smoke, fumes, or panic. In considering these factors, the department shall develop minimum standards which are reasonably prudent with respect to protecting life, safety, and property.

(4)(a) Notwithstanding any provision of law to the contrary, each nursing home licensed under part II of chapter 400 shall be protected by an approved, supervised automatic sprinkler system in accordance with s. 9 of National Fire Protection Association, Inc., Life Safety Code, in accordance with the following schedule:

1. Each hazardous area of each nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2008.
2. Each entire nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2010.

(b) The division may grant up to two 1-year extensions of the time limits for compliance in subparagraph (a)2. if the division determines that the nursing home has been prevented from complying for reasons beyond its control.

(c) The division is authorized to adopt any rule necessary for the implementation and enforcement of this subsection. The division shall enforce this subsection in accordance with the provisions of this chapter, and any nursing home licensed under part II of chapter 400 that is in violation of this subsection may be subject to administrative sanctions by the division pursuant to this chapter.

(d) Adjustments shall be made to the provider Medicaid rate to allow reimbursement over a 5-year period for Medicaid's portion of the costs incurred to meet the requirements of this subsection. Funding for this adjustment shall come from existing nursing home appropriations.

History.--s. 5, ch. 87-287; s. 2, ch. 90-359; s. 29, ch. 93-150; s. 2, ch. 93-276; s. 44, ch. 95-210; s. 7, ch. 95-379; s. 4, ch. 99-179; s. 3, ch. 2002-287; s. 1392, ch. 2003-261; s. 2, ch. 2005-234.

633.024 Legislative findings and intent; ensuring effective fire protection of vulnerable nursing home residents essential; retrofit of existing nursing homes expedited by limited state loan guarantee; funding through Insurance Regulatory Trust Fund.--

(1) It is the intent of the Legislature to promote the essential public purpose of ensuring effective fire protection for the safety and welfare of nursing home residents of this state who, because of their inability to protect themselves, are most vulnerable to catastrophic injury or death in the event of a fire. The Legislature finds that this purpose is served by requiring the installation of appropriate fire protection systems in all nursing home facilities in this state that do not currently have fire protection systems in operation for the protection of their residents. The Legislature finds that the high capital cost of retrofitting appropriate fire protection systems at nursing home facilities not originally designed with fire protection systems has discouraged the owners and operators of such facilities from doing so. The Legislature therefore finds that state action to provide a limited state guarantee of loans covering these capital costs will expedite the immediate installation of fire protection systems at facilities that lack such systems and thereby ensure effective protection for those nursing home populations that are now most vulnerable to the catastrophic effects of fire.

(2) Because the Insurance Regulatory Trust Fund is funded by the proceeds of fire insurance premiums written in this state, the Legislature finds that it is in the public interest for moneys held in the Insurance Regulatory Trust Fund to be used to fund the limited loan guarantee program that mobilizes private funding for the retrofitting of fire protection systems at unprotected nursing homes located in this state.

History.--s. 3, ch. 2005-234.

633.0245 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.--

(1) The State Fire Marshal, with the assistance of the Division of Treasury of the Department of Financial Services, may enter into an investment agreement concerning the investment of certain funds held in the Insurance Regulatory Trust Fund for the purpose of establishing a limited loan guarantee program to be known as the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program. The investment must be limited as follows:

(a) Not more than \$4 million of the balance in the Insurance Regulatory Trust Fund in any fiscal year may be at risk at any time for the purpose of limited loan guarantees.

(b) Such funds at risk at any time may not be used to guarantee any limited loan guarantee agreement for a period longer than 10 years.

(c) No limited loan guarantee agreement based on invested funds may be entered into after December 1, 2006.

(2) The State Fire Marshal may enter into limited loan guarantee agreements with one or more financial institutions qualified as public depositories in this state. Such agreements shall

provide a limited guarantee by the State of Florida covering no more than 50 percent of the principal sum loaned by such financial institution to an eligible nursing home, as defined in subsection (10), for the sole purpose of the initial installation at such nursing home of a fire protection system, as defined in s. 633.021(8), approved by the State Fire Marshal as being in compliance with the provisions of s. 633.022 and rules adopted thereunder.

(3) The State Fire Marshal shall solicit requests for proposals from qualified financial institutions willing to fund loans to eligible nursing homes for the installation of fire protection systems approved by the State Fire Marshal under the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program. Each request for proposal shall specify the terms and conditions under which the responding institution is prepared to make loans under the program, including, but not limited to, applicable interest rates, repayment terms, credit policies, loan fees, and proposed security interests to be executed by the borrower. After evaluation of all requests for proposals, the State Fire Marshal shall select one or more responding institutions as designated lenders under the program.

(4) The State Fire Marshal shall prescribe by rule an application form for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program to be submitted by each eligible nursing home that desires to install a fire protection system funded by a loan from a designated lender under the program. Nothing in this section shall be deemed to require an eligible nursing home to do business with a designated lender. At a minimum, the application shall require each applicant to provide the following information:

- (a) The name and address of the eligible nursing home.
- (b) The name and address of the owner of the nursing home or, if the owner is a partnership, the name and address of the general partner.
- (c) The lessee of the nursing home premises, if any.
- (d) A complete description of the structure or structures where the fire protection system is to be installed, including age, physical dimensions, overall square footage, a real extent of proposed coverage areas, and other relevant information concerning the premises.
- (e) Bed capacity of the nursing home, including beds eligible for Medicare or Medicaid reimbursement.
- (f) A statement regarding the availability to the applicant of third-party reimbursement for installation of the fire protection system.
- (g) The location of closest water mains and fire hydrants, if any.
- (h) Complete sealed drawings showing the fire protection system to be installed.
- (i) Cost documentation, with a separate breakdown of cost for labor and materials.
- (j) Verification of the application by the applicant.

(5) The State Fire Marshal shall evaluate each application submitted under this section to determine whether the proposed fire protection system is feasible for installation as proposed and complies with all applicable firesafety code provisions. An application may not be approved without a positive determination by the State Fire Marshal under this subsection. If the State Fire Marshal is able to determine that the proposed fire protection system is feasible

and complies with applicable firesafety codes, the application shall be approved for submission to one or more lenders for funding. If the application is insufficient, the State Fire Marshal shall notify the applicant in writing and identify areas of deficiency that must be corrected in order for the application to be approved.

(6) As soon as practicable after approval, each approved application shall be submitted by the State Fire Marshal to one or more designated lenders for funding. Upon request of a designated lender, an approved applicant shall provide the lender with documentation of its credit history and financial status. If, after review of the applicant's documentation, a lender refuses to fund the application, the lender shall promptly notify the applicant and the State Fire Marshal in writing of any reasons for its action. If the lender agrees to fund the application, the lender shall notify the applicant and the State Fire Marshal and schedule a closing date for the loan.

(7) At closing, the applicant shall execute appropriate documents necessary to provide the lender and the State Fire Marshal with a security interest in the property where the fire protection system is to be installed. The State Fire Marshal shall then execute a limited loan guarantee in favor of the lender guaranteeing no more than 50 percent of the face value of the loan.

(8) A designated lender covered by a limited state guarantee for a loan under this section is not entitled to file a claim for loss pursuant to the guarantee unless all reasonable and normal remedies available and customary for lending institutions for resolving problems of loan repayments are exhausted. If the lender has received collateral security in connection with the loan, the lender must first exhaust all available remedies against the collateral security.

(9) No application for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program may be accepted by the State Fire Marshal after June 30, 2006.

(10) For purposes of this section, "eligible nursing home" means a nursing home facility that provides nursing services as defined in chapter 464, is licensed under part II of chapter 400, and is certified by the Agency for Health Care Administration to lack an installed fire protection system as defined in s. 633.021(8).

(11) The State Fire Marshal may adopt any rules necessary to implement the provisions of this section.

History.--s. 4, ch. 2005-234.

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 shall not apply to buildings and structures subject to the uniform firesafety standards under s. 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.

(4) Such codes shall be minimum 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 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 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 shall not be presumed to be valid or invalid.

This subsection gives local government the authority to establish firesafety codes that exceed the 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 VII of chapter 553, when evaluating building code enforcement.

(5) The new building or structure provisions enumerated within the 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 this act. Subject to the provisions of subsection (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 prior to the effective date of this act.

(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 minimum firesafety code and that physical limitations may require disproportionate effort or expense with little increase in 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.

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

(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.

(9) The provisions of the Life Safety Code 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.

(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 (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.

History.--s. 6, ch. 87-287; s. 1, ch. 88-362; s. 8, ch. 91-110; s. 2, ch. 91-189; s. 8, ch. 95-379; s. 59, ch. 98-287; ss. 104, 105, ch. 2000-141; s. 3, ch. 2001-64; s. 1393, ch. 2003-261; s. 17, ch. 2005-147.

633.026 Informal interpretations of the Florida Fire Prevention Code.--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 nonprofit organization that has experience in interpreting and enforcing the Florida Fire Prevention Code. The Division of State Fire Marshal shall immediately implement the process prior to the completion of formal rulemaking. It is the intent of the Legislature that the Division of State Fire Marshal create a process to refer questions to a small group of individuals certified under s. 633.081(2), to which a party can pose questions regarding the interpretation of code provisions. It is the intent of the Legislature that the process provide for the expeditious resolution of the issues presented and publication of the resulting interpretation on the website of the Division of State Fire Marshal. It is the intent of the Legislature that this program be similar to the program established by the Florida Building Commission in s. 553.77(7). Such interpretations shall be advisory only and nonbinding on the parties or the State Fire Marshal. In order to administer this section, the department may adopt by rule and impose a fee for nonbinding interpretations, with payment made directly to the third party. The fee may not exceed \$150 for each request for a review or interpretation.

History.--s. 18, ch. 2005-147.

633.03 Investigation of fire; reports.--The State Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring in this state wherein property has been damaged or destroyed where there is probable cause to believe that the fire was the result of carelessness or design. Report of all such investigations shall be made on approved forms to be furnished by the fire marshal.

History.--s. 3, ch. 20671, 1941; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299.

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 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 ordinance violated.
6. The name and authority of the 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.

(c) "Ordinance" means any ordinance enacted by the governing body of a county or municipality that is a civil infraction relating to firesafety codes.

(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 is authorized to enact ordinances relating to firesafety codes, which ordinances shall provide:

- (a) That a violation of such an ordinance is a civil infraction.
- (b) A maximum civil penalty not to exceed \$500.
- (c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
- (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.
- (e) For the contesting of a citation in the county court.
- (f) Such procedures and provisions necessary to implement any ordinances enacted under the authority of this section.

(3) Any person who willfully refuses to sign and accept a citation issued by a firesafety inspector 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 shall prevent any county or municipality 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, no county or municipal ordinance relating to firesafety codes shall conflict with the provisions of this chapter or any other state law.

History.--s. 1, ch. 88-222; s. 156, ch. 91-224; s. 9, ch. 95-379; s. 422, ch. 97-102; s. 1394, ch. 2003-261; s. 95, ch. 2004-11.

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 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 reflect the work authorized thereunder. It is unlawful, unlicensed activity for 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.

(2) 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 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, hydrotesting, 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 reflect the work authorized thereunder. It is unlawful, unlicensed activity for 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.

(3)(a) Such licenses and permits shall be issued by the 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 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. Each licensee or permittee shall successfully complete a course or courses of continuing education for fire equipment technicians of at least 32 hours within 4 years of initial issuance of a license or permit and within each 4-year period thereafter or no such license or permit shall be renewed. A person who is both a licensee and a permittee shall be required to complete 32 hours of continuing education per 4-year 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.

(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 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 shall include the name of the licensee employing such permittee, and the permit issued in pursuance of such application 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.

(c) A license of any class shall not be issued or renewed by the State Fire Marshal and a license of any class 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. 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 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 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 (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 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. No reexamination shall be scheduled sooner than 30 days after any administration of an examination to an applicant. No applicant 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:

- 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, or pled nolo contendere to, any felony. If an applicant has been convicted of any such felony, the applicant must comply with s. 112.011(1)(b).

This subparagraph does not apply to any holder of or applicant for a permit under paragraph (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 upgrade the license currently held, if the licensed dealer:

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

(f) No permit of any class shall be issued or renewed to a person by the State Fire Marshal, and no permit of any class 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; and
3. Passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes 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 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 shall be paid for each examination scheduled. No reexamination shall be scheduled sooner than 30 days after any administration of an examination to an applicant. No applicant 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.

(g) 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 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 last reexamination.

(4)(a) No one that is being trained shall perform work requiring a permit unless an individual possessing a valid and current fire equipment permit for the type of work performed is physically present. The trainee must:

1. Be 18 years of age.
2. Possess on his or her person at all times a valid Florida driver's license or a valid state identification card, issued by the Department of Highway Safety and Motor Vehicles. A trainee must produce identification to the State Fire Marshal or his or her designated representative upon demand.

(b) No more than two trainees shall be under the supervision of a single trainer, who shall be directly responsible for all work performed by any trainee while under his or her supervision. No trainee shall perform any work not within the scope of the license or permit held by the fire equipment dealer or permittee directly supervising his or her work.

(5) The State Fire Marshal shall adopt rules providing for the approval of the time, place, and curriculum of each training course required by this section.

(6) Every permittee must have a valid and subsisting permit upon his or her person at all times while engaging in the servicing, recharging, repairing, testing, inspecting, or installing of fire extinguishers and preengineered systems, and every licensee or permittee must be able to produce such license or permit upon demand. In addition, every permittee shall at all times carry an identification card containing his or her photograph and other identifying information as prescribed by the State Fire Marshal or the State Fire Marshal's designee, which shall be produced on demand. The State Fire Marshal shall supply this card at a fee which shall be related to the cost of producing the card.

(7) The fees collected for any such licenses and permits and the filing fees for license and permit examination are hereby appropriated for the use of the State Fire Marshal in the administration of this chapter and shall be deposited in the Insurance Regulatory Trust Fund.

(8) The provisions of this chapter do not apply to inspections by fire chiefs, fire inspectors, fire marshals, or insurance company inspectors.

(9) All fire extinguishers and preengineered systems that are required by statute or by rule must be serviced, recharged, repaired, hydrotested, tested, inspected, and installed in compliance with this chapter and with the rules adopted by the State Fire Marshal. The State

Fire Marshal may adopt by rule the standards of the National Fire Protection Association and of other reputable national organizations.

(10) If the licensee leaves the business organization or dies, the business organization shall immediately notify the State Fire Marshal of the licensee's departure, shall return the license to the State Fire Marshal, and shall have a grace period of 60 days in which to license another person under the provisions of this chapter, failing which the business shall no longer perform those activities for which a license under this section is required.

History.--s. 6, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 1, ch. 71-141; s. 3, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 8, ch. 78-141; s. 2, ch. 81-318; s. 2, ch. 84-243; ss. 1, 2, ch. 85-128; s. 8, ch. 87-287; s. 15, ch. 89-233; s. 3, ch. 90-359; s. 3, ch. 91-189; s. 4, ch. 91-429; s. 3, ch. 93-276; s. 37, ch. 95-211; s. 10, ch. 95-379; s. 423, ch. 97-102; s. 1, ch. 97-124; s. 2, ch. 98-170; s. 53, ch. 98-419; s. 28, ch. 99-254; s. 1, ch. 2000-155; s. 5, ch. 2002-287; s. 1395, ch. 2003-261.

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. 633.061.

(b) Equipment supplied shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc. Equipment supplied for new installations or alterations of existing systems must be currently listed as described in this section. The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

(c) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's drawings and specifications.

(d) Each piece of equipment supplied shall be guaranteed for a period of 1 year against defects in material or operation.

(e) The fire equipment dealer shall furnish the consumer with: the manufacturer's descriptive literature, including the specifications and maintenance requirements as approved by the nationally recognized testing laboratory; the operating instructions for all equipment installed; the mechanical drawings and specifications for proper installation and use of equipment; and a diagram of the final installation, if applicable.

(2) Equipment shall be inspected, serviced, and maintained in accordance with the manufacturer's maintenance procedures and with the applicable National Fire Protection Association standards.

History.--s. 4, ch. 75-240; s. 2, ch. 80-342; s. 3, ch. 84-243; s. 16, ch. 89-233; s. 4, ch. 91-189; s. 3, ch. 98-170; s. 54, ch. 98-419.

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.--

(1) The State Fire Marshal shall adopt by rule specifications as to the size, shape, color, and information and data contained thereon of service tags to be attached to all fire extinguishers and preengineered systems required by statute or by rule, whether they be portable, stationary, or on wheels when they are placed in service, installed, serviced, repaired, tested, recharged, or inspected. Fire extinguishers may be tagged only after meeting all standards as set forth by this chapter, the standards of the National Fire Protection Association, and manufacturer's specifications. Preengineered systems may be tagged only after a system has been inspected, serviced, installed, repaired, tested, recharged, and hydrotested in compliance with this chapter, the standards of the National Fire Protection Association, and the manufacturer's specifications, and after a report, as specified by rule, has been completed in detail, indicating any and all deficiencies or deviations from the manufacturer's specifications and the standards of the National Fire Protection Association. A copy of the inspection report shall be provided to the owner at the time of inspection, and, if a system is found to be in violation of this chapter, the manufacturer's specifications, or the standards of the National Fire Protection Association, a copy shall be forwarded to the state or local authority having jurisdiction within 30 days from the date of service. It shall be unlawful to place in service, service, test, repair, inspect, install, hydrotest, or recharge any fire extinguisher or preengineered system without attaching one of these tags completed in detail, including the actual month work was performed, or to use a tag not meeting the specifications set forth by the State Fire Marshal.

(2) All portable fire extinguishers required by statute or by rule 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. 633.083(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.

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

History.--s. 7, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 2, ch. 71-141; s. 17, ch. 89-233; s. 38, ch. 95-211; s. 2, ch. 97-124; s. 4, ch. 98-170; s. 55, ch. 98-419; s. 24, ch. 2005-147.

633.081 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.--The State Fire Marshal and her or his agents shall, at any reasonable hour, when the department has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by 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 promulgated thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located 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. 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) 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:

(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 a resident of Florida;

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

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

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

(3) Each special state firesafety inspection which is required by law and is conducted by or on behalf of an agency of the state must be performed by an individual who has met the provision of subsection (2), except that the duration of the training program shall not exceed 120 hours of specific training for the type of property that such special state firesafety inspectors are assigned to inspect.

(4) A firefighter certified pursuant to s. 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 or special state firesafety inspector certificate is valid for a period of 3 years from the date of issuance. Renewal of certification shall be 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 promulgated thereunder, which shall include completion of at least 40 hours during the preceding 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) The State Fire Marshal may deny, refuse to renew, suspend, or revoke the certificate of a firesafety inspector or special state firesafety inspector if it 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 State Fire Marshal.

(b) Violation of any provision 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.

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

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

History.--s. 6, ch. 20671, 1941; s. 8, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 14, ch. 75-151; s. 1, ch. 77-174; s. 2, ch. 79-352; s. 1, ch. 81-205; s. 1, ch. 82-189; s. 4, ch. 84-243; s. 9, ch. 87-287; s. 2, ch. 88-222; s. 3, ch. 88-362; s. 4, ch. 93-276; s. 11, ch. 95-379; s. 424, ch. 97-102; s. 1396, ch. 2003-261.

Note.--Former s. 633.06.

633.082 Inspection of fire control systems and fire protection systems.--

(1) The State Fire Marshal shall have the right to inspect any fire control system during and after construction to determine that such system meets the standards set forth in the laws and rules of the state.

(2) Fire protection systems installed in public and private properties, except one-family or two-family dwellings, in this state shall be inspected following procedures established in the nationally recognized inspection, testing, and maintenance standard 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. 633.521.

(3) The inspecting contractor shall provide to the building owner and the local authority having jurisdiction a copy of the inspection report established under s. 633.071(3). The maintenance of fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

History.--s. 7, ch. 78-141; s. 25, ch. 2005-147.

633.083 Sale or use of certain types of fire extinguishers prohibited; penalty.--

(1)(a) It is unlawful to have for use any of the following types of fire extinguishers:

1. Carbon tetrachloride;
2. Chlorobromomethane;
3. Dibromodifluoromethane (commonly known as Halon 1202);
4. Dichlorodifluoromethane;
5. Azeotropic chloromethane;
6. 1,2 dibromo-2-chloro-1, 1,2 trifluoroethane;
7. 1,2 dibromo-2, 2-difluoroethane;
8. Methyl bromide;
9. Ethylene dibromide;
10. Hydrogen bromide;
11. Methylene bromide;
12. Bromodifluoromethane;
13. Any other toxic or poisonous vaporizing liquid fire extinguishers using extinguishing agents determined by the State Fire Marshal to be unacceptably harmful; and
14. Inverting water fire extinguishers.

(b) It is unlawful to offer for sale, sell, or give in this state any of the types of fire extinguishers listed in paragraph (a).

(2) It is unlawful for any person, directly or through an agent, to sell, offer for sale, or give in this state any make, type, or model of fire extinguisher, either new or used, unless such make, type, or model of extinguisher has first been tested and is currently approved or listed by Underwriters Laboratories, Inc., Factory Mutual Laboratories, Inc., or another testing laboratory recognized by the State Fire Marshal as nationally recognized in accordance with procedures adopted by rule, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination, and unless such extinguisher carries an Underwriters Laboratories, Inc., or manufacturer's serial number. Such serial number shall be permanently stamped on the manufacturer's identification and instruction plate.

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

History.--ss. 1, 2, 3, ch. 70-417; s. 658, ch. 71-136; s. 2, ch. 78-141; s. 5, ch. 84-243; s. 18, ch. 89-233.

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 government responsible for the building.

(b) Except as provided in s. 255.45, the department head is responsible for ensuring that deficiencies noted in the inspection are corrected as soon as practicable.

(c) Each department shall, in its annual budget proposal, include requests for sufficient funds to correct any firesafety deficiencies noted by the State Fire Marshal.

(d) Each department shall, in its annual budget proposal and for all proposals for new construction or renovations to existing structures, include requests for sufficient funds to pay for any charges or fees imposed by the State Fire Marshal for review of plans, renovations, occupancy, or inspections, whether recurring or high hazard.

(2) The State Fire Marshal and her or his agents shall conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned or state-leased 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 state-owned or state-leased high-hazard occupancies at least annually.

(3) All construction of any new, or renovation, alteration, or change of occupancy of any existing, state-owned or state-leased space 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 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 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 space and state-leased space as necessary 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 and state-leased 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.

History.--s. 15, ch. 75-151; s. 2, ch. 83-336; s. 2, ch. 84-143; s. 6, ch. 84-243; s. 19, ch. 89-233; s. 4, ch. 90-359; s. 5, ch. 91-189; s. 5, ch. 93-276; s. 12, ch. 95-379; s. 425, ch. 97-102; s. 60, ch. 98-287.

633.101 Hearings; investigations; 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 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 shall be of the opinion that there is sufficient evidence to charge any person with an offense, he or she shall cause the arrest of such person and shall furnish to the prosecuting officer of any court having jurisdiction of 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 fire marshal may request such assistance as may reasonably be given by such prosecuting officers and other local officials.

(3) The fire marshal may summon and compel the attendance of witnesses before him or her to testify in relation to any 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) 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 fire marshal shall be paid in like manner for like services in such courts, from the funds herein provided.

History.--s. 7, ch. 20671, 1941; s. 9, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 426, ch. 97-102.

Note.--Former s. 633.08.

633.111 State Fire Marshal to keep records of fires; reports of agents.--The State Fire Marshal shall keep in her or his office a record of all fires 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. 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.

History.--s. 8, ch. 20671, 1941; s. 9, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 1, ch. 78-149; s. 2, ch. 85-323; s. 202, ch. 90-363; s. 1, ch. 93-112; s. 6, ch. 93-276; s. 13, ch. 95-379; s. 391, ch. 96-406; s. 1742, ch. 97-102; s. 99, ch. 2002-1; s. 1397, ch. 2003-261.

Note.--Former s. 633.09.

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 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 which is accessible and searchable by fire protection agencies.

(b) The Division of State Fire Marshal shall consult with the Division of Forestry of the Department of Agriculture and Consumer Services and the Bureau of Emergency Medical

Services 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. 633.31.

(b) One member from the Division of Forestry of the Department of Agriculture and Consumer Services, appointed by the division director.

(c) One member from the Bureau of Emergency Medical Services of the Department of Health, appointed by the bureau chief.

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

History.--s. 2, ch. 2005-117.

633.121 Persons authorized to enforce laws and rules of State Fire Marshal.--The chiefs of county, municipal, and special-district fire departments; other fire department personnel designated by their respective chiefs; and personnel designated by local governments having no organized fire departments are authorized to enforce this 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.

History.--s. 9, ch. 20671, 1941; s. 9, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 5, ch. 76-252; s. 1, ch. 80-215.

Note.--Former s. 633.11.

633.13 State Fire Marshal; authority of agents.--The authority given the State Fire Marshal under this law may be exercised by his or her agents, either individually or in conjunction with any other state or local official charged with similar responsibilities.

History.--s. 1, ch. 21847, 1943; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 427, ch. 97-102.

633.14 Agents; powers to make arrests, conduct searches and seizures, serve summonses, and carry firearms.--Agents of the State Fire Marshal shall have the same authority to serve summonses, make arrests, carry firearms, and make searches and seizures, as the sheriff or her or his deputies, in the respective counties where such investigations, hearings, or inspections may be held; and affidavits necessary to authorize any such arrests, searches, or seizures may be made before any trial court judge having authority under the law to issue appropriate processes.

History.--s. 1, ch. 21847, 1943; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 428, ch. 97-102; s. 12, ch. 2004-11.

633.15 State Fire Marshal; chapter and rules; force and effect.--This chapter and all rules promulgated by the State Fire Marshal hereunder shall have the same force and effect in each municipality, county, and special district having firesafety responsibilities as the ordinances of each municipality, county, and special district having firesafety responsibilities and shall be enforceable in the courts in the same manner as such ordinances.

History.--s. 1, ch. 21847, 1943; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 1, ch. 77-119; s. 10, ch. 87-287.

633.151 Impersonating State Fire Marshal, firefighters, 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, or a firesafety inspector 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, is guilty of a felony of the first degree, punishable as provided in ss. 775.082 and 775.083.

History.--s. 5, ch. 90-359; s. 429, ch. 97-102.

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. 633.022 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. 633.025 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.

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

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

(2)(a) If, during the conduct of a firesafety inspection authorized by ss. 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.

(b) The State Fire Marshal may seek an injunction in the circuit court of the county in which the building is located to enforce an order issued pursuant to this subsection.

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

History.--s. 10, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 71-141; s. 21, ch. 78-95; s. 7, ch. 84-243; s. 11, ch. 87-287; s. 14, ch. 95-379; s. 276, ch. 96-410; s. 1743, ch. 97-102; s. 49, ch. 99-3; s. 1398, ch. 2003-261.

633.162 Fire suppression system contractors; disciplinary action.--

(1) The violation of any provision of this chapter or any rule adopted and 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 any person who possesses a license or permit issued pursuant to s. 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 is guilty of such violation. An order of suspension 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 then held by the person, and during such period of time no license or permit shall be issued to such person. During the suspension or revocation of any license or permit, the former licensee or permittee 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 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.

(2) The department shall not, so long as the revocation or suspension remains in effect, grant any new license or permit for the establishment of any new firm, business, or corporation of any person or qualifier that has or will have the same or similar management, ownership, control, employees, permittees, or licensees, or will use a same or similar name as a previously revoked or suspended firm, business, corporation, person, or qualifier.

(3) The State Fire Marshal may deny, nonrenew, suspend, or revoke the license or permit of:

(a) Any person, firm, or corporation the license of which under this chapter has been suspended or revoked;

(b) Any firm or corporation if an officer, qualifier, director, stockholder, owner, or person interested directly or indirectly in the firm or corporation has had his or her license or permit under this chapter suspended or revoked; or

(c) Any person who is or has been an officer, qualifier, director, stockholder, or owner of a firm or corporation, or who was interested directly or indirectly in a firm or corporation, the license or permit of which has been suspended or revoked under this chapter.

(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:

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

(b) Falsified any record required to be maintained by this chapter or rules adopted pursuant hereto.

(c) Improperly serviced, recharged, repaired, hydrotested, tested, or inspected a fire extinguisher or preengineered system.

(d) While holding a permit or license, allowed another person to use the permit number or license number, or used a license number or permit number other than her or his valid license number or permit number.

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

(f) Failed to obtain, retain, or maintain one or more of the qualifications for a license or permit as specified in this chapter.

(g) Made a material misstatement, misrepresentation, or committed a fraud in obtaining or attempting to obtain a license or permit.

(h) Failed to notify the State Fire Marshal, in writing, within 30 days after a change of residence, principal business address, or name.

(5) In addition, the department shall not issue a new license or permit if it finds that the circumstance or circumstances for which the license or permit was previously revoked or suspended still exist or are likely to recur.

History.--s. 4, ch. 71-141; s. 21, ch. 78-95; s. 8, ch. 84-243; s. 12, ch. 87-287; s. 20, ch. 89-233; s. 7, ch. 93-276; s. 430, ch. 97-102; s. 5, ch. 98-170; s. 56, ch. 98-419; s. 1399, ch. 2003-261.

633.163 Administrative fine in lieu of suspension, revocation, or refusal to issue a license, permit, or certificate.--

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

(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.

History.--s. 5, ch. 71-141; s. 21, ch. 78-95; s. 9, ch. 84-243; s. 21, ch. 89-233; s. 8, ch. 93-276.

633.167 Probation.--

(1) 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, certification, or permit issued under this chapter, the State Fire Marshal may, in her or his discretion, except when an administrative fine is not permissible under this chapter or when the suspension, revocation, or refusal is mandatory, in lieu of suspension, revocation, or refusal to issue, renew, or continue or, in connection with any administrative fine imposed, place the offending licensee, certificateholder, or permittee on probation for a period not to exceed 2 years, as specified by the State Fire Marshal in her or his order.

(2) 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 (1).

History.--s. 9, ch. 93-276; s. 431, ch. 97-102.

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

(1) Any person who violates any provision of this 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 extinguisher or preengineered system required by statute or by rule inoperative except during such time as the 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 or permit number of another person.

(e) Hold a permit and allow another person to use said permit number.

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

(3)(a) As used in this subsection, the term:

1. "Pyrotechnic display" means a special effect created through the use of a pyrotechnic material or pyrotechnic device.

2. "Pyrotechnic device" means any device containing pyrotechnic materials and capable of producing a special effect.

3. "Pyrotechnic material" means a chemical mixture used to produce visible or audible effects by combustion, deflagration, or detonation when such chemical mixture consists predominantly of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light, or a combination of such effects, without requiring external oxygen.

(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. 633.065.
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.

(c) This subsection shall not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode. This subsection does not apply to the manufacture, distribution, sale at wholesale or retail, or seasonal sale of products regulated under chapter 791 if the products are not used in an occupied structure.

History.--s. 1, ch. 21847, 1943; s. 11, ch. 65-216; ss. 13, 35, ch. 69-106; s. 659, ch. 71-136; s. 7A, ch. 71-141; s. 3, ch. 78-141; s. 13, ch. 87-287; s. 22, ch. 89-233; s. 157, ch. 91-224; s. 6, ch. 98-170; s. 57, ch. 98-419; s. 3, ch. 2005-117.

Note.--Former s. 633.16.

633.175 Investigation of fraudulent insurance claims and crimes; immunity of insurance companies supplying information.--

(1) The State Fire Marshal or an agent appointed pursuant to s. 633.02, any law enforcement officer as defined in s. 111.065, any law enforcement officer of a federal agency, or any fire department official who is engaged in the investigation of a fire 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 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. 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:

- (a) Any insurance policy relevant to a loss under investigation and any application for such a policy.
- (b) Any policy premium payment records.

- (c) The records, reports, and all material pertaining to any previous claims made by the insured with the reporting company.
- (d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and other relevant evidence.
- (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 loss to its insured's real or personal property was caused by 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.
- (3) In the absence of fraud, bad faith, or malice, no representative of an insurance company or of the National Insurance Crime Bureau employed to adjust or investigate losses caused by fire shall be liable for damages in a civil action for furnishing information concerning fires suspected to be other than accidental to investigators employed by other insurance companies or the National Insurance Crime Bureau.
- (4) No insurance company or person who furnishes information on its behalf shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action taken that is necessary and required by the provisions of this section.
- (5) At such time as the release of the investigative records is required by law, the official or agency in possession of such records shall provide written notice to the insurance company providing the information and to all parties, at least 10 days prior to releasing such records. Official, departmental, or agency personnel may discuss such matters with other official, departmental, or agency personnel, and any insurance company complying with this section, and may share such information, if such discussion is necessary to enable the orderly and efficient conduct of the investigation. These discussions are confidential and exempt from the provisions of s. 286.011.
- (6) The actions of an insurance company or of its agents, employees, adjusters, or attorneys, in complying with the statutory obligation of this section 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.
- (7) Any official described in subsection (1) may be required to testify as to any information in her or his possession regarding an insurance loss in any civil action in which any person seeks recovery under a policy against an insurance company for an insurance loss, subject to the provisions of subsection (6).
- (8) No person may intentionally refuse to release any information requested pursuant to this section.
- (9) Any person who willfully violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 2, ch. 78-149; s. 1, ch. 83-96; s. 3, ch. 88-222; s. 158, ch. 91-224; s. 2, ch. 93-112; s. 15, ch. 95-379; s. 392, ch. 96-406; s. 1744, ch. 97-102; s. 3, ch. 97-124.

633.18 State Fire Marshal; hearings and investigations; subpoena of witnesses; orders of circuit court.--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 law. In case of disobedience to a subpoena, the State Fire Marshal or his or her 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 contumacy or refusal to obey a subpoena issued to any 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 a contempt thereof.

History.--s. 1, ch. 21847, 1943; s. 12, ch. 65-216; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 432, ch. 97-102.

Note.--Former s. 633.17.

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

(1) "Firefighter" means any person initially employed as a full-time professional firefighter by any employing agency, as defined herein, whose primary responsibility is the prevention and extinguishment of fires, the protection and saving of life and property, and the enforcement of municipal, county, and state fire prevention codes, as well as of any law pertaining to the prevention and control of fires.

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

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

(4) "Council" means the Firefighters Employment, Standards, and Training Council.

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

History.--ss. 1, 17, ch. 69-323; ss. 18, 35, ch. 69-106; s. 1, ch. 70-110; s. 1, ch. 75-151; s. 4, ch. 78-323; ss. 3, 4, ch. 81-70; s. 1, ch. 82-46; ss. 1, 2, ch. 87-180; s. 6, ch. 91-189; s. 5, ch. 91-429; s. 19, ch. 2002-404; s. 1400, ch. 2003-261.

Note.--Former s. 163.470.

633.31 Firefighters Employment, Standards, and Training Council.--

(1) There is created within the department a Firefighters Employment, Standards, and Training Council of 13 members. Two members shall be fire chiefs appointed by the Florida Fire Chiefs Association, two members shall be firefighters who are not officers, appointed by the Florida Professional Firefighters Association, two members shall be firefighter officers who are not fire chiefs, appointed by the State Fire Marshal, one member appointed by the Florida League of Cities, one member appointed by the Florida Association of Counties, one member appointed by the Florida Association of Special Districts, one member appointed by the Florida Fire

Marshal's Association, and one member appointed by the State Fire Marshal, and one member shall be a director or instructor of a state-certified firefighting training facility appointed by the State Fire Marshal. To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person 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.

(2) Members shall be appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancy shall be filled in the manner of the original appointment for the remaining time of the term.

(3) The State Fire Marshal, in making her or his appointments, shall take into consideration representation by geography, population, and other relevant factors, in order that the membership on the council will be apportioned to give representation to the state at large rather than to a particular area.

(4) Membership on the council shall not disqualify a member from holding any other public office or being employed by a public entity, except that no member of the Legislature shall serve on the council.

History.--s. 1, ch. 70-110; ss. 1, 3, ch. 75-151; s. 3, ch. 77-107; s. 4, ch. 78-323; ss. 1, 3, 4, ch. 81-70; s. 1, ch. 82-46; ss. 1, 2, ch. 87-180; s. 5, ch. 91-429; s. 10, ch. 93-276; s. 433, ch. 97-102; s. 16, ch. 2002-404; s. 1401, ch. 2003-261.

Note.--Former s. 163.471.

633.32 Organization; meetings; quorum; compensation; seal.--

(1) The council shall elect to 1-year terms a chair and a vice chair. No person shall serve more than two consecutive terms in either office.

(2) 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 may be prescribed by its rules, and a majority of the council shall constitute a quorum.

(3) 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.

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

History.--s. 1, ch. 70-110; ss. 1, 4, ch. 75-151; s. 9, ch. 77-320; s. 4, ch. 78-323; ss. 2, 3, 4, ch. 81-70; s. 1, ch. 82-46; ss. 1, 2, ch. 87-180; s. 5, ch. 91-429; s. 11, ch. 93-276; s. 434, ch. 97-102; s. 20, ch. 2002-404.

Note.--Former s. 163.472.

633.33 Special powers; firefighter training.--The council shall have special powers in connection with the employment and training of firefighters to:

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

(2) Recommend, for adoption by the division, minimum curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters.

(3) 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.

(4) Consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters, including, but not limited to, the safety of firefighters while at the scene of a fire or the scene of an incident related to the provision of emergency services to which a firefighter responds, and the development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of firefighter employment, fire science, fire technology, fire administration, and all allied and supporting fields.

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

(6) Make recommendations concerning any matter within its purview pursuant to this act.

History.--ss. 7, 17, ch. 69-323; s. 1, ch. 70-110; s. 70, ch. 72-221; ss. 1, 5, ch. 75-151; s. 4, ch. 78-323; ss. 3, 4, ch. 81-70; s. 1, ch. 82-46; ss. 1, 2, ch. 87-180; s. 5, ch. 91-429; s. 12, ch. 93-276; s. 17, ch. 2002-404.

Note.--Former s. 163.480.

633.34 Firefighters; qualifications for employment.--Any person applying for employment as a firefighter must:

(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.

(2) Neither have been convicted of a 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.

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

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

(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 firefighter training program as defined in s. 633.35.

(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.

History.--ss. 8, 17, ch. 69-323; s. 1, ch. 70-110; ss. 1, 6, ch. 75-151; s. 1, ch. 77-116; s. 2, ch. 81-205; s. 10, ch. 84-243; s. 3, ch. 88-209; s. 1, ch. 89-89; s. 23, ch. 89-233; s. 7, ch. 91-189; s. 13, ch. 93-276; s. 2, ch. 2005-76.

Note.--Former s. 163.490.

633.35 Firefighter training and certification.--

(1) The division shall establish 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. Nothing herein shall require a public employer to pay the cost of such training.

(2) The division shall issue a certificate of compliance to any person satisfactorily complying with the training program established in subsection (1), who has successfully passed an examination as prescribed by the division, and who possesses the qualifications for employment in s. 633.34, except s. 633.34(5). 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. The division may also issue a special certificate to a person who 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. The certificate is valid only while the person is serving in a position as an administrative and command head of a fire/rescue/emergency services organization.

(4) A person who fails an examination given under this section may retake the examination once within 6 months after the original examination date. An applicant who does not retake the examination within such time must take the Minimum Standards Course, pursuant to subsection (1), before being reexamined. The division may establish reasonable preregistration deadlines for such reexaminations.

(5) Pursuant to s. 590.02(1)(e), the division shall establish a structural fire training program of not less than 40 hours. The division shall issue to 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 Certificate of Forestry Firefighter.

(6) A certified forestry firefighter is entitled to the same rights, privileges, and benefits provided for by law as a certified firefighter.

History.--ss. 9, 17, ch. 69-323; s. 1, ch. 70-110; ss. 1, 6, ch. 75-151; s. 3, ch. 81-205; s. 11, ch. 84-243; s. 24, ch. 89-233; s. 2, ch. 92-187; s. 14, ch. 93-276; s. 16, ch. 95-379; s. 435, ch. 97-102; s. 4, ch. 97-124; s. 1, ch. 98-40.

Note.--Former s. 163.495.

633.351 Disciplinary action; firefighters; standards for revocation of certification.--

(1) The certification of a firefighter shall be revoked if evidence is found 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.

(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.

History.--s. 4, ch. 81-205; s. 12, ch. 84-243; s. 4, ch. 88-209; s. 25, ch. 89-233; s. 6, ch. 90-359; s. 15, ch. 93-276; s. 22, ch. 95-379; s. 436, ch. 97-102.

633.352 Retention of firefighter certification.--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 4A-37.056(6)(b), Florida Administrative Code, in order to maintain her or his certification as a firefighter; however, this requirement does not apply to state-certified instructors, as determined by the division. The 3-year period begins on the date the certificate of compliance is issued or upon termination of service with an organized fire department.

History.--s. 17, ch. 95-379; s. 437, ch. 97-102.

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

History.--s. 5, ch. 81-205; s. 1402, ch. 2003-261.

633.37 Payment of tuition by employing agency.--An employing agency is authorized to pay part or all of the costs of tuition of trainees in attendance at approved training programs.

History.--s. 11, ch. 69-323; s. 1, ch. 75-151.

Note.--Former s. 163.505.

633.38 Inservice training and promotion; participation.--

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

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

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

History.--ss. 12, 17, ch. 69-323; s. 1, ch. 70-110; ss. 1, 6, ch. 75-151; s. 6, ch. 81-205.

Note.--Former s. 163.510.

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.

(2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

(a) In addition to the compensation now paid by an employing agency to any firefighter, every firefighter shall be paid supplemental compensation by the employing agency when such firefighter has complied with one of the following criteria:

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

2. 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 applicable to fire department duties, as outlined in policy guidelines of the division, shall receive compensation as outlined in paragraph (3)(b).

(b) 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,

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.

(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 (2)(a)1.

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

(4) FUNDING.--

(a) The 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 employing agency shall take appropriate action when a postaudit shows that an action taken by the employing agency was in error.

(b) Each 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 expend the funds necessary to ensure correct payment to firefighters.

(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.

History.--ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 81-287; s. 2, ch. 82-189; s. 5, ch. 83-115; s. 130, ch. 83-216; s. 1, ch. 84-244; s. 5, ch. 88-209; s. 1, ch. 89-99; s. 8, ch. 91-189; s. 51, ch. 93-193; s. 10, ch. 95-250; s. 18, ch. 95-379; s. 438, ch. 97-102; s. 97, ch. 99-255; s. 1403, ch. 2003-261.

633.39 Gifts and grants.--The division may accept for any of its purposes and functions any donations of property and grants of money from any governmental unit, public agency, institution, person, firm, or corporation. Such moneys shall be deposited, disbursed, and administered in a trust fund as provided by law.

History.--ss. 13, 17, ch. 69-323; s. 1, ch. 70-110; ss. 1, 6, ch. 75-151.

Note.--Former s. 163.515.

633.41 Saving clause.--Firefighters employed on July 5, 1969, are not required to meet the provisions of ss. 633.34 and 633.35 as a condition of tenure or continued employment; nor shall their failure to fulfill such requirements 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.

History.--s. 15, ch. 69-323; s. 1, ch. 75-151; s. 26, ch. 89-233; s. 10, ch. 2000-333.

Note.--Former s. 163.525.

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

History.--ss. 16, 17, ch. 69-323; s. 1, ch. 75-151.

Note.--Former s. 163.530.

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.

History.--s. 3, ch. 25097, 1949; ss. 18, 35, ch. 69-106; ss. 1, 8, ch. 75-151; s. 1404, ch. 2003-261.

Note.--Former s. 163.532.

633.44 Purpose of fire college.--The purposes of ss. 633.43-633.49 and of the Florida State Fire College 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, and emergency operations, at a minimum of cost to them and to their employers.

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

(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.

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

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

(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.

History.--s. 4, ch. 25097, 1949; s. 1, ch. 75-151; s. 242, ch. 79-400; s. 19, ch. 95-379.

Note.--Former s. 163.533.

633.445 State Fire Marshal Scholarship Grant Program.--

(1) All payments, gifts, or grants received pursuant to this section shall be deposited in the State Treasury to the credit of the Insurance Regulatory Trust Fund for the State Fire Marshal Scholarship Grant Program. Such funds shall provide, from grants to the state from moneys raised from public and private sources, scholarships for qualified applicants to the Florida State Fire College as created by s. 633.43.

(2) The Chief Financial Officer shall authorize expenditures from the Insurance Regulatory Trust Fund upon receipt of vouchers approved by the division. All moneys collected from public and private sources pursuant to this section shall be deposited into the trust fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of the fund in the ensuing year.

(3) All funds deposited into the Insurance Regulatory Trust Fund shall be invested pursuant to s. 17.61. Interest income accruing to moneys so invested shall increase the total funds available for the purposes for which the trust fund is created.

(4) Funds collected for the State Fire Marshal Scholarship Grant Program, after meeting the costs of the department in carrying out the provisions of this section and the travel expenses of the State Fire Marshal Scholarship Grant Council, shall be available to provide full or partial scholarships for expenses, including tuition, books, other class materials, lodging, meals, and such other items as determined by the council members, for any qualified applicant who, for financial reasons, may not otherwise be able to attend, or whose firefighter unit may be unable to send to, the State Fire College or other educational program which is certified in conjunction with the State Fire College.

(5)(a) The State Fire Marshal Scholarship Grant Program shall be administered by the State Fire Marshal Scholarship Grant Council. The council shall consist of five members appointed by the

State Fire Marshal. The Superintendent of the Florida State Fire College shall serve as an ex officio member.

(b) The terms of the council members shall be for a period of 4 years, except the initial members shall be appointed as follows: two members for terms of 4 years, one member for a term of 3 years, one member for a term of 2 years and one member for a term of 1 year. Any vacancy shall be filled for the remainder of the unexpired term.

(c) The membership of the council shall consist of at least one member who for at least 3 years has served as a chief of a municipal, county, or district firefighter unit and one member who is a firefighter with a municipal, county, or district firefighter unit and who is a graduate of the State Fire College.

(d) The council shall elect annually a chair from its membership.

(e) The council shall meet at the State Fire College, or such other site as the State Fire Marshal or chair designates, at the call of the State Fire Marshal, the chair, or at the request of a majority of the members.

(f) The members of the council shall receive no compensation for such services, but shall be reimbursed for travel expenses as provided in s. 112.061.

(6) The State Fire Marshal Scholarship Grant Council shall select as grant recipients the most qualified and deserving applicants from firefighting professionals recommended by the State Fire Marshal or by municipal, county, regional, or district firefighter units or departments.

(7) The criteria and procedures for establishing standards of eligibility shall be recommended by the council to the department. The council shall recommend to the department a rating system upon which to base the approval of scholarship grants. However, to be eligible to receive a scholarship pursuant to this section, an applicant must:

(a) Be a full-time employee or volunteer of a local municipal, county, regional or district firefighter unit;

(b) Have graduated from high school, have earned an equivalency diploma issued by the Department of Education pursuant to s. 1003.435, or have earned an equivalency diploma issued by the United States Armed Forces Institute;

(c) Be accepted for full-time enrollment, with the intent to maintain such enrollment at the Florida State Fire College;

(d) Have the firefighter unit by whom the applicant is employed or for which the applicant is a volunteer, recommend her or him and certify that, because of financial need, the scholarship is necessary for her or him to attend the State Fire College; and

(e) Agree that she or he intends to return to duty with the firefighter unit by whom she or he was recommended, or, by agreement with such unit, that she or he will remain in some capacity relating to the firefighting profession for a period of at least 1 year.

(8) The department may adopt rules to implement this section, including rules detailing the eligibility standards and an approval rating system which are based on financial need, need for additional certified firefighters from the applicant's community, and the applicant's employment record.

(9) After selection and approval of an applicant for a grant by the council, payment in the applicant's name for scholarship funds shall be transmitted from the Insurance Regulatory Trust Fund by the Chief Financial Officer upon receipt of vouchers authorized by the division. If a recipient terminates her or his enrollment during the course of her or his curriculum at the State Fire College, unless excused by the council and allowed to resume training at a later time, any unused portion of the scholarship funds shall be refunded to the trust fund. A recipient who terminates her or his enrollment is not liable for any portion of a scholarship.

(10) The council may accept payments, gifts, and grants of money from any federal agency, private agency, county, city, town, corporation, partnership, or individual for deposit in the Insurance Regulatory Trust Fund to implement this section and for authorized expenses incurred by the council in performing its duties.

History.--s. 38, ch. 89-233; s. 2, ch. 90-192; s. 7, ch. 90-359; s. 5, ch. 91-429; s. 38, ch. 96-418; s. 1745, ch. 97-102; s. 11, ch. 99-205; s. 1034, ch. 2002-387; s. 1405, ch. 2003-261.

633.45 Division of State Fire Marshal; powers, duties.--

(1) The division shall:

(a) Establish uniform minimum standards for the employment and training of firefighters.

(b) Establish minimum curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters.

(c) 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 approval, denial of approval, probation, and revocation of approval of institutions, instructors, and facilities for training firefighters and firefighter recruits; including a rule that an instructor must complete 40 hours of continuing education every 3 years in order to maintain 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 firefighter duties.

(f) Establish 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 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 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 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 said institution, necessary or requisite to carry out fully the purpose of this act and for raising it to, and maintaining it at, the proper efficiency and standard as required in and by the provisions of ss. 633.43-633.49.
- (2) The division, subject to the limitations and restrictions elsewhere herein imposed, may:
- (a) Adopt rules and regulations for the administration of 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, 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 ss. 633.30-633.49.

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

History.--ss. 5, 9, ch. 25097, 1949; ss. 18, 35, ch. 69-106; ss. 1, 9, ch. 75-151; s. 1, ch. 77-174; s. 3, ch. 82-189; s. 27, ch. 89-233; s. 8, ch. 90-359; s. 12, ch. 99-205; s. 26, ch. 2000-157; s. 1406, ch. 2003-261.

Note.--Former s. 163.534.

633.46 Fees.--The division may fix and collect admission fees and other fees which it deems necessary to be charged for training given. All fees so collected shall be deposited in the Insurance Regulatory Trust Fund.

History.--s. 6, ch. 25097, 1949; s. 1, ch. 61-515; ss. 18, 35, ch. 69-106; ss. 1, 10, ch. 75-151; s. 4, ch. 82-189; s. 28, ch. 89-233; s. 13, ch. 99-205; s. 1407, ch. 2003-261.

Note.--Former s. 163.535.

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 films, videotapes, audiovisual equipment, and other useful information on fire, firefighting, and fire prevention, including public fire service information packages.

History.--s. 5, ch. 82-189; s. 29, ch. 89-233; s. 39, ch. 96-418; s. 14, ch. 99-205; s. 1408, ch. 2003-261.

633.47 Procedure for making expenditures.--No moneys shall be spent for and on behalf of the Florida State Fire College except upon a written voucher drawn by the division, stating the nature of the expenditures and the person to whom the same shall be made payable, which voucher shall be submitted to the Chief Financial Officer and audited for approval by her or him; upon such approval, the Chief Financial Officer shall draw a warrant for the payment thereof, filing the original voucher in her or his office.

History.--s. 7, ch. 25097, 1949; ss. 18, 35, ch. 69-106; ss. 1, 10, ch. 75-151; s. 15, ch. 85-61; s. 439, ch. 97-102; s. 1409, ch. 2003-261.

Note.--Former s. 163.536.

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

History.--s. 10, ch. 25097, 1949; s. 3, ch. 57-401; ss. 18, 35, ch. 69-106; ss. 1, 10, ch. 75-151.

Note.--Former s. 163.538.

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 ss. 633.43-633.49.

History.--s. 11, ch. 25097, 1949; ss. 18, 35, ch. 69-106; ss. 1, 10, ch. 75-151.

Note.--Former s. 163.539.

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 ss. 633.43-633.49, shall:

(a) Enter into agreements with public or private school districts, community colleges, junior colleges, or 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 shall include differential funding levels for various types of programs, 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 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 shall be as prescribed pursuant to s. 1011.62, shall include procedures to document daily attendance, and shall require that attendance records be retained for audit purposes.

(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. 633.461 and may not be transferred to any other budget entity for purposes other than education.

History.--s. 1, ch. 90-189; s. 15, ch. 99-205; s. 1035, ch. 2002-387; s. 1410, ch. 2003-261.

633.511 Florida Fire Safety Board; membership.--

(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 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. 633.521; and two shall be persons who hold valid licenses under s. 633.061.

(2)(a) To be eligible for appointment, each contractor shall personally hold a current certificate of competency and a current license issued by the 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 shall personally hold a current Class A, B, or C and Class D fire equipment dealer license issued by the State Fire Marshal, together with an unexpired occupational license to operate as a fire equipment dealer issued by an incorporated municipality or a county; 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 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 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. Effective July 1, 1997, as the term of 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.

History.--ss. 6, 7, ch. 75-240; s. 4, ch. 78-323; ss. 1, 2, 3, ch. 81-264; s. 1, ch. 82-46; s. 13, ch. 84-243; ss. 1, 3, ch. 87-181; s. 5, ch. 91-429; s. 16, ch. 93-276; s. 1, ch. 97-19; s. 440, ch. 97-102; s. 5, ch. 97-124.

633.514 Board duties; meetings; officers; quorum; compensation; seal.--

(1) 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 the effective date of this act, 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. No member of the advisory board shall be paid a salary as such member, but each shall receive necessary expenses while attending advisory board meetings and reimbursement, including travel in performance of his or her duties, as provided in s. 112.061.

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

History.--s. 7, ch. 75-240; s. 1, ch. 82-46; ss. 1, 3, ch. 87-181; s. 5, ch. 91-429; s. 17, ch. 93-276; s. 441, ch. 97-102; s. 6, ch. 97-124.

633.517 Authority of State Fire Marshal to adopt rules, administer oaths, and take testimony.--

(1) The State Fire Marshal is authorized, with the advice of the board, to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(2) 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 act. Chapter 120 governs hearings conducted by or on behalf of the State Fire Marshal.

History.--s. 7, ch. 75-240; s. 442, ch. 97-102; s. 208, ch. 98-200.

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

(1) To obtain a certificate, an applicant shall submit to the State Fire Marshal an application in writing, on a form provided by the 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 State Fire Marshal and held at times and places within the state as the 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 of the classes of certificates defined in s. 633.021(5). The examination shall test the applicant's ability to lay out, fabricate, install, alter, repair, and inspect fire protection systems and their appurtenances and shall test the applicant's fitness in business and financial management. The test 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.

(b) A passing grade on the examination is 70 percent, and such examinations may be developed by an independent professional testing agency. The tests shall be prepared, administered, and scored in compliance with generally accepted professional testing standards.

(c) The division shall solicit suggestions from affected persons regarding the content of examinations.

(d) A reexamination may not be scheduled sooner than 30 days after any administration of an examination to an applicant.

(e) An applicant may not be examined more than four times during 1 year for certification as a contractor pursuant to this section unless the person is or has been certified and is taking the examination to change classifications. If an applicant does not pass one or more parts of the examination, she or he may take any part of the examination three more times during the 1-year period beginning upon the date she or he originally filed an application to take the examination. If the applicant does not pass the examination within that 1-year period, she or he must file a new application and pay the application and examination fees in order to take the examination or a part of the examination again. However, the applicant may not file a new application sooner than 6 months after the date of her or his last examination.

(3) As a prerequisite to taking the examination for certification as a Contractor I, Contractor II, or Contractor III, the applicant must be at least 18 years of age, be of good moral character, and shall possess 4 years' proven experience in the employment of a fire protection system Contractor I, Contractor II, or Contractor III or a combination of equivalent education and experience. As a prerequisite to taking the examination for certification as a Contractor IV, the applicant shall be at least 18 years old, be of good moral character, and have at least 2 years' proven experience in the employment of a fire protection system Contractor I, Contractor II, Contractor III, or Contractor IV or combination of equivalent education and experience which combination need not include experience in the employment of a fire protection system contractor. As a prerequisite to taking the examination for certification as a Contractor V, the applicant shall be at least 18 years old, be of good moral character, and have been licensed as a certified underground utility and excavation contractor or plumbing contractor pursuant to chapter 489, have verification by an individual who is licensed as a certified utility contractor or plumbing contractor pursuant to chapter 489 that the applicant has 4 years' proven experience in the employ of a certified underground utility and excavation contractor or plumbing contractor, or have a combination of education and experience equivalent to 4 years' proven experience in the employ of a certified underground utility and excavation contractor or plumbing contractor. Within 30 days after the date of the examination, the 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 ready to issue a certificate of competency, subject to compliance with the requirements of subsection (4).

(4) As a prerequisite to issuance of a certificate, the 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 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 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 State Fire Marshal's office shall be subject to the penalties provided under s. 624.4211.

(5) Upon satisfaction of the requirements of subsections (1), (2), (3), and (4), the certificate shall be issued forthwith. However, no certificate shall remain in effect if, after issuance, the certificateholder fails to maintain the insurance coverage required by this section.

(6) If an applicant for an original certificate, after having been notified to do so, does not appear for examination or does not pass the examination within 1 year from the date of filing her or his application, the fee paid by the applicant shall be forfeited. New applications for a certificate shall be accompanied by another application fee fixed by this chapter.

(7) The State Fire Marshal may, at any time subsequent to the issuance of the certificate or its renewal, require, upon demand and in no event more than 30 days after notice of the demand, the certificateholder to provide proof of insurance coverage on a form provided by the State Fire Marshal containing confirmation of insurance coverage as required by this chapter. Failure to provide proof of insurance coverage as required, for any length of time, shall result in the immediate suspension of the certificate until proof of insurance is provided to the State Fire Marshal.

(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. 633.082, must be issued a permit by the 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.

(9) It is the intent of the Legislature that the inspections and testing of automatic fire sprinkler systems for detached one-family dwellings, detached two-family dwellings, and mobile homes be accomplished by the owner, who is responsible for requesting service from a contractor when necessary. It is further intended that the NFPA-25 inspection of exposed underground piping supplying a fire protection system be conducted by a Contractor I or Contractor II.

(10) Effective July 1, 2008, the State Fire Marshal shall require the National Institute of Certification in Engineering Technologies (NICET), Sub-field of Inspection and Testing of Fire Protection Systems Level II or equivalent training and education as determined by the division as proof that the permit holders are knowledgeable about nationally accepted standards for the inspection of fire protection systems. It is the intent of this act, from July 1, 2005, until July 1, 2008, to accept continuing education of all certificateholders' employees who perform inspection functions which specifically prepares the permit holder to qualify for NICET II certification.

History.--ss. 9, 17, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-174; s. 1, ch. 77-457; ss. 4, 8, ch. 78-141; s. 3, ch. 80-342; s. 436, ch. 81-259; s. 2, ch. 81-318; ss. 14, 20, ch. 84-243; ss. 1, 2, ch. 85-128; s. 6, ch. 88-209; s. 9, ch. 90-359; s. 4, ch. 91-429; s. 8, ch. 93-154; s. 5, ch. 93-166; s. 18, ch. 93-276; s. 443, ch. 97-102; s. 26, ch. 2005-147.

633.524 Certificate and permit fees; use and deposit of collected funds.--

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

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

History.--ss. 8, 12, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 4, ch. 80-342; s. 2, ch. 81-318; s. 2, ch. 84-107; s. 15, ch. 84-243; ss. 1, 2, ch. 85-128; s. 7, ch. 88-209; s. 30, ch. 89-233; s. 4, ch. 91-429; s. 1, ch. 98-104; s. 1411, ch. 2003-261; s. 27, ch. 2005-147.

633.527 Records concerning applicant; extent of confidentiality.--

(1) Test material is made confidential by s. 119.071(1)(a). An applicant may waive in writing the confidentiality of his or her examination answer sheet for the purpose of discussion with the State Fire Marshal or his or her staff.

(2) All examination test questions, answer sheets, and grades shall be retained for a period of 2 years following the date of the examination.

History.--s. 13, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; ss. 1, 2, ch. 85-128; s. 8, ch. 88-209; s. 4, ch. 91-429; s. 3, ch. 93-112; s. 19, ch. 93-276; s. 1, ch. 94-188; s. 4, ch. 95-398; s. 444, ch. 97-102; ss. 24, 48, ch. 2004-335; s. 51, ch. 2005-251.

633.531 Certificate effective statewide; not transferable.--When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor she or he shall only be required to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area, evidence of holding a current certificate, accompanied by the fee for the occupational license and building permit required of other persons. It is a violation of this chapter for a certificateholder to sell or otherwise transfer her or his certificate to another person.

History.--s. 9, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; s. 16, ch. 84-243; ss. 1, 2, ch. 85-128; s. 4, ch. 91-429; s. 445, ch. 97-102.

633.534 Issuance of certificate to individuals and business organizations.--

(1) When an individual proposes to do business in her or his own name, certifications, when granted, shall be issued only to that individual.

(2) If the applicant proposing to engage in contracting is a business organization, such as a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members and shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is an employee of and is legally qualified to act for the business organization in all matters connected with its contracting business and that she or he has authority to supervise and will supervise any construction undertaken by such business organization. The certification, when issued upon application of a business organization, shall be in the name of such business organization, and the name of the qualifying individual or individuals shall be noted thereon.

(3)(a) At least one member or supervising employee of the business organization as designated to the State Fire Marshal by such organization shall be certified under this chapter in order for the business organization to hold a current certificate as a contractor. If any individual so certified on behalf of such business organization ceases to be affiliated with such business organization, she or he shall inform the State Fire Marshal as provided in paragraph (b). A certified individual who is the sole contractor on behalf of a business organization may not affiliate simultaneously with another business organization. In addition, if such individual was the only certified individual affiliated with the business organization, the business organization shall immediately notify the State Fire Marshal of the individual's termination and shall have a grace period of 60 days from the date of termination in which to certify another person under the provisions of this chapter, failing which the certification of the business organization shall expire without further operation of law.

(b) The certified individual shall also inform the State Fire Marshal in writing when she or he proposes to engage in contracting in her or his own name or to affiliate with another business organization, and she or he or such new business organization shall supply the same information to the State Fire Marshal as is required of applicants under this chapter. Each certified individual must pay to the department an amount equal to the original fee for certification of a new business entity.

(c) In the event of the death of a sole proprietor or in the event that a business organization has only one certificateholder and that person dies, the individual's estate or personal representative or the business organization, as the case may be, shall immediately notify the State Fire Marshal of the individual's death and shall have a grace period of 60 days from the date of death in which to certify another person under the provisions of this chapter, failing which the certification of the business organization shall expire without further operation of law.

(4) When the certified business organization makes application for an occupational license in any municipality or county of this state, the application 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 State Fire Marshal.

History.--s. 10, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 5, 8, ch. 78-141; s. 2, ch. 81-318; s. 17, ch. 84-243; ss. 1, 2, ch. 85-128; s. 9, ch. 88-209; s. 4, ch. 91-429; s. 446, ch. 97-102.

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 during June shall cause the certificate to become inoperative, and it is unlawful thereafter for 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 shall be equal to the original application fee, and, in addition, the State Fire Marshal 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 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 prior to renewal. Contractor V certificates are required to obtain 14 contact hours of continuing education 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 shall provide to the State Fire Marshal evidence of approval of such coursework by the Construction Industry Licensing Board.

(b) Any continuing education hours approved by the department for a Contractor I, Contractor II, Contractor III, Contractor IV, or Contractor V certificateholder shall be considered as also approved to comply with continuing education requirements for licensees under the Construction Industry Licensing Board. Such continuing education requirements under this section may include seminars and conferences if the program and subject thereof is acceptable to the State Fire Marshal.

(c) The contact hours of continuing education must be obtained within the licensure period.

(4) The renewal period for the permit class is the same as that of the employing certificateholder. The continuing education requirements for permitholders shall be 8 contact hours by June 30, 2006. An additional 16 contact hours of continuing education is required by June 30, 2008, and during each biennial renewal period thereafter. The continuing education curriculum from July 1, 2005, until July 1, 2008, shall be the preparatory curriculum for NICET II certification; after July 1, 2008, the technical curriculum is at the discretion of the State Fire Marshal. It is the responsibility of the permitholder to maintain NICET II certification as a condition of permit renewal after July 1, 2008.

History.--s. 11, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 6, 8, ch. 78-141; s. 2, ch. 81-318; s. 18, ch. 84-243; ss. 1, 2, ch. 85-128; s. 10, ch. 88-209; s. 31, ch. 89-233; s. 4, ch. 91-429; s. 20, ch. 95-379; s. 2, ch. 97-19; s. 447, ch. 97-102; s. 2, ch. 98-104; s. 80, ch. 2000-158; s. 28, ch. 2005-147.

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. 633.521.

(b) Equipment shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc., or shall comply with nationally accepted standards. The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

(c) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's specifications.

(d) Each piece of equipment supplied shall be guaranteed for a period of 1 year against defects in material or operations.

(e) The contractor shall furnish the user with operating instructions for all equipment installed, together with a diagram of the final installation.

(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 State Fire Marshal. The permitholder 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.

(3) For contracts written after June 30, 2005, the contractor who installs the underground¹ piping from the point of service is responsible for completing the installation to the aboveground connection flange, which by definition in this chapter is no more than 1 foot above the finished floor, before completing the Contractor's Material and Test Certificate for Underground Piping document. Aboveground contractors may not complete the Contractor's Material and Test Certificate for Underground Piping document for underground piping or portions thereof which have been installed by others.

(4) The Contractor V may install the cross-connection backflow prevention device as defined in this chapter on new installations. 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.

History.--ss. 32, 40, ch. 89-233; s. 9, ch. 91-189; s. 4, ch. 91-429; s. 29, ch. 2005-147.

¹**Note.**--The word "piping" was inserted by the editors.

633.5391 Backflow prevention assembly inspection.--Notwithstanding any provision of the Florida Building Code to the contrary, backflow prevention assemblies must be inspected once every 3 years.

History.--s. 21, ch. 2005-147.

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 prohibits an employee acting on behalf of governmental entities from inspecting and enforcing firesafety codes, provided such employee is certified under s. 633.081.

(2) A fire protection contractor certified under this chapter may not:

(a) Enter into a written or oral agreement to authorize, or otherwise knowingly allow, a contractor who is not certified under this chapter to engage in the business of, or act in the capacity of, a fire protection contractor.

(b) Apply for or obtain a construction permit for fire protection work unless the fire protection contractor or the business organization qualified by the fire protection contractor has contracted to conduct the work specified in the application for the permit.

(3) Any person who violates any provision of this act or commits any of the acts constituting cause for disciplinary action as herein set forth 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. 633.547.

History.--s. 14, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; ss. 1, 2, ch. 85-128; s. 4, ch. 91-429; s. 21, ch. 95-379.

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

(1) The State Fire Marshal shall investigate the alleged illegal action of any fire protection system contractor or permittee certified under this chapter and hold hearings pursuant to chapter 120.

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

(a) Violation of any provision of this chapter or of any rule adopted pursuant thereto.

(b) Violation of the applicable building codes or laws of this state or any municipality or county thereof.

(c) Diversion of funds or property received for prosecution or completion of a specified construction project or operation when, as a result of the diversion, the contractor is, or will be, unable to fulfill the terms of her or his obligation or contract.

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

(e) Failure to supervise the installation of the fire protection system covered by the building permit signed by the contractor.

(f) Rendering a fire protection system, standpipe system, or underground water supply main connecting to the system inoperative except when the fire protection system, standpipe system, or underground water supply main is being inspected, serviced, tested, or repaired, or except pursuant to court order.

(g) Improperly servicing, repairing, testing, or inspecting a fire protection, standpipe system, or underground water supply main connecting to the system.

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

(i) Failing to obtain, retain, or maintain one or more of the qualifications for a certificate as specified in this chapter.

(j) Making a material misstatement, misrepresentation, or committing a fraud in obtaining or attempting to obtain a certificate.

(k) Failing to notify the State Fire Marshal, in writing, within 30 days after a change of residence address, principal business address, or name.

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

(a) She or he may suspend the certificateholder for a period not to exceed 2 years 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.

(4) During the suspension or revocation of the certificate, the former certificateholder shall not engage in or attempt to profess to engage in any transaction or business for which a certificate is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm or corporation for which a certificate under this chapter is required. The department shall not, so long as the revocation or suspension remains in effect, grant any new certificate for the establishment of any new firm, business, or corporation of any person that has or will have the same or similar management, ownership, control, or employees or that will use a same or similar name as a previously revoked or suspended firm, business, or corporation.

(5) The State Fire Marshal may deny, suspend, or revoke the certificate of:

(a) Any person, firm, or corporation the certificate of which under this chapter has been suspended or revoked.

(b) Any firm or corporation if an officer, director, stockholder, owner, or person interested directly or indirectly has had his or her certificate under this chapter suspended or revoked.

(c) Any person who is or has been an officer, director, stockholder, or owner of a firm or corporation, or who was interested directly or indirectly in a corporation, the certificate of which has been suspended or revoked under this chapter.

(6) The lapse or suspension of a certificate by operation of law or by order of the State Fire Marshal or a court or its voluntary surrender by a certificateholder does not deprive the State Fire Marshal of jurisdiction to investigate or act in disciplinary proceedings against the certificateholder.

(7) The filing of a petition in bankruptcy, either voluntary or involuntary, or the making of a composition of creditors or the appointment of a receiver for the business of the certificateholder may be considered by the State Fire Marshal as just cause for suspension of a certificate.

History.--s. 15, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; s. 19, ch. 84-243; ss. 1, 2, ch. 85-128; s. 33, ch. 89-233; s. 4, ch. 91-429; s. 20, ch. 93-276; s. 448, ch. 97-102; s. 7, ch. 98-170; s. 58, ch. 98-419; s. 30, ch. 2005-147.

633.549 Violations subject to injunction.--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 instance of the State Fire Marshal, the board, or any citizen or taxpayer of the state.

History.--s. 15, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; ss. 1, 2, ch. 85-128; s. 15, ch. 87-287; s. 4, ch. 91-429.

633.551 County and municipal powers; effect of ch. 75-240.--

(1) Nothing in this act limits the power of a municipality or county 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 act limits the power of a municipality or county to adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for work to be performed by contractors before commencement of the work, except that no municipality or county shall require a fire protection system contractor's shop drawings to be sealed by a professional engineer.

(3) 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 certification.

(4) The State Fire Marshal shall inform each county and municipal building department, prior to November 1 of each year, of the names of the certified contractors and the type of certificate held.

History.--s. 16, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; ss. 1, 2, ch. 85-128; s. 34, ch. 89-233; s. 4, ch. 91-429; s. 449, ch. 97-102; s. 3, ch. 98-35.

633.554 Application of law regulating contracting and contractors.--

(1)(a) This chapter applies to any contractor performing work for the state or any county or municipality, as well as to contractors performing work pursuant to private contracts or agreements. Officers of the state or any county or municipality are required to determine compliance with this chapter before awarding any contracts for construction, improvement, remodeling, or repair.

(b) The state or any county or municipality may require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds a current certificate.

(2) The provisions of this chapter relating to certification and contracting as a fire protection systems contractor shall apply to those so engaged in the business of contracting for fire protection systems.

History.--ss. 5, 16, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 2, ch. 81-318; ss. 1, 2, ch. 85-128; s. 16, ch. 87-287; s. 35, ch. 89-233; s. 4, ch. 91-429.

633.557 Exemptions; farm outbuildings; standpipe systems installed by plumbing contractors.--

(1) This act does not apply to owners of property who are building or improving farm outbuildings.

(2) A licensed plumbing contractor is not required to be certified under this act to install standpipe systems and the following items connected thereto: overhead and underground water mains, fire hydrants and hydrant mains, hose connections, tanks and pumps; including sprinkler heads in trash chutes and in trash rooms, having no connection to an automatic sprinkler.

History.--s. 19, ch. 75-240; s. 3, ch. 76-168; s. 1, ch. 77-174; s. 1, ch. 77-457; s. 8, ch. 78-141; s. 5, ch. 80-342; s. 2, ch. 81-318; s. 3, ch. 84-107; ss. 1, 2, ch. 85-128; s. 4, ch. 91-429.

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

(1) It is unlawful for 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. 633.021.

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

History.--ss. 4, 5, ch. 84-107; ss. 2, 4, ch. 87-181; s. 4, ch. 91-429; s. 3, ch. 98-104.

633.70 Jurisdiction of State Fire Marshal over alarm system contractors and certified unlimited electrical contractors.--

(1) When the State Fire Marshal, in the course of its activities pursuant to s. 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.

(2) Any order issued by the State Fire Marshal shall comply with the provisions of chapter 120 and allow a reasonable time for corrective action to be completed.

(3) The Department of Business and Professional Regulation and the Electrical Contractors' Licensing Board may participate, at their discretion, but not as a party, in any proceedings relating to corrective action.

(4) The State Fire Marshal shall adopt standards, by rule, for the installation, maintenance, alteration, repair, monitoring, inspection, replacement, or servicing of fire alarms and fire alarm systems.

History.--ss. 11, 14, ch. 87-254; ss. 22, 24, ch. 88-149; s. 4, ch. 91-429; s. 227, ch. 94-218; s. 231, ch. 98-200.

633.701 Requirements for fire alarm system equipment.--The requirements for fire alarm system equipment are:

(1) Equipment supplied shall be approved by a nationally recognized testing laboratory, and installed in accordance with its procedures. Any testing laboratory wishing to be considered "nationally recognized" by the State Fire Marshal shall submit an application to the State Fire Marshal for certification in accordance with procedures established by the State Fire Marshal by rule. The State Fire Marshal shall consider the applicant's use of and compliance with nationally accepted testing procedures, the applicant's inspection procedures including quality control, recognition by any other state or jurisdiction, and such other criteria as are reasonably necessary to reach an informed decision.

(2) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and procedures approved by said testing laboratory.

(3) Each piece of equipment supplied shall be warranted for a period of 1 year against defects in material or operation.

(4) The fire alarm system contractor or the certified unlimited electrical contractor shall furnish the user with appropriate documentation as required by the National Fire Protection Association standards, operating instructions for all equipment installed, together with a diagram of the final installation, except where the ownership of the system remains with the contractor.

(5) All fire alarm systems required by the State Fire Marshal's rules shall be installed, serviced, tested, repaired, inspected, and improved in compliance with the provisions of the applicable standards of the National Fire Protection Association as adopted by rule.

(6) The State Fire Marshal shall promulgate specifications, by rule, regarding the information and data to be contained in the test certificate hereby required to be provided to the consumer when the fire alarm system is installed, serviced, tested, repaired, improved, or inspected. It shall be unlawful to install, service, test, repair, improve, or inspect any fire alarm system without providing the consumer with a completed test certificate.

(7) The State Fire Marshal shall promulgate by rule specifications as to the size, shape, and color and the information to be contained in the service tags hereby required to be attached to all fire alarm systems when they are installed, serviced, tested, repaired, inspected, or improved. It shall be unlawful to install, service, test, repair, inspect, or improve a fire system without attaching a completed tag, or to use a tag not meeting the specifications of the State Fire Marshal.

History.--ss. 12, 14, ch. 87-254; s. 70, ch. 91-110; s. 10, ch. 91-189.

633.702 Prohibited acts regarding alarm system contractors or certified unlimited electrical contractors; penalties.--

(1) It shall be unlawful for any person, directly or through an agent, to sell, offer for sale, or give any make, type, or model of fire alarm system, either new or used, unless such make, type, or model has been tested and is currently approved or listed by a nationally recognized testing laboratory.

(2) Any person who violates this section 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:

(a) Render inoperative any fire alarm system which is required by the State Fire Marshal's rules, except when the system is being serviced, tested, repaired, inspected, or improved.

(b) Improperly install, service, test, repair, improve, or inspect a fire alarm system.

(c) Knowingly combining or conspiring with any person by allowing one's certificate to be used by 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 said companies, such act constitutes prima facie evidence of any intent to evade the provisions of this act.

(4) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person to intentionally or willfully install, service, test, repair, improve, or inspect a fire alarm system unless:

(a) The person is the holder of a valid and current active license as a certified unlimited electrical contractor, as defined in part II of chapter 489;

(b) The person is the holder of a valid and current active license as a licensed fire alarm contractor, as defined in part II of chapter 489;

(c) The person is authorized to act as a fire alarm system agent pursuant to s. 489.5185; or

(d) The person is exempt pursuant to s. 489.503.

History.--ss. 13, 14, ch. 87-254; s. 71, ch. 91-110; s. 159, ch. 91-224; s. 450, ch. 97-102; s. 1, ch. 2005-116; s. 31, ch. 2005-147.

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. 633.022, 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. 633.0215 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 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 municipal fire inspector selected from a list submitted by the Florida Fire 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 and Florida Building Commission shall cooperate through joint representation and coordination of codes and standards to resolve conflicts in their development, updating, and interpretation.

(4) Each appointee shall serve a 4-year term. No member shall serve more than one term. No member of the council shall be paid a salary as such member, but each shall receive travel and expense reimbursement as provided in s. 112.061.

History.--ss. 17, 18, ch. 87-287; s. 24, ch. 88-149; ss. 4, 5, ch. 91-429; s. 451, ch. 97-102; s. 61, ch. 98-287; s. 50, ch. 99-3; s. 106, ch. 2000-141.

633.801 Short title.--Sections 633.801-633.821 may be cited as the "Florida Firefighters Occupational Safety and Health Act."

History.--s. 15, ch. 2002-404.

633.802 Definitions.--Unless the context clearly requires otherwise, the following definitions shall apply to ss. 633.801-633.821:

(1) "Firefighter employee" means 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, 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 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 firefighters, except those appointed under s. 590.02(1)(d).

(3) "Firefighter employment" or "employment" means any service performed by a firefighter employee for the firefighter employer.

(4) "Firefighter place of employment" or "place of employment" means the physical location at which the firefighter is employed.

History.--s. 15, ch. 2002-404; s. 1412, ch. 2003-261.

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 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 ss. 633.801-633.821.

History.--s. 15, ch. 2002-404.

633.804 Safety inspections and consultations; rules.--The division shall adopt rules governing the manner, means, and frequency of firefighter employer and firefighter employee safety inspections and consultations by all insurers and self-insurers.

History.--s. 15, ch. 2002-404.

633.805 Division to make study of firefighter employee occupational diseases.--The division shall make a continuous study of firefighter employee occupational diseases and the ways and means for their control and prevention and shall adopt rules necessary for such control and prevention. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health.

History.--s. 15, ch. 2002-404.

633.806 Investigations by the division; refusal to admit; penalty.--

(1) The division shall make studies and investigations with respect to safety provisions and the causes of firefighter employee injuries 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 the best means of preventing firefighter injuries. In making such studies and investigations, 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 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 of firefighter employers under ss. 633.801-633.821.

History.--s. 15, ch. 2002-404.

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 shall not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

History.--s. 15, ch. 2002-404.

633.808 Division authority.--The division shall:

(1) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents 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 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.

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

(3) Assist firefighter employers in the development and implementation of firefighter employee safety training programs by contracting with professional safety organizations.

(4) 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.

History.--s. 15, ch. 2002-404.

633.809 Firefighter employers whose firefighter employees have a high frequency of work-related injuries.--The division shall develop a means by which the division may identify individual firefighter employers whose firefighter employees have a high frequency or severity of 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 carry out safety inspections of those firefighter employers so identified to ensure compliance with the safety and health 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 may submit their own safety and health programs to the division for approval in lieu of using the safety and health program developed by the division. The division shall promptly review the program submitted and approve or disapprove the program within 60 days or such program shall be deemed approved. Upon approval by the division, the program shall be implemented by the firefighter employer. If the program is not 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.

History.--s. 15, ch. 2002-404.

633.810 Workplace safety committees and safety coordinators.--

(1) 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 identified by the division as having high frequency or high severity of work-related injuries 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.

(2) 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.

(3) 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 regulating 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.

(4) 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.

History.--s. 15, ch. 2002-404.

633.811 Firefighter employer penalties.--If any firefighter employer violates or fails or refuses to comply with 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 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 ss. 633.801-633.821 for the prevention of accidents or occupational diseases, the division may 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. 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.

History.--s. 15, ch. 2002-404; s. 1413, ch. 2003-261.

633.812 Division cooperation with Federal Government; exemption from requirements for private firefighter employers.--

(1) The division shall cooperate with the Federal Government so that duplicate inspections will be avoided while at the same time ensuring safe firefighter employee places of employment for the citizens of this state.

(2) Except as provided in this section, a private firefighter employer is not subject to the requirements of the division if:

(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.

(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) and recertifies that fact to the division.

(4) This section shall not restrict the division's performance of any duties pursuant to a written contract between the division and the federal Occupational Safety and Health Administration.

History.--s. 15, ch. 2002-404.

633.813 Failure to implement a safety and health program; cancellations.--If a firefighter employer that is found by the division to have a high frequency or severity of work-related injuries fails to implement a safety and health program, 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 shall make such reports as are required by law.

History.--s. 15, ch. 2002-404.

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

History.--s. 15, ch. 2002-404; s. 1414, ch. 2003-261.

633.815 Refusal to admit; penalty.--The division and authorized representatives of the division may enter and inspect any firefighter place of employment at any reasonable time for the purpose of investigating compliance with ss. 633.801-633.821 and conducting inspections for the proper enforcement of ss. 633.801-633.821. 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.

History.--s. 15, ch. 2002-404.

633.816 Firefighter employee rights and responsibilities.--

(1) Each firefighter employee of a firefighter employer covered under 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 ss. 633.801-633.821;

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

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

(3) No pay, position, seniority, or other benefit may be lost for exercising any right under, or for seeking compliance with any requirement of, ss. 633.801-633.821.

History.--s. 15, ch. 2002-404.

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

History.--s. 15, ch. 2002-404.

633.818 False statements to insurers.--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 ss. 633.801-633.821 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 15, ch. 2002-404.

633.819 Matters within jurisdiction of the division; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.--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.

History.--s. 15, ch. 2002-404.

633.820 Volunteer firefighters.--Sections 633.803-633.821 apply to volunteer firefighters and volunteer fire departments.

History.--s. 15, ch. 2002-404.

633.821 Workplace safety.--

(1) The division shall assist in making the firefighter employee place of employment a safer place to work and decreasing the frequency and severity of on-the-job injuries in such workplace.

(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 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 is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter 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.

(4) The provisions of chapter 440 that pertain to workplace safety apply to the division.

(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 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 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 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. The National Fire Protection Association, Inc., Publication 1001, 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.

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

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

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

History.--s. 15, ch. 2002-404; s. 4, ch. 2005-117.