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CHANGES TO CHAPTER 633 EFFECTIVE JULY 1, 2013

DATE: July 3, 2013

The Division of State Fire Marshal, Bureau of Fire Standards and Training, is responsible for the administration of training and certification of firefighters, firesafety inspectors and related disciplines in Florida in accordance with Chapter 633 of the Florida Statutes. This chapter of laws was significantly amended in the 2013 Session of the Florida Legislature and the amendments became effective on July 1, 2013. As a public resource of general information for individuals and entities subject to the provisions of Chapter 633, Florida Statutes, relating to firefighters, firesafety inspectors, and related fire service disciplines, the Bureau has written a summary of changes in the laws in these areas.

The purpose of this memo is to highlight different areas that may directly impact the reader as a result of changes to Florida Statutes. For additional information, the reader is encouraged to review the complete text of the relevant sections of the law. The complete text is contained in Chapter 2013-183, Laws of Florida, and can be viewed at <http://laws.flrules.org/2013/183>.

1. Definitions

- “Active” means being employed as a firefighter or providing service as a volunteer firefighter for a cumulative 6 months within a 4-year period.
- “Diligent effort” means contacting at least three of the individual’s previous employers to obtain his or her dates of employment, and contacting the Division to determine the certification status of the individual.
- “Employ” means to pay an individual a salary, wage, or other compensation for the performance of work. The term does not include the payment of expenses, reasonable benefits, a nominal fee, or a combination thereof to a volunteer for a public or private fire service provider who is only paid in a manner that would be authorized for a volunteer under the federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq., and its implementing rules.
- “Fire service provider” means a municipality or county, the state, or any political subdivision of the state, including authorities and special districts, employing firefighters or utilizing volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.
- “Fire service support personnel” means an individual who does not hold a current and valid certificate issued by the Division and who may only perform support services.
- “Firefighter” means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division under s.633.408, Florida Statutes.

Definitions *(continued)*

- “Firesafety inspector” means an individual who holds a current and valid Firesafety Inspector Certificate of Compliance issued by the Division who is officially assigned the duties of conducting firesafety inspections of buildings and facilities on a recurring or regular basis on behalf of the state or any county, municipality, or special district with fire safety responsibilities.
- “Hot zone” means the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.
- “Minimum Standards Course” means training of at least 360 hours (as prescribed by rule adopted by the division), which is required to obtain a Firefighter Certificate of Compliance under s. 633.408, Florida Statutes.
- “Support services” means those activities that a fire service provider has trained an individual to perform safely outside the hot zone of an emergency scene, including pulling hoses, opening and closing fire hydrants, driving and operating apparatus, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, or similar activities.
- “Volunteer firefighter” means an individual who holds a current and valid Volunteer Firefighter Certificate of Completion issued by the Division under s. 633.408, Florida Statutes.

2. Instructors

- Every instructor certificate is valid for a period of 4 years from the date of issuance or renewal date.
- The renewal of an instructor certification requires completion of at least 40 hours of continuing education during the preceding 4-year period.

3. Firesafety Inspector

- A firesafety inspector certificate is valid for a period of 4 years from the date of issuance or renewal date.
- The renewal of a firesafety inspector certification requires completion of at least 54 hours of continuing education during the preceding 4-year period. For a certificate renewed or reissued on or after January 1, 2015, at least eight of the 54 hours required must consist of education or training related to the application of the Florida Fire Prevention Code.
- A previously certified firesafety inspector whose certification has lapsed for 8 years or more must repeat the firesafety inspector training as specified by the Division.

4. Special State Firesafety Inspector

- The classification of Special State Firesafety Inspector is abolished and all Special State Firesafety Inspector certifications expired at midnight on June 30, 2013.

5. Denial, Suspension or Revocation of License, Certificate, or Permit

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

6. **Impersonating a State Fire Marshal, Firefighter, Volunteer Firefighter, or Firesafety Inspector**
 - A person who falsely assumes or pretends to be the State Fire Marshal, an agent of the Division, a firefighter, a volunteer firefighter, or a firesafety inspector by identifying himself or herself as the State Fire Marshal, an agent of the Division, a firefighter, a volunteer firefighter, or a firesafety inspector by wearing a uniform or presenting or displaying a badge as credentials that would cause a reasonable person to believe that he or she is a State Fire Marshal, an agent of the Division, a firefighter, a volunteer firefighter, or firesafety inspector commits a felony of the third degree, punishable as provided in ss. 775.082 and 775.083, Florida Statutes, or, if the impersonation occurs during the commission of a separate felony by that person, commits a felony of the first degree, punishable as provided in ss. 775.082 and 775.083, Florida Statutes.
7. **Suspension or Revocation of All Certificates**
 - If the Division suspends or revokes an individual's certificate, the Division shall suspend or revoke all other certificates issued to the individual by the Division.
8. **Requirement of Training Providers to Register Class Offerings in FCDICE**
 - Only approved and registered education or training providers are eligible to provide instruction or training that will be recognized by the Division as fulfilling any education or training requirement. These courses must be approved and registered in FCDICE (Florida Fire College Database) to be recognized for purposes of class completion, program completion, or certification.
9. **Firefighter Certification; Qualification for Certification**
 - A person making application for Firefighter Certification is ineligible if previously convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country, or dishonorably discharged from any of the Armed Forces of the United States. "Convicted" means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.
10. **Notice of Change of Address of Record**
 - Any individual issued a license, permit, or certificate under this chapter shall notify the Division in writing of any changes to his or her current mailing address, e-mail address, and place of practice.
 - Notwithstanding any other provision of law, delivery by regular mail or e-mail to a licensee, permittee, or certificate holder, using the last known mailing address or email address on record with the Division, constitutes adequate and sufficient notice to the licensee, permittee, or certificate holder of any official communication by the Division.
 - Any individual issued a license, permit, or certificate under this chapter shall notify the Division in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

11. Maintenance of Volunteer Firefighter Certificate of Completion

In order for a volunteer firefighter to retain his or her Volunteer Firefighter Certificate of Completion, every 4 years he or she must meet one of the following conditions:

- Be active as a volunteer firefighter (serve as a volunteer firefighter for a cumulative 6 months within a 4-year period); **or**,
- Successfully complete a refresher course consisting of a minimum of 40 hours of training.

12. Standard for Revocation of Firefighter Certification

The certification of an individual shall be permanently revoked if the individual is:

- Convicted of a misdemeanor relating to perjury or false statement; or,
- Convicted of a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country; or,
- Dishonorably discharged from any of the Armed Forces of the United States.

For individuals who are certified before July 1, 2013:

- This subsection applies prospectively to convictions or dishonorable discharges entered on or after July 1, 2013.
- Section 633.351, Florida Statutes, as it existed before July 1, 2013, applies to convictions entered before July 1, 2013.

13. Retention of a Firefighter Certification

In order for a firefighter to retain his or her Firefighter Certification of Compliance, every 4 years he or she must meet one of the following conditions:

- Be active as a firefighter (employed as a firefighter or providing service as a volunteer firefighter for a cumulative 6 months within a 4-year period); **or**,
- Maintain a current and valid fire service instructor certificate, instruct at least 40 hours during the 4-year period, and provide proof of such instruction to the Division, which proof must be registered in an electronic database designated by the Division; **or**,
- Successfully complete a refresher course consisting of a minimum of 40 hours of training to be prescribed by rule; **or**,
- Within 6 months before the 4-year period expires, successfully retake and pass the Minimum Standards Course examination in a manner to be prescribed by rule.
- For persons certified before July 1, 2013, the 4-year period begins on July 1, 2014, or upon termination of employment or service thereafter.
- For persons certified on or after July 1, 2013, the 4-year period begins on the date the certificate is issued or upon termination of employment or service with a fire department.

14. Firefighter Employment with a Fire Service Provider (Fire Department)

- A fire service provider may not employ an individual to extinguish fires for the protection of life or property or to supervise individuals who perform such services unless the individual holds a current and valid Firefighter Certificate of Compliance; or,
- If serving as the administrative and command head of a fire service provider for a period in excess of 1 year, the individual must hold a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance.
- The fire service provider must make a diligent effort to determine whether the individual has a current and valid certificate before employing or retaining an individual as a certified or volunteer firefighter.

15. Volunteer Firefighter Service with a Fire Service Provider (Fire Department)

A fire service provider may not retain the services of an individual volunteering to extinguish fires for the protection of life or property or to supervise individuals who perform such services unless the individual holds a current and valid Volunteer Firefighter Certificate of Completion; however, the fire service provider may retain the services of this individual as fire service support personnel as defined by statute.

16. Classes of Certification

The following certificate types are issued by the Bureau of Fire Standards and Training:

- Certificate of Competency
- Fire Service Instructor Certificate
- Firefighter Certificate of Compliance
- Firesafety Inspector Certificate of Compliance
- Forestry Certificate of Compliance
- Special Certificate of Compliance
- Volunteer Firefighter Certificate of Completion