

By Senator Geller

29-1515A-98

1                                   A bill to be entitled  
2           An act relating to fire prevention and control;  
3           amending s. 633.021, F.S.; defining the term  
4           "fire extinguisher"; amending s. 633.061, F.S.;  
5           requiring an individual or organization that  
6           hydrotests fire extinguishers and preengineered  
7           systems to obtain a permit or license from the  
8           State Fire Marshal; revising the services that  
9           may be performed under certain licenses and  
10          permits issued by the State Fire Marshal;  
11          increasing the amount of insurance coverage  
12          that an applicant for licensure is required to  
13          obtain; providing additional application  
14          requirements; providing requirements for  
15          obtaining an upgraded license; amending ss.  
16          633.065, 633.071, F.S.; providing requirements  
17          for installing and inspecting fire suppression  
18          equipment; amending s. 633.162, F.S.;  
19          prohibiting an owner, officer, or partner of a  
20          company from applying for licensure if the  
21          license held by the company is suspended or  
22          revoked; revising the grounds upon which the  
23          State Fire Marshal may deny, revoke, or suspend  
24          a license or permit; amending s. 633.171, F.S.;  
25          revising the prohibition against rendering a  
26          fire extinguisher or preengineered system  
27          inoperative to conform to changes made by the  
28          act; amending s. 489.105, F.S., relating to  
29          contracting; conforming a cross-reference to  
30          changes made by the act; providing an effective  
31          date.

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

2

3 Section 1. Present subsections (7) through (25) of  
4 section 633.021, Florida Statutes, are redesignated as  
5 subsections (8) through (26), respectively, and a new  
6 subsection (7) is added to that section, to read:

7 633.021 Definitions.--As used in this chapter:

8 (7) A "fire extinguisher" is a cylinder that:

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

10 (b) Is manually operated.

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

13 (d) Is rechargeable or nonrechargeable.

14 (e) Is installed, serviced, repaired, recharged,  
15 inspected, and hydrotested according to applicable procedures  
16 of the manufacturer, standards of the National Fire Protection  
17 Association, and standard practices used by fire equipment  
18 dealers and distributors.

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

21 Section 2. Section 633.061, Florida Statutes, is  
22 amended to read:

23 633.061 License or permit required of organizations  
24 and individuals servicing, recharging, repairing, ~~testing,~~  
25 ~~marking,~~ inspecting, or installing, or hydrotesting fire  
26 extinguishers and preengineered systems.--

27 (1) It is unlawful for any organization or individual  
28 to engage in the business of servicing, repairing, recharging,  
29 ~~testing, marking,~~ inspecting, or installing, or hydrotesting  
30 any fire extinguisher or preengineered system in this state  
31 except in conformity with the provisions of this chapter.

1 Each organization or individual that ~~which~~ engages in such  
2 activity must possess a valid and subsisting license issued by  
3 the State Fire Marshal. All fire extinguishers and  
4 preengineered systems required by statute or by rule must be  
5 serviced by an organization or individual licensed under the  
6 provisions of this chapter. The licensee is legally qualified  
7 to act for the business organization in all matters connected  
8 with its business, and the licensee must supervise all  
9 activities undertaken by such business organization. Each  
10 licensee shall maintain a specific business location. A  
11 further requirement, in the case of multiple locations where  
12 such servicing or recharging is taking place, is that each  
13 licensee who maintains more than one place of business where  
14 actual work is carried on must possess an additional license,  
15 as set forth in this section, for each location, except that a  
16 ~~no~~ licensed individual may not qualify for more than five  
17 locations. A licensee is limited to a specific type of work  
18 performed depending upon the class of license held. Licenses  
19 and license fees are required for the following:

20 (a) Class A.....\$150  
21 To service, recharge, repair, install, or inspect all types of  
22 fire extinguishers, ~~including recharging carbon dioxide units,~~  
23 and to conduct hydrostatic tests on all types of fire  
24 extinguishers and system bottles, ~~including carbon dioxide~~  
25 ~~units.~~

26 (b) Class B.....\$100  
27 To service, recharge, repair, install, or inspect all types of  
28 fire extinguishers, including recharging carbon dioxide units  
29 and conducting hydrostatic tests on all ~~water, water chemical,~~  
30 ~~and dry chemical~~ types of fire extinguishers and system  
31 bottles that do not require volumetric testing ~~only.~~

1           (c) Class C.....\$100  
2 To service, recharge, repair, install, or inspect all types of  
3 fire extinguishers, except recharging carbon dioxide units,  
4 and to conduct hydrostatic tests on all ~~water, water chemical,~~  
5 ~~and dry chemical~~ types of fire extinguishers and system  
6 bottles that do not require volumetric testing only.  
7           (d) Class D.....\$125  
8 To service, repair, recharge, install, or inspect all types of  
9 preengineered fire extinguishing systems.  
10          (e) Licenses issued as duplicates or to reflect a  
11 change of address.....\$10  
12  
13 Any fire equipment dealer licensed pursuant to this subsection  
14 who does not want to engage in the business of servicing,  
15 inspecting, recharging, repairing, hydrotesting, or installing  
16 halon equipment must file an affidavit on a form provided by  
17 the division so stating. Licenses will be issued by the  
18 division to reflect the work authorized thereunder. It is  
19 unlawful, unlicensed activity for any person or firm to  
20 falsely hold himself or herself or a business organization out  
21 to perform any service, inspection, recharge, repair,  
22 hydrotest, or installation except as specifically described in  
23 the license.  
24          (2) Each individual actually performing the work of  
25 servicing, recharging, repairing, hydrotesting, installing,  
26 testing, or inspecting fire extinguishers or preengineered  
27 systems must possess a valid and subsisting permit issued by  
28 the State Fire Marshal. Permittees are limited as to specific  
29 type of work performed dependent upon the class of permit held  
30 which shall be a class allowing work no more extensive than  
31 the class of license held by the licensee under whom the

1 | permittee is working. Permits and fees therefor are required  
2 | for the following:  
3 |       (a) Class 1.....\$50  
4 | Servicing, recharging, repairing, installing, or inspecting  
5 | all types of fire extinguishers, including carbon dioxide  
6 | units, and conducting hydrostatic tests on all types of fire  
7 | extinguishers, including carbon dioxide units.  
8 |       (b) Class 2.....\$50  
9 | Servicing, recharging, repairing, installing, or inspecting  
10 | all types of fire extinguishers, including carbon dioxide  
11 | units, and conducting hydrostatic tests on water, water  
12 | chemical, and dry chemical types of fire extinguishers only.  
13 |       (c) Class 3.....\$50  
14 | Servicing, recharging, repairing, installing, or inspecting  
15 | all types of fire extinguishers, except recharging carbon  
16 | dioxide units, and conducting hydrostatic tests on water,  
17 | water chemical, and dry chemical types of fire extinguishers  
18 | only.  
19 |       (d) Class 4.....\$65  
20 | Servicing, repairing, installing, or inspecting all types of  
21 | preengineered fire extinguishing systems.  
22 |       (e) Permits issued as duplicates or to reflect a  
23 | change of address.....\$10  
24 |  
25 | Any fire equipment permittee licensed pursuant to this  
26 | subsection who does not want to engage in servicing,  
27 | inspecting, recharging, repairing, hydrotesting, or installing  
28 | halon equipment must file an affidavit on a form provided by  
29 | the division so stating. Permits will be issued by the  
30 | division to reflect the work authorized thereunder. It is  
31 | unlawful, unlicensed activity for any person or firm to

1 falsely hold himself or herself out to perform any service,  
2 inspection, recharge, repair, hydrotest, or installation  
3 except as specifically described in the permit.

4 (3)(a) Such licenses and permits shall be issued by  
5 the State Fire Marshal for each license year beginning January  
6 1 and expiring the following December 31. The failure to  
7 renew a license or permit by December 31 will cause the  
8 license or permit to become inoperative. The holder of an  
9 inoperative license or permit shall not engage in any  
10 activities for which a license or permit is required by this  
11 section. A license or permit which is inoperative because of  
12 the failure to renew it shall be restored upon payment of the  
13 applicable fee plus a penalty equal to the applicable fee, if  
14 the application for renewal is filed no later than the  
15 following March 31. If the application for restoration is not  
16 made before the March 31st deadline, the fee for restoration  
17 shall be equal to the original application fee and the penalty  
18 provided for herein, and, in addition, the State Fire Marshal  
19 shall require reexamination of the applicant. Each licensee  
20 or permittee shall successfully complete a course or courses  
21 of continuing education for fire equipment technicians within  
22 5 years of initial issuance of a license or permit and within  
23 every 5-year period thereafter or no such license or permit  
24 shall be renewed. The State Fire Marshal shall adopt rules  
25 describing the continuing education requirements.

26 (b) The forms of such licenses and permits and  
27 applications therefor shall be prescribed by the State Fire  
28 Marshal; in addition to such other information and data as  
29 that officer determines is appropriate and required for such  
30 forms, there shall be included in such forms the following  
31 matters. Each such application shall be in such form as to

1 provide that the data and other information set forth therein  
2 shall be sworn to by the applicant or, if a corporation, by an  
3 officer thereof. An application for a permit shall include  
4 the name of the licensee employing such permittee, and the  
5 permit issued in pursuance of such application shall also set  
6 forth the name of such licensee. A permit is valid solely for  
7 use by the holder thereof in his or her employment by the  
8 licensee named in the permit.

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

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

15 2. The State Fire Marshal or his or her designee has  
16 by inspection determined that the applicant possesses the  
17 equipment required for the class of license sought. The State  
18 Fire Marshal shall give an applicant a reasonable opportunity  
19 to correct any deficiencies discovered by inspection. A fee of  
20 \$50, payable to the State Fire Marshal, shall be required for  
21 any subsequent reinspection.

22 3. The applicant has submitted to the State Fire  
23 Marshal proof of insurance providing coverage for  
24 comprehensive general liability for bodily injury and property  
25 damage, products liability, completed operations, and  
26 contractual liability. The State Fire Marshal shall adopt  
27 rules providing for the amounts of such coverage, but such  
28 amounts shall not be less than \$1 million~~\$300,000~~ for Class A  
29 or Class D licenses, \$500,000~~\$200,000~~ for Class B licenses,  
30 and \$500,000~~\$100,000~~ for Class C licenses; and the total  
31 coverage for any class of license held in conjunction with a

1 Class D license shall not be less than \$1 million~~\$300,000~~.  
2 The State Fire Marshal may, at any time after the issuance of  
3 a license or its renewal, require upon demand, and in no event  
4 more than 30 days after notice of such demand, the licensee to  
5 provide proof of insurance, on a form provided by the State  
6 Fire Marshal, containing confirmation of insurance coverage as  
7 required by this chapter. Failure, for any length of time, to  
8 provide proof of insurance coverage as required shall result  
9 in the immediate suspension of the license until proof of  
10 proper insurance is provided to the State Fire Marshal. An  
11 insurer which provides such coverage shall notify the State  
12 Fire Marshal of any change in coverage or of any termination,  
13 cancellation, or nonrenewal of any coverage.

14 4. The applicant successfully completes a prescribed  
15 training course offered by the State Fire College or an  
16 equivalent course approved by the State Fire Marshal. This  
17 subparagraph does not apply to any holder of or applicant for  
18 a permit under paragraph (d) or to a business organization or  
19 a governmental entity seeking initial licensure or renewal of  
20 an existing license solely for the purpose of inspecting,  
21 servicing, repairing, marking, recharging, and maintaining  
22 fire extinguishers used and located on the premises of and  
23 owned by such organization or entity.

24 5. The applicant has a current retested identification  
25 number that is appropriate for the license for which the  
26 applicant is applying and that is listed with the Department  
27 of Transportation.

28 ~~6.5.~~ The applicant has passed, with a grade of at  
29 least 70 percent, a written examination testing his or her  
30 knowledge of the rules and statutes regulating the activities  
31 authorized by the license and demonstrating his or her



1 knowledge and ability to perform those tasks in a competent,  
2 lawful, and safe manner. Such examination shall be developed  
3 in accordance with accepted standards and measurements for  
4 educational testing, and administered by The State Fire  
5 Marshal, or his or her designee, shall develop and administer  
6 the examination. An applicant shall pay a nonrefundable  
7 examination fee of \$50 for each examination or reexamination  
8 scheduled. ~~A No~~ reexamination may not ~~shall~~ be scheduled  
9 sooner than 30 days after any administration of an examination  
10 to an applicant. ~~An No~~ applicant may not ~~shall be permitted~~  
11 ~~to~~ take an examination for any level of license more than a  
12 total of four times during 1 year, regardless of the number of  
13 applications submitted. As a prerequisite to taking the  
14 examination, the applicant:

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

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

23 c. Must not have been convicted of, or pled nolo  
24 contendere to, any felony that is related to the fire  
25 equipment business or that involves moral turpitude. If an  
26 applicant has been convicted of any such felony, the applicant  
27 must comply with s. 112.011(2)(b).

28  
29 This subparagraph does not apply to any holder of or applicant  
30 for a permit under paragraph (d) or to a business organization  
31 or a governmental entity seeking initial licensure or renewal

1 of an existing license solely for the purpose of inspecting,  
2 servicing, repairing, ~~marking~~, recharging, hydrotesting, and  
3 maintaining fire extinguishers used and located on the  
4 premises of and owned by such organization or entity.

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

16 (e) An applicant may upgrade his or her license if the  
17 applicant:

18 1. Submits an application for the class of the  
19 upgraded license.

20 2. Submits evidence of a minimum of 2 years'  
21 experience as a fire equipment licensee in this state.

22 3. Attends a course relevant to the upgraded license  
23 and approved by the State Fire Marshall.

24 4. Passes an examination that tests the applicant's  
25 knowledge and competency of the rules and activities to be  
26 performed under the upgraded license.

27 5. Provides evidence of insurance coverage as required  
28 by subparagraph (c)3.

29 6. Meets the requirements for equipment applicable to  
30 the upgraded license under subparagraph (c)2.

31

1            (f)~~(d)~~ No permit of any class shall be issued or  
2 renewed to a person by the State Fire Marshal, and no permit  
3 of any class shall remain operative, unless the person has:

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

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

9            3. Passed, with a grade of at least 70 percent, a  
10 written examination testing his or her knowledge of the rules  
11 and statutes regulating the activities authorized by the  
12 permit and demonstrating his or her knowledge and ability to  
13 perform those tasks in a competent, lawful, and safe manner.

14 Such examination shall be developed and administered by the  
15 State Fire Marshal. An examination fee shall be paid for each  
16 examination scheduled. No reexamination shall be scheduled  
17 sooner than 30 days after any administration of an examination  
18 to an applicant. No applicant shall be permitted to take an  
19 examination for any level of permit more than four times  
20 during 1 year, regardless of the number of applications  
21 submitted. As a prerequisite to taking the permit  
22 examination, the applicant must be at least 16 years of age.

23            (g)~~(e)~~ An applicant who fails the examination may take  
24 it three more times during the 1-year period after he or she  
25 originally filed an application for the examination. If the  
26 applicant fails the examination within 1 year after the  
27 application date and he or she seeks to retake the  
28 examination, he or she must file a new application, pay the  
29 application and examination fees, and successfully complete a  
30 prescribed training course offered by the State Fire College  
31 or an equivalent course approved by the State Fire Marshal.

1 The applicant may not submit a new application within 6 months  
2 after the date of his or her last reexamination.

3 (4)(a) It is unlawful for a fire equipment dealer to  
4 engage in training an individual to perform the work of  
5 installing, testing, recharging, repairing, or inspecting  
6 portable extinguishers or preengineered systems except in  
7 conformity with this section. Each individual engaging in  
8 such training activity must be registered with the State Fire  
9 Marshal. The dealer must register the trainee prior to the  
10 trainee performing any work. The dealer must submit training  
11 criteria to the State Fire Marshal for review and approval.

12 (b) A ~~No~~ trainee may not ~~shall~~ perform work requiring  
13 a permit unless an individual possessing a valid and current  
14 fire equipment permit for the type of work performed is  
15 physically present. The trainee's registration shall be valid  
16 for a 90-day period from the date of issuance and is  
17 nontransferable and nonrenewable. The initial training period  
18 may be extended for an additional 90 days of training if the  
19 applicant has filed an application for permit and enrolled in  
20 the 40-hour course at the State Fire College within 60 days  
21 after the date of registration as a trainee and either the  
22 training course at the State Fire College was unavailable to  
23 the applicant within the initial training period, at no fault  
24 of the applicant, or the applicant attends and fails the  
25 40-hour training course or the competency examination. At no  
26 time will an individual be registered as a trainee for more  
27 than two 90-day periods as provided in this paragraph. The  
28 trainee must:

- 29 1. Be 18 years of age.
- 30 2. Possess on his or her person at all times a valid  
31 Florida driver's license or a valid state identification card,

1 issued by the Department of Highway Safety and Motor Vehicles.  
2 A trainee must produce identification to the State Fire  
3 Marshal or his or her designated representative upon demand.

4 3. Pay a fee for registration of \$10 per trainee for a  
5 90-day period.

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

13 (d) Upon completion of a training period, an  
14 individual must comply with the provisions of this section to  
15 obtain a permit.

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

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

31

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

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

9           (9) All fire extinguishers and preengineered systems  
10 that ~~which~~ are required by statute or by rule must be  
11 serviced, recharged, repaired, hydrottested ~~tested~~, inspected,  
12 and installed in compliance with this chapter and with the  
13 rules adopted by the State Fire Marshal. The State Fire  
14 Marshal may adopt by rule the standards of the National Fire  
15 Protection Association and of other reputable national  
16 organizations.

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

25           Section 3. Paragraph (b) of subsection (1) of section  
26 633.065, Florida Statutes, is amended to read:

27           633.065 Requirements for installation, inspection, and  
28 maintenance of fire suppression equipment.--

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

31

1           (b) Equipment supplied must ~~shall~~ be currently listed  
2 by a nationally recognized testing laboratory, such as  
3 Underwriters Laboratories, Inc., or Factory Mutual  
4 Laboratories, Inc. The State Fire Marshal shall adopt by rule  
5 procedures for determining whether a laboratory is nationally  
6 recognized, taking into account the laboratory's facilities,  
7 procedures, use of nationally recognized standards, and any  
8 other criteria reasonably calculated to reach an informed  
9 determination.

10           Section 4. Subsection (1) of section 633.071, Florida  
11 Statutes, is amended to read:

12           633.071 Standard service tag required on all fire  
13 extinguishers and preengineered systems; serial number  
14 required on all portable fire extinguishers.--

15           (1) The State Fire Marshal shall adopt by rule  
16 specifications as to the size, shape, color, and information  
17 and data contained thereon of service tags to be attached to  
18 all fire extinguishers and preengineered systems required by  
19 statute or by rule, whether they be portable, stationary, or  
20 on wheels when they are placed in service, installed,  
21 serviced, repaired, tested, recharged, or inspected. Fire  
22 extinguishers may be tagged only after meeting all standards  
23 as set forth by this chapter, the standards of the National  
24 Fire Protection Association, and ~~all~~ manufacturer's  
25 specifications ~~requirements~~. Preengineered systems may be  
26 tagged only after a system has been inspected, serviced,  
27 installed, repaired, tested, ~~and~~ recharged, and hydrotested in  
28 compliance with this chapter, the standards of the National  
29 Fire Protection Association, and the manufacturer's  
30 specifications, and after a report, as specified by rule, has  
31 been completed in detail, indicating any and all deficiencies

1 or deviations from the manufacturer's specifications and the  
2 standards ~~requirements~~ of the National Fire Protection  
3 Association. A copy of the inspection report shall be provided  
4 to the owner at the time of inspection, and, if a system is  
5 found to be in violation of this chapter, the manufacturer's  
6 specifications, or the standards of the National Fire  
7 Protection Association, a copy shall be forwarded to the state  
8 or local authority having jurisdiction within 30 days from the  
9 date of service. It shall be unlawful to place in service,  
10 service, test, repair, inspect, install, hydrotest, or  
11 recharge any fire extinguisher or preengineered system without  
12 attaching one of these tags completed in detail, including the  
13 actual month work was performed, or to use a tag not meeting  
14 the specifications set forth by the State Fire Marshal.

15 Section 5. Subsection (1) and paragraphs (a) and (c)  
16 of subsection (2) of section 633.162, Florida Statutes, are  
17 amended to read:

18 633.162 Disciplinary action; fire extinguisher or  
19 preengineered systems; grounds for denial, nonrenewal,  
20 suspension, or revocation of license or permit.--

21 (1) The violation of any provision of this chapter or  
22 any rule adopted and promulgated pursuant hereto or the  
23 failure or refusal to comply with any notice or order to  
24 correct a violation or any cease and desist order by any  
25 person who possesses a license or permit issued pursuant to s.  
26 633.061 is cause for denial, nonrenewal, revocation, or  
27 suspension of such license or permit by the State Fire Marshal  
28 after such officer has determined that the person is guilty of  
29 such violation. An order of suspension shall state the period  
30 of time of such suspension, which period may not be in excess  
31 of 2 years from the date of such order. An order of



1 revocation may be entered for a period not exceeding 5 years.  
2 Such orders shall effect suspension or revocation of all  
3 licenses or permits then held by the person, and during such  
4 period of time no license or permit shall be issued to such  
5 person. If, during the period between the beginning of  
6 proceedings and the entry of an order of suspension or  
7 revocation by the State Fire Marshal, a new license or permit  
8 has been issued to the person so charged, the order of  
9 suspension or revocation shall operate to suspend or revoke  
10 such new license or permit held by such person. If the license  
11 of a company is suspended or revoked, a director, officer,  
12 stockholder, owner, or partner of that company may not apply  
13 for a license or be affiliated in any way with another  
14 licensee during the period of the suspension or revocation.

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

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

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

27 Section 6. Section 633.171, Florida Statutes, is  
28 amended to read:

29 633.171 Penalty for violation of law, rule, or order  
30 to cease and desist or for failure to comply with corrective  
31 order.--

1           (1) The violation of any provision of this law, or any  
2 order or rule of the State Fire Marshal or order to cease and  
3 desist or to correct conditions issued hereunder, shall  
4 constitute a misdemeanor of the second degree, punishable as  
5 provided in s. 775.082 or s. 775.083.

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

9           (a) Render a fire extinguisher or preengineered system  
10 required by statute or by rule inoperative except during such  
11 time as the said extinguisher or preengineered system is being  
12 serviced, hydrotested ~~tested~~, repaired, or recharged, except  
13 pursuant to court order.

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

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

18           (d) Use the license or permit number of another  
19 person.

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

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

25           Section 7. Paragraph (n) of subsection (3) of section  
26 489.105, Florida Statutes, is amended to read:

27           489.105 Definitions.--As used in this part:

28           (3) "Contractor" means the person who is qualified  
29 for, and shall only be responsible for, the project contracted  
30 for and means, except as exempted in this part, the person  
31 who, for compensation, undertakes to, submits a bid to, or

1 does himself or herself or by others construct, repair, alter,  
2 remodel, add to, demolish, subtract from, or improve any  
3 building or structure, including related improvements to real  
4 estate, for others or for resale to others; and whose job  
5 scope is substantially similar to the job scope described in  
6 one of the subsequent paragraphs of this subsection. For the  
7 purposes of regulation under this part, "demolish" applies  
8 only to demolition of steel tanks over 50 feet in height;  
9 towers over 50 feet in height; other structures over 50 feet  
10 in height, other than buildings or residences over three  
11 stories tall; and buildings or residences over three stories  
12 tall. Contractors are subdivided into two divisions, Division  
13 I, consisting of those contractors defined in paragraphs  
14 (a)-(c), and Division II, consisting of those contractors  
15 defined in paragraphs (d)-(q):

16 (n) "Underground utility and excavation contractor"  
17 means a contractor whose services are limited to the  
18 construction, installation, and repair, on public or private  
19 property, of main sanitary sewer collection systems, main  
20 water distribution systems, storm sewer collection systems,  
21 and the continuation of utility lines from the main systems to  
22 a point of termination up to and including the meter location  
23 for the individual occupancy, sewer collection systems at  
24 property line on residential or single-occupancy commercial  
25 properties, or on multioccupancy properties at manhole or wye  
26 lateral extended to an invert elevation as engineered to  
27 accommodate future building sewers, water distribution  
28 systems, or storm sewer collection systems at storm sewer  
29 structures. However, an underground utility and excavation  
30 contractor may install empty underground conduits in  
31 rights-of-way, easements, platted rights-of-way in new site

1 development, and sleeves for parking lot crossings no smaller  
2 than 2 inches in diameter, provided that each conduit system  
3 installed is designed by a licensed professional engineer or  
4 an authorized employee of a municipality, county, or public  
5 utility and that the installation of any such conduit does not  
6 include installation of any conductor wiring or connection to  
7 an energized electrical system. An underground utility and  
8 excavation contractor shall not install any piping that is an  
9 integral part of a fire protection system as defined in s.  
10 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping  
11 is used exclusively for such system.

12 Section 8. This act shall take effect October 1, 1998.

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SENATE SUMMARY

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Revises various provisions of ch. 633, F.S., governing the licensing and permitting by the State Fire Marshal of organizations and individuals who install and service firesafety equipment. Provides requirements for conducting hydrotests of fire extinguishers and preengineered systems. Revises the type of work that may be performed by a person who holds a particular class of license or permit. Increases the amount of insurance coverage that is required for licensure. Provides requirements for obtaining an upgraded license. (See bill for details.)