

By the Committee on Banking and Insurance and Senators Geller
and Clary

311-2103-98

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 providing additional application requirements;
12 providing requirements for obtaining an
13 upgraded license; amending ss. 633.065,
14 633.071, F.S.; providing requirements for
15 installing and inspecting fire suppression
16 equipment; amending s. 633.162, F.S.;
17 prohibiting an owner, officer, or partner of a
18 company from applying for licensure if the
19 license held by the company is suspended or
20 revoked; revising the grounds upon which the
21 State Fire Marshal may deny, revoke, or suspend
22 a license or permit; providing restrictions on
23 activities of former licenseholders and
24 permittees; amending s. 633.171, F.S.; revising
25 the prohibition against rendering a fire
26 extinguisher or preengineered system
27 inoperative to conform to changes made by the
28 act; amending s. 633.547, F.S.; providing the
29 State Fire Marshal authority to suspend and
30 revoke certificates; providing restrictions on
31 the activities of former certificateholders

1 whose certificates are suspended or revoked;
2 amending s. 489.105, F.S., relating to
3 contracting; conforming a cross-reference to
4 changes made by the act; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:

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

13 633.021 Definitions.--As used in this chapter:

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

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

16 (b) Is manually operated.

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

19 (d) Is rechargeable or nonrechargeable.

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

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

26 Section 2. Section 633.061, Florida Statutes, is
27 amended to read:

28 633.061 License or permit required of organizations
29 and individuals servicing, recharging, repairing, testing,
30 marking, inspecting, ~~or~~ installing, or hydrottesting fire
31 extinguishers and preengineered systems.--

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

25 (a) Class A.....\$150
26 To service, recharge, repair, install, or inspect all types of
27 fire extinguishers, ~~including recharging carbon dioxide units,~~
28 and to conduct hydrostatic tests on all types of fire
29 extinguishers, ~~including carbon dioxide units.~~

30 (b) Class B.....\$100

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1 To service, recharge, repair, install, or inspect all types of
2 fire extinguishers, including recharging carbon dioxide units
3 and conducting hydrostatic tests on all ~~water, water chemical,~~
4 ~~and dry chemical~~ types of fire extinguishers, except carbon
5 dioxide units ~~only~~.

6 (c) Class C.....\$100
7 To service, recharge, repair, install, or inspect all types of
8 fire extinguishers, except recharging carbon dioxide units,
9 and to conduct hydrostatic tests on all ~~water, water chemical,~~
10 ~~and dry chemical~~ types of fire extinguishers, except carbon
11 dioxide units ~~only~~.

12 (d) Class D.....\$125
13 To service, repair, recharge, hydrotest,install, or inspect
14 all types of preengineered fire extinguishing systems.

15 (e) Licenses issued as duplicates or to reflect a
16 change of address.....\$10

17
18 Any fire equipment dealer licensed pursuant to this subsection
19 who does not want to engage in the business of servicing,
20 inspecting, recharging, repairing, hydrotesting,or installing
21 halon equipment must file an affidavit on a form provided by
22 the division so stating. Licenses will be issued by the
23 division to reflect the work authorized thereunder. It is
24 unlawful, unlicensed activity for any person or firm to
25 falsely hold himself or herself or a business organization out
26 to perform any service, inspection, recharge, repair,
27 hydrotest,or installation except as specifically described in
28 the license.

29 (2) Each individual actually performing the work of
30 servicing, recharging, repairing, hydrotesting,installing,
31 testing, or inspecting fire extinguishers or preengineered

1 systems must possess a valid and subsisting permit issued by
2 the State Fire Marshal. Permittees are limited as to specific
3 type of work performed dependent upon the class of permit held
4 which shall be a class allowing work no more extensive than
5 the class of license held by the licensee under whom the
6 permittee is working. Permits and fees therefor are required
7 for the following:

8 (a) Class 1.....\$50
9 Servicing, recharging, repairing, installing, or inspecting
10 all types of fire extinguishers, ~~including carbon dioxide~~
11 ~~units~~, and conducting hydrostatic tests on all types of fire
12 extinguishers, ~~including carbon dioxide units~~.

13 (b) Class 2.....\$50
14 Servicing, recharging, repairing, installing, or inspecting
15 all types of fire extinguishers, including carbon dioxide
16 units, and conducting hydrostatic tests on all water, ~~water~~
17 ~~chemical~~, and ~~dry chemical~~ types of fire extinguishers, except
18 carbon dioxide units only.

19 (c) Class 3.....\$50
20 Servicing, recharging, repairing, installing, or inspecting
21 all types of fire extinguishers, except recharging carbon
22 dioxide units, and conducting hydrostatic tests on all water,
23 ~~water chemical~~, and ~~dry chemical~~ types of fire extinguishers,
24 except carbon dioxide units only.

25 (d) Class 4.....\$65
26 Servicing, repairing, hydrotesting, recharging, installing, or
27 inspecting all types of preengineered fire extinguishing
28 systems.

29 (e) Permits issued as duplicates or to reflect a
30 change of address.....\$10
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1 Any fire equipment permittee licensed pursuant to this
2 subsection who does not want to engage in servicing,
3 inspecting, recharging, repairing, hydrotesting, or installing
4 halon equipment must file an affidavit on a form provided by
5 the division so stating. Permits will be issued by the
6 division to reflect the work authorized thereunder. It is
7 unlawful, unlicensed activity for any person or firm to
8 falsely hold himself or herself out to perform any service,
9 inspection, recharge, repair, hydrotest, or installation
10 except as specifically described in the permit.

11 (3)(a) Such licenses and permits shall be issued by
12 the State Fire Marshal for each license year beginning January
13 1 and expiring the following December 31. The failure to
14 renew a license or permit by December 31 will cause the
15 license or permit to become inoperative. The holder of an
16 inoperative license or permit shall not engage in any
17 activities for which a license or permit is required by this
18 section. A license or permit which is inoperative because of
19 the failure to renew it shall be restored upon payment of the
20 applicable fee plus a penalty equal to the applicable fee, if
21 the application for renewal is filed no later than the
22 following March 31. If the application for restoration is not
23 made before the March 31st deadline, the fee for restoration
24 shall be equal to the original application fee and the penalty
25 provided for herein, and, in addition, the State Fire Marshal
26 shall require reexamination of the applicant. Each licensee
27 or permittee shall successfully complete a course or courses
28 of continuing education for fire equipment technicians within
29 5 years of initial issuance of a license or permit and within
30 every 5-year period thereafter or no such license or permit

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1 shall be renewed. The State Fire Marshal shall adopt rules
2 describing the continuing education requirements.

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

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

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

23 2. The State Fire Marshal or his or her designee has
24 by inspection determined that the applicant possesses the
25 equipment required for the class of license sought. The State
26 Fire Marshal shall give an applicant a reasonable opportunity
27 to correct any deficiencies discovered by inspection. A fee of
28 \$50, payable to the State Fire Marshal, shall be required for
29 any subsequent reinspection.

30 3. The applicant has submitted to the State Fire
31 Marshal proof of insurance providing coverage for

1 comprehensive general liability for bodily injury and property
2 damage, products liability, completed operations, and
3 contractual liability. The State Fire Marshal shall adopt
4 rules providing for the amounts of such coverage, but such
5 amounts shall not be less than \$300,000 for Class A or Class D
6 licenses, \$200,000 for Class B licenses, and \$100,000 for
7 Class C licenses; and the total coverage for any class of
8 license held in conjunction with a Class D license shall not
9 be less than \$300,000. The State Fire Marshal may, at any
10 time after the issuance of a license or its renewal, require
11 upon demand, and in no event more than 30 days after notice of
12 such demand, the licensee to provide proof of insurance, on a
13 form provided by the State Fire Marshal, containing
14 confirmation of insurance coverage as required by this
15 chapter. Failure, for any length of time, to provide proof of
16 insurance coverage as required shall result in the immediate
17 suspension of the license until proof of proper insurance is
18 provided to the State Fire Marshal. An insurer which provides
19 such coverage shall notify the State Fire Marshal of any
20 change in coverage or of any termination, cancellation, or
21 nonrenewal of any coverage.

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

1 5. The applicant has a current retestor identification
2 number that is appropriate for the license for which the
3 applicant is applying and that is listed with the U.S.
4 Department of Transportation.

5 ~~6.5.~~ The applicant has passed, with a grade of at
6 least 70 percent, a written examination testing his or her
7 knowledge of the rules and statutes regulating the activities
8 authorized by the license and demonstrating his or her
9 knowledge and ability to perform those tasks in a competent,
10 lawful, and safe manner. Such examination shall be developed
11 and administered by the State Fire Marshal, or his or her
12 designee. An applicant shall pay a nonrefundable examination
13 fee of \$50 for each examination or reexamination scheduled.
14 No reexamination shall be scheduled sooner than 30 days after
15 any administration of an examination to an applicant. No
16 applicant shall be permitted to take an examination for any
17 level of license more than a total of four times during 1
18 year, regardless of the number of applications submitted. As
19 a prerequisite to taking the examination, the applicant:

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

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

28 c. Must not have been convicted of, or pled nolo
29 contendere to, any felony. If an applicant has been convicted
30 of any such felony, the applicant must comply with s.
31 112.011(2)(b).

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

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

20 (e) A fire equipment dealer licensed under this
21 section may apply to upgrade the license currently held, if
22 the licensed dealer:

23 1. Submits an application for the license on a form in
24 conformance with paragraph (b). The application must be
25 accompanied by a fee as prescribed in subsection (1) for the
26 type of license requested.

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

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

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) No trainee shall perform work requiring a permit
13 unless an individual possessing a valid and current fire
14 equipment permit for the type of work performed is physically
15 present. The trainee's registration shall be valid for a
16 90-day period from the date of issuance and is nontransferable
17 and nonrenewable. The initial training period may be extended
18 for an additional 90 days of training if the applicant has
19 filed an application for permit and enrolled in the 40-hour
20 course at the State Fire College within 60 days after the date
21 of registration as a trainee and either the training course at
22 the State Fire College was unavailable to the applicant within
23 the initial training period, at no fault of the applicant, or
24 the applicant attends and fails the 40-hour training course or
25 the competency examination. At no time will an individual be
26 registered as a trainee for more than two 90-day periods as
27 provided in this paragraph. The trainee must:

- 28 1. Be 18 years of age.
- 29 2. Possess on his or her person at all times a valid
30 Florida driver's license or a valid state identification card,
31 issued by the Department of Highway Safety and Motor Vehicles.

1 A trainee must produce identification to the State Fire
2 Marshal or his or her designated representative upon demand.

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

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

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

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

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

30 (7) The fees collected for any such licenses and
31 permits and the filing fees for license and permit examination

1 are hereby appropriated for the use of the State Fire Marshal
2 in the administration of this chapter and shall be deposited
3 in the Insurance Commissioner's Regulatory Trust Fund.

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

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

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

23 Section 3. Paragraph (b) of subsection (1) of section
24 633.065, Florida Statutes, is amended to read:

25 633.065 Requirements for installation, inspection, and
26 maintenance of fire suppression equipment.--

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

29 (b) Equipment supplied shall be listed by a nationally
30 recognized testing laboratory, such as Underwriters
31 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1 Equipment supplied for new installations or alterations of
2 existing systems must be currently listed as described in this
3 section.The State Fire Marshal shall adopt by rule procedures
4 for determining whether a laboratory is nationally recognized,
5 taking into account the laboratory's facilities, procedures,
6 use of nationally recognized standards, and any other criteria
7 reasonably calculated to reach an informed determination.

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

10 633.071 Standard service tag required on all fire
11 extinguishers and preengineered systems; serial number
12 required on all portable fire extinguishers.--

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

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

13 Section 5. Section 633.162, Florida Statutes, is
14 amended to read:

15 633.162 Disciplinary action; fire extinguisher or
16 preengineered systems; grounds for denial, nonrenewal,
17 suspension, or revocation of license or permit.--

18 (1) The violation of any provision of this chapter or
19 any rule adopted and promulgated pursuant hereto or the
20 failure or refusal to comply with any notice or order to
21 correct a violation or any cease and desist order by any
22 person who possesses a license or permit issued pursuant to s.
23 633.061 is cause for denial, nonrenewal, revocation, or
24 suspension of such license or permit by the State Fire Marshal
25 after such officer has determined that the person is guilty of
26 such violation. An order of suspension shall state the period
27 of time of such suspension, which period may not be in excess
28 of 2 years from the date of such order. An order of
29 revocation may be entered for a period not exceeding 5 years.
30 Such orders shall effect suspension or revocation of all
31 licenses or permits then held by the person, and during such

1 period of time no license or permit shall be issued to such
2 person. During the suspension or revocation of any license or
3 permit, the former licensee or permittee shall not engage in
4 or attempt or profess to engage in any transaction or business
5 for which a license or permit is required under this chapter
6 or directly or indirectly own, control, or be employed in any
7 manner by any firm, business, or corporation for which a
8 license or permit under this chapter is required. If, during
9 the period between the beginning of proceedings and the entry
10 of an order of suspension or revocation by the State Fire
11 Marshal, a new license or permit has been issued to the person
12 so charged, the order of suspension or revocation shall
13 operate to suspend or revoke such new license or permit held
14 by such person.

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

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

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

27 (b) Any firm or corporation if an officer, qualifier,
28 director, stockholder, owner, or person interested directly or
29 indirectly in the firm or corporation has had his or her
30 license or permit under this chapter suspended or revoked; or
31

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

6 ~~(4)(2)~~ In addition to the grounds set forth in
7 subsection (1), it is cause for denial, nonrenewal,
8 revocation, or suspension of a license or permit by the State
9 Fire Marshal if she or he determines that the licensee or
10 permittee has:

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

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

18 (c) Improperly serviced, recharged, repaired,
19 hydrottested, tested, or inspected a fire extinguisher or
20 preengineered system.

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

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

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

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

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

7 (3) In addition, the Department of Insurance shall not
8 issue a new license or permit if it finds that the
9 circumstance or circumstances for which the license or permit
10 was previously revoked or suspended still exist or are likely
11 to recur.

12 Section 6. Section 633.171, Florida Statutes, is
13 amended to read:

14 633.171 Penalty for violation of law, rule, or order
15 to cease and desist or for failure to comply with corrective
16 order.--

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

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

25 (a) Render a fire extinguisher or preengineered system
26 required by statute or by rule inoperative except during such
27 time as the ~~said~~ extinguisher or preengineered system is being
28 serviced, hydrotested, tested, repaired, or recharged, except
29 pursuant to court order.

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

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

3 (d) Use the license or permit number of another
4 person.

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

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

10 Section 7. Present subsections (4) and (5) of section
11 633.547, Florida Statutes, are renumbered as subsections (6)
12 and (7), respectively, and new subsections (4) and (5) are
13 added to that section, to read:

14 633.547 Disciplinary action; fire protection system
15 contractors; grounds for denial, nonrenewal, suspension, or
16 revocation of certificate.--

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

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

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

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

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

14 Section 8. Paragraph (n) of subsection (3) of section
15 489.105, Florida Statutes, is amended to read:

16 489.105 Definitions.--As used in this part:

17 (3) "Contractor" means the person who is qualified
18 for, and shall only be responsible for, the project contracted
19 for and means, except as exempted in this part, the person
20 who, for compensation, undertakes to, submits a bid to, or
21 does himself or herself or by others construct, repair, alter,
22 remodel, add to, demolish, subtract from, or improve any
23 building or structure, including related improvements to real
24 estate, for others or for resale to others; and whose job
25 scope is substantially similar to the job scope described in
26 one of the subsequent paragraphs of this subsection. For the
27 purposes of regulation under this part, "demolish" applies
28 only to demolition of steel tanks over 50 feet in height;
29 towers over 50 feet in height; other structures over 50 feet
30 in height, other than buildings or residences over three
31 stories tall; and buildings or residences over three stories

1 tall. Contractors are subdivided into two divisions, Division
2 I, consisting of those contractors defined in paragraphs
3 (a)-(c), and Division II, consisting of those contractors
4 defined in paragraphs (d)-(q):
5 (n) "Underground utility and excavation contractor"
6 means a contractor whose services are limited to the
7 construction, installation, and repair, on public or private
8 property, of main sanitary sewer collection systems, main
9 water distribution systems, storm sewer collection systems,
10 and the continuation of utility lines from the main systems to
11 a point of termination up to and including the meter location
12 for the individual occupancy, sewer collection systems at
13 property line on residential or single-occupancy commercial
14 properties, or on multioccupancy properties at manhole or wye
15 lateral extended to an invert elevation as engineered to
16 accommodate future building sewers, water distribution
17 systems, or storm sewer collection systems at storm sewer
18 structures. However, an underground utility and excavation
19 contractor may install empty underground conduits in
20 rights-of-way, easements, platted rights-of-way in new site
21 development, and sleeves for parking lot crossings no smaller
22 than 2 inches in diameter, provided that each conduit system
23 installed is designed by a licensed professional engineer or
24 an authorized employee of a municipality, county, or public
25 utility and that the installation of any such conduit does not
26 include installation of any conductor wiring or connection to
27 an energized electrical system. An underground utility and
28 excavation contractor shall not install any piping that is an
29 integral part of a fire protection system as defined in s.
30 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping
31 is used exclusively for such system.

1 Section 9. This act shall take effect October 1, 1998.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 2484

6

6 Removes the requirement to increase the amount of insurance
7 coverage that is mandated for applicants for licenses which
8 are issued by the Division of State Fire Marshal.

9

8 Revises certain criteria as to the type of work preformed by
9 persons who hold particular classes of licenses or permits
10 issued by the Division of State Fire Marshal.

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10 Clarifies the disciplinary provisions for persons who hold
11 licenses, permits and certificates issued by the Division of
12 State Fire Marshal.

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