

1
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; amending s. 489.505,
5 F.S.; defining the term "fire alarm system
6 agent" for purposes of electrical and alarm
7 system contracting; creating s. 489.5185, F.S.;
8 providing requirements for fire alarm system
9 agents, including specified training and
10 fingerprint and criminal background checks;
11 providing for fees for approval of training
12 providers and courses; providing applicability
13 to applicants, current employees, and various
14 licensees; requiring an identification card and
15 providing requirements therefor; providing
16 continuing education requirements; providing
17 disciplinary penalties; providing an effective
18 date.

19

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

21

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

26

633.021 Definitions.--As used in this chapter:

27

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

28

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

29

(b) Is manually operated.

30

(c) May use a variety of extinguishing agents that are

31

expelled under pressure.

1 (d) Is rechargeable or nonrechargeable.

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

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

8 Section 2. Section 633.061, Florida Statutes, is
9 amended to read:

10 633.061 License or permit required of organizations
11 and individuals servicing, recharging, repairing, testing,
12 marking, inspecting, ~~or~~ installing, or hydrotesting fire
13 extinguishers and preengineered systems.--

14 (1) It is unlawful for any organization or individual
15 to engage in the business of servicing, repairing, recharging,
16 testing, marking, inspecting, ~~or~~ installing, or hydrotesting
17 any fire extinguisher or preengineered system in this state
18 except in conformity with the provisions of this chapter.
19 Each organization or individual that ~~which~~ engages in such
20 activity must possess a valid and subsisting license issued by
21 the State Fire Marshal. All fire extinguishers and
22 preengineered systems required by statute or by rule must be
23 serviced by an organization or individual licensed under the
24 provisions of this chapter. The licensee is legally qualified
25 to act for the business organization in all matters connected
26 with its business, and the licensee must supervise all
27 activities undertaken by such business organization. Each
28 licensee shall maintain a specific business location. A
29 further requirement, in the case of multiple locations where
30 such servicing or recharging is taking place, is that each
31 licensee who maintains more than one place of business where

1 actual work is carried on must possess an additional license,
2 as set forth in this section, for each location, except that a
3 ~~no~~ licensed individual may not qualify for more than five
4 locations. A licensee is limited to a specific type of work
5 performed depending upon the class of license held. Licenses
6 and license fees are required for the following:

7 (a) Class A.....\$150
8 To service, recharge, repair, install, or inspect all types of
9 fire extinguishers, ~~including recharging carbon dioxide units,~~
10 and to conduct hydrostatic tests on all types of fire
11 extinguishers, ~~including carbon dioxide units.~~

12 (b) Class B.....\$100
13 To service, recharge, repair, install, or inspect all types of
14 fire extinguishers, including recharging carbon dioxide units
15 and conducting hydrostatic tests on all water, ~~water chemical,~~
16 ~~and dry chemical~~ types of fire extinguishers, except carbon
17 dioxide units only.

18 (c) Class C.....\$100
19 To service, recharge, repair, install, or inspect all types of
20 fire extinguishers, except recharging carbon dioxide units,
21 and to conduct hydrostatic tests on all water, ~~water chemical,~~
22 ~~and dry chemical~~ types of fire extinguishers, except carbon
23 dioxide units only.

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

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

29
30 Any fire equipment dealer licensed pursuant to this subsection
31 who does not want to engage in the business of servicing,

1 inspecting, recharging, repairing, hydrotesting, or installing
 2 halon equipment must file an affidavit on a form provided by
 3 the division so stating. Licenses will be issued by the
 4 division to reflect the work authorized thereunder. It is
 5 unlawful, unlicensed activity for any person or firm to
 6 falsely hold himself or herself or a business organization out
 7 to perform any service, inspection, recharge, repair,
 8 hydrotest, or installation except as specifically described in
 9 the license.

10 (2) Each individual actually performing the work of
 11 servicing, recharging, repairing, hydrotesting, installing,
 12 testing, or inspecting fire extinguishers or preengineered
 13 systems must possess a valid and subsisting permit issued by
 14 the State Fire Marshal. Permittees are limited as to specific
 15 type of work performed dependent upon the class of permit held
 16 which shall be a class allowing work no more extensive than
 17 the class of license held by the licensee under whom the
 18 permittee is working. Permits and fees therefor are required
 19 for the following:

20 (a) Class 1.....\$50
 21 Servicing, recharging, repairing, installing, or inspecting
 22 all types of fire extinguishers, ~~including carbon dioxide~~
 23 ~~units~~, and conducting hydrostatic tests on all types of fire
 24 extinguishers, ~~including carbon dioxide units~~.

25 (b) Class 2.....\$50
 26 Servicing, recharging, repairing, installing, or inspecting
 27 all types of fire extinguishers, including carbon dioxide
 28 units, and conducting hydrostatic tests on all ~~water, water~~
 29 ~~chemical, and dry chemical~~ types of fire extinguishers, except
 30 carbon dioxide units ~~only~~.

31 (c) Class 3.....\$50

1 Servicing, recharging, repairing, installing, or inspecting
 2 all types of fire extinguishers, except recharging carbon
 3 dioxide units, and conducting hydrostatic tests on all water,
 4 ~~water chemical, and dry chemical~~ types of fire extinguishers,
 5 except carbon dioxide units only.

6 (d) Class 4.....\$65
 7 Servicing, repairing, hydrotesting, recharging, installing, or
 8 inspecting all types of preengineered fire extinguishing
 9 systems.

10 (e) Permits issued as duplicates or to reflect a
 11 change of address.....\$10

12
 13 Any fire equipment permittee licensed pursuant to this
 14 subsection who does not want to engage in 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. Permits 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 out to perform any service,
 21 inspection, recharge, repair, hydrotest, or installation
 22 except as specifically described in the permit.

23 (3)(a) Such licenses and permits shall be issued by
 24 the State Fire Marshal for each license year beginning January
 25 1 and expiring the following December 31. The failure to
 26 renew a license or permit by December 31 will cause the
 27 license or permit to become inoperative. The holder of an
 28 inoperative license or permit shall not engage in any
 29 activities for which a license or permit is required by this
 30 section. A license or permit which is inoperative because of
 31 the failure to renew it shall be restored upon payment of the

1 applicable fee plus a penalty equal to the applicable fee, if
2 the application for renewal is filed no later than the
3 following March 31. If the application for restoration is not
4 made before the March 31st deadline, the fee for restoration
5 shall be equal to the original application fee and the penalty
6 provided for herein, and, in addition, the State Fire Marshal
7 shall require reexamination of the applicant. Each licensee
8 or permittee shall successfully complete a course or courses
9 of continuing education for fire equipment technicians within
10 5 years of initial issuance of a license or permit and within
11 every 5-year period thereafter or no such license or permit
12 shall be renewed. The State Fire Marshal shall adopt rules
13 describing the continuing education requirements.

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

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

31

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

4 2. The State Fire Marshal or his or her designee has
5 by inspection determined that the applicant possesses the
6 equipment required for the class of license sought. The State
7 Fire Marshal shall give an applicant a reasonable opportunity
8 to correct any deficiencies discovered by inspection. A fee of
9 \$50, payable to the State Fire Marshal, shall be required for
10 any subsequent reinspection.

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

1 change in coverage or of any termination, cancellation, or
2 nonrenewal of any coverage.

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

13 5. The applicant has a current retestor identification
14 number that is appropriate for the license for which the
15 applicant is applying and that is listed with the U.S.
16 Department of Transportation.

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

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

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

9 c. Must not have been convicted of, or pled nolo
10 contendere to, any felony. If an applicant has been convicted
11 of any such felony, the applicant must comply with s.
12 112.011(2)(b).

13
14 This subparagraph does not apply to any holder of or applicant
15 for a permit under paragraph (d) or to a business organization
16 or a governmental entity seeking initial licensure or renewal
17 of an existing license solely for the purpose of inspecting,
18 servicing, repairing, marking, recharging, hydrotesting, and
19 maintaining fire extinguishers used and located on the
20 premises of and owned by such organization or entity.

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

1 (e) A fire equipment dealer licensed under this
2 section may apply to upgrade the license currently held, if
3 the licensed dealer:

4 1. Submits an application for the license on a form in
5 conformance with paragraph (b). The application must be
6 accompanied by a fee as prescribed in subsection (1) for the
7 type of license requested.

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

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

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

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

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

21 3. Passed, with a grade of at least 70 percent, a
22 written examination testing his or her knowledge of the rules
23 and statutes regulating the activities authorized by the
24 permit and demonstrating his or her knowledge and ability to
25 perform those tasks in a competent, lawful, and safe manner.
26 Such examination shall be developed and administered by the
27 State Fire Marshal. An examination fee shall be paid for each
28 examination scheduled. No reexamination shall be scheduled
29 sooner than 30 days after any administration of an examination
30 to an applicant. No applicant shall be permitted to take an
31 examination for any level of permit more than four times

1 during 1 year, regardless of the number of applications
2 submitted. As a prerequisite to taking the permit
3 examination, the applicant must be at least 16 years of age.

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

15 (4)(a) It is unlawful for a fire equipment dealer to
16 engage in training an individual to perform the work of
17 installing, testing, recharging, repairing, or inspecting
18 portable extinguishers or preengineered systems except in
19 conformity with this section. Each individual engaging in
20 such training activity must be registered with the State Fire
21 Marshal. The dealer must register the trainee prior to the
22 trainee performing any work. The dealer must submit training
23 criteria to the State Fire Marshal for review and approval.

24 (b) No trainee shall perform work requiring a permit
25 unless an individual possessing a valid and current fire
26 equipment permit for the type of work performed is physically
27 present. The trainee's registration shall be valid for a
28 90-day period from the date of issuance and is nontransferable
29 and nonrenewable. The initial training period may be extended
30 for an additional 90 days of training if the applicant has
31 filed an application for permit and enrolled in the 40-hour

1 course at the State Fire College within 60 days after the date
2 of registration as a trainee and either the training course at
3 the State Fire College was unavailable to the applicant within
4 the initial training period, at no fault of the applicant, or
5 the applicant attends and fails the 40-hour training course or
6 the competency examination. At no time will an individual be
7 registered as a trainee for more than two 90-day periods as
8 provided in this paragraph. The trainee must:

9 1. Be 18 years of age.

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

15 3. Pay a fee for registration of \$10 per trainee for a
16 90-day period.

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

24 (d) Upon completion of a training period, an
25 individual must comply with the provisions of this section to
26 obtain a permit.

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

30 (6) Every permittee must have a valid and subsisting
31 permit upon his or her person at all times while engaging in

1 the servicing, recharging, repairing, testing, inspecting, or
2 installing of fire extinguishers and preengineered systems,
3 and every licensee or permittee must be able to produce such
4 license or permit upon demand. In addition, every permittee
5 shall at all times carry an identification card containing his
6 or her photograph and other identifying information as
7 prescribed by the State Fire Marshal or the State Fire
8 Marshal's designee, which shall be produced on demand. The
9 State Fire Marshal shall supply this card at a fee which shall
10 be related to the cost of producing the card.

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

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

19 (9) All fire extinguishers and preengineered systems
20 that ~~which~~ are required by statute or by rule must be
21 serviced, recharged, repaired, hydrottested, tested, inspected,
22 and installed in compliance with this chapter and with the
23 rules adopted by the State Fire Marshal. The State Fire
24 Marshal may adopt by rule the standards of the National Fire
25 Protection Association and of other reputable national
26 organizations.

27 (10) If the licensee leaves the business organization
28 or dies, the business organization shall immediately notify
29 the State Fire Marshal of the licensee's departure, shall
30 return the license to the State Fire Marshal, and shall have a
31 grace period of 60 days in which to license another person

1 under the provisions of this chapter, failing which the
2 business shall no longer perform those activities for which a
3 license under this section is required.

4 Section 3. Paragraph (b) of subsection (1) of section
5 633.065, Florida Statutes, is amended to read:

6 633.065 Requirements for installation, inspection, and
7 maintenance of fire suppression equipment.--

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

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

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

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

22 633.071 Standard service tag required on all fire
23 extinguishers and preengineered systems; serial number
24 required on all portable fire extinguishers.--

25 (1) The State Fire Marshal shall adopt by rule
26 specifications as to the size, shape, color, and information
27 and data contained thereon of service tags to be attached to
28 all fire extinguishers and preengineered systems required by
29 statute or by rule, whether they be portable, stationary, or
30 on wheels when they are placed in service, installed,
31 serviced, repaired, tested, recharged, or inspected. Fire

1 extinguishers may be tagged only after meeting all standards
2 as set forth by this chapter, the standards of the National
3 Fire Protection Association, and ~~all~~ manufacturer's
4 specifications ~~requirements~~. Preengineered systems may be
5 tagged only after a system has been inspected, serviced,
6 installed, repaired, tested, ~~and~~ recharged, and hydrotested in
7 compliance with this chapter, the standards of the National
8 Fire Protection Association, and the manufacturer's
9 specifications, and after a report, as specified by rule, has
10 been completed in detail, indicating any and all deficiencies
11 or deviations from the manufacturer's specifications and the
12 standards ~~requirements~~ of the National Fire Protection
13 Association. A copy of the inspection report shall be provided
14 to the owner at the time of inspection, and, if a system is
15 found to be in violation of this chapter, the manufacturer's
16 specifications, or the standards of the National Fire
17 Protection Association, a copy shall be forwarded to the state
18 or local authority having jurisdiction within 30 days from the
19 date of service. It shall be unlawful to place in service,
20 service, test, repair, inspect, install, hydrotest, or
21 recharge any fire extinguisher or preengineered system without
22 attaching one of these tags completed in detail, including the
23 actual month work was performed, or to use a tag not meeting
24 the specifications set forth by the State Fire Marshal.

25 Section 5. Section 633.162, Florida Statutes, is
26 amended to read:

27 633.162 Disciplinary action; fire extinguisher or
28 preengineered systems; grounds for denial, nonrenewal,
29 suspension, or revocation of license or permit.--

30 (1) The violation of any provision of this chapter or
31 any rule adopted and promulgated pursuant hereto or the

1 failure or refusal to comply with any notice or order to
2 correct a violation or any cease and desist order by any
3 person who possesses a license or permit issued pursuant to s.
4 633.061 is cause for denial, nonrenewal, revocation, or
5 suspension of such license or permit by the State Fire Marshal
6 after such officer has determined that the person is guilty of
7 such violation. An order of suspension shall state the period
8 of time of such suspension, which period may not be in excess
9 of 2 years from the date of such order. An order of
10 revocation may be entered for a period not exceeding 5 years.
11 Such orders shall effect suspension or revocation of all
12 licenses or permits then held by the person, and during such
13 period of time no license or permit shall be issued to such
14 person. During the suspension or revocation of any license or
15 permit, the former licensee or permittee shall not engage in
16 or attempt or profess to engage in any transaction or business
17 for which a license or permit is required under this chapter
18 or directly or indirectly own, control, or be employed in any
19 manner by any firm, business, or corporation for which a
20 license or permit under this chapter is required. If, during
21 the period between the beginning of proceedings and the entry
22 of an order of suspension or revocation by the State Fire
23 Marshal, a new license or permit has been issued to the person
24 so charged, the order of suspension or revocation shall
25 operate to suspend or revoke such new license or permit held
26 by such person.

27 (2) The department shall not, so long as the
28 revocation or suspension remains in effect, grant any new
29 license or permit for the establishment of any new firm,
30 business, or corporation of any person or qualifier that has
31 or will have the same or similar management, ownership,

1 control, employees, permittees, or licensees, or will use a
2 same or similar name as a previously revoked or suspended
3 firm, business, corporation, person, or qualifier.

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

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

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

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

17 (4)(2) In addition to the grounds set forth in
18 subsection (1), it is cause for denial, nonrenewal,
19 revocation, or suspension of a license or permit by the State
20 Fire Marshal if she or he determines that the licensee or
21 permittee has:

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

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

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

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

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

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

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

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

17 (3) In addition, the Department of Insurance shall not
18 issue a new license or permit if it finds that the
19 circumstance or circumstances for which the license or permit
20 was previously revoked or suspended still exist or are likely
21 to recur.

22 Section 6. Section 633.171, Florida Statutes, is
23 amended to read:

24 633.171 Penalty for violation of law, rule, or order
25 to cease and desist or for failure to comply with corrective
26 order.--

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

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

4 (a) Render a fire extinguisher or preengineered system
5 required by statute or by rule inoperative except during such
6 time as ~~the said~~ extinguisher or preengineered system is being
7 serviced, hydrottested, tested, repaired, or recharged, except
8 pursuant to court order.

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

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

13 (d) Use the license or permit number of another
14 person.

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

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

20 Section 7. Present subsections (4) and (5) of section
21 633.547, Florida Statutes, are renumbered as subsections (6)
22 and (7), respectively, and new subsections (4) and (5) are
23 added to that section, to read:

24 633.547 Disciplinary action; fire protection system
25 contractors; grounds for denial, nonrenewal, suspension, or
26 revocation of certificate.--

27 (4) During the suspension or revocation of the
28 certificate, the former certificateholder shall not engage in
29 or attempt to profess to engage in any transaction or business
30 for which a certificate is required under this chapter or
31 directly or indirectly own, control, or be employed in any

1 manner by any firm or corporation for which a certificate
2 under this chapter is required. The department shall not, so
3 long as the revocation or suspension remains in effect, grant
4 any new certificate for the establishment of any new firm,
5 business, or corporation of any person that has or will have
6 the same or similar management, ownership, control, or
7 employees or that will use a same or similar name as a
8 previously revoked or suspended firm, business, or
9 corporation.

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

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

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

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

23 Section 8. Paragraph (n) of subsection (3) of section
24 489.105, Florida Statutes, is amended to read:

25 489.105 Definitions.--As used in this part:

26 (3) "Contractor" means the person who is qualified
27 for, and shall only be responsible for, the project contracted
28 for and means, except as exempted in this part, the person
29 who, for compensation, undertakes to, submits a bid to, or
30 does himself or herself or by others construct, repair, alter,
31 remodel, add to, demolish, subtract from, or improve any

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

14 (n) "Underground utility and excavation contractor"
15 means a contractor whose services are limited to the
16 construction, installation, and repair, on public or private
17 property, of main sanitary sewer collection systems, main
18 water distribution systems, storm sewer collection systems,
19 and the continuation of utility lines from the main systems to
20 a point of termination up to and including the meter location
21 for the individual occupancy, sewer collection systems at
22 property line on residential or single-occupancy commercial
23 properties, or on multioccupancy properties at manhole or wye
24 lateral extended to an invert elevation as engineered to
25 accommodate future building sewers, water distribution
26 systems, or storm sewer collection systems at storm sewer
27 structures. However, an underground utility and excavation
28 contractor may install empty underground conduits in
29 rights-of-way, easements, platted rights-of-way in new site
30 development, and sleeves for parking lot crossings no smaller
31 than 2 inches in diameter, provided that each conduit system

1 installed is designed by a licensed professional engineer or
2 an authorized employee of a municipality, county, or public
3 utility and that the installation of any such conduit does not
4 include installation of any conductor wiring or connection to
5 an energized electrical system. An underground utility and
6 excavation contractor shall not install any piping that is an
7 integral part of a fire protection system as defined in s.
8 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping
9 is used exclusively for such system.

10 Section 9. Subsection (28) is added to section
11 489.505, Florida Statutes, to read:

12 489.505 Definitions.--As used in this part:

13 (28) "Fire alarm system agent" means a person:

14 (a) Who is employed by a licensed fire alarm

15 contractor or certified unlimited electrical contractor;

16 (b) Who is performing duties which are an element of
17 an activity that constitutes fire alarm system contracting
18 requiring certification under this part; and

19 (c) Whose specific duties include any of the
20 following: altering, installing, maintaining, moving,
21 repairing, replacing, servicing, selling onsite, or monitoring
22 a fire alarm system for compensation.

23 Section 10. Section 489.5185, Florida Statutes, is
24 created to read:

25 489.5185 Fire alarm system agents.--

26 (1) A certified unlimited electrical contractor or
27 licensed fire alarm contractor may not employ a person to
28 perform the duties of a fire alarm system agent unless the
29 person:

30 (a) Is at least 18 years of age or has evidence of a
31 court-approved declaration of emancipation.

1 (b) Has successfully completed a minimum of 18 hours
2 of initial training, to include basic fire alarm system
3 technology in addition to related training in National Fire
4 Protection Association (NFPA) codes and standards and access
5 control training. Such training must be from a board-approved
6 provider, and the employee or applicant for employment must
7 provide proof of successful completion to the licensed
8 employer. The board, by rule, shall establish criteria for the
9 approval of training courses and providers. The board shall
10 approve qualified providers that conduct training in other
11 than the English language. The board shall establish a fee for
12 the approval of training providers, not to exceed \$200, and a
13 fee for the approval of courses at \$25 per credit hour, not to
14 exceed \$100 per course.

15 (c) Has not been convicted within the last 3 years of
16 a crime that directly relates to the business for which
17 employment is being sought. Although the employee is barred
18 from operating as a fire alarm system agent for 3 years
19 subsequent to his or her conviction, the employer shall be
20 supplied the information regarding any convictions occurring
21 prior to that time, and the employer may at his or her
22 discretion consider an earlier conviction to be a bar to
23 employment as a fire alarm system agent. To ensure that this
24 requirement has been met, a certified unlimited electrical
25 contractor or licensed fire alarm contractor must obtain from
26 the Florida Department of Law Enforcement a completed
27 fingerprint and criminal background check for each applicant
28 for employment as a fire alarm system agent or for each
29 individual currently employed on the effective date of this
30 act as a fire alarm system agent.

31

1 (d) Has not been committed for controlled substance
2 abuse or been found guilty of a crime under chapter 893 or any
3 similar law relating to controlled substances in any other
4 state within the 3-year period immediately preceding the date
5 of application for employment, or immediately preceding the
6 effective date of this act for an individual employed as a
7 fire alarm system agent on that date, unless the person
8 establishes that he or she is not currently abusing any
9 controlled substance and has successfully completed a
10 rehabilitation course.

11 (2)(a) Any applicant for employment as a fire alarm
12 system agent, or any individual employed as a fire alarm
13 system agent on the effective date of this act, who has
14 completed alarm system agent or burglar alarm system agent
15 training prior to the effective date of this act in a
16 board-certified program is not required to take additional
17 training in order to comply with the initial training
18 requirements of this section.

19 (b) A state-certified electrical contractor, a
20 state-certified fire alarm system contractor, a
21 state-registered fire alarm system contractor, a journeyman
22 electrician licensed by any local jurisdiction, or an alarm
23 technician licensed by a local jurisdiction that requires an
24 examination and experience or training as licensure
25 qualifications is not required to complete the training
26 required for fire alarm system agents. A state-registered
27 electrical contractor is not required to complete the training
28 required for fire alarm system agents, so long as he or she is
29 only doing electrical work up to the alarm panel.

30 (c) A nonsupervising employee working as a helper or
31 apprentice under the direct, onsite, continuous supervision of

1 a state-certified electrical contractor, a state-registered
2 electrical contractor, a state-certified fire alarm system
3 contractor, a state-registered fire alarm system contractor, a
4 journeyman electrician licensed by any local jurisdiction, an
5 alarm technician licensed by a local jurisdiction that
6 requires an examination and experience or training as
7 licensure qualifications, or a qualified fire alarm system
8 agent is not required to complete the training otherwise
9 required and is not required to be 18 years of age or older.

10 (d) A burglar alarm system agent employed by a
11 licensed fire alarm contractor or certified unlimited
12 electrical contractor who has fulfilled all requirements of s.
13 489.518 prior to the effective date of this act is not
14 required to complete the initial training required by this
15 section for fire alarm system agents.

16 (3) An applicant for employment as a fire alarm system
17 agent may commence employment, or an individual employed as a
18 fire alarm system agent on the effective date of this act may
19 continue employment, pending completion of both the training
20 and the fingerprint and criminal background checks required by
21 this section, for a period not to exceed 90 days after the
22 date of application for employment or 90 days after the
23 effective date of this act for individuals employed as fire
24 alarm system agents on that date. However, the person must
25 work under the direction and control of a sponsoring certified
26 unlimited electrical contractor or licensed fire alarm
27 contractor until completion of both the training and the
28 fingerprint and criminal background checks. If an applicant or
29 an individual employed on the effective date of this act does
30 not complete the training or receive satisfactory fingerprint

31

1 and criminal background checks within the 90-day period, the
2 employment must be terminated immediately.

3 (4)(a) A certified unlimited electrical contractor or
4 licensed fire alarm contractor must furnish each of his or her
5 fire alarm system agents with an identification card.

6 (b) The card shall follow a board-approved format, to
7 include a picture of the agent; shall specify at least the
8 name of the holder of the card and the name and license number
9 of the certified unlimited electrical contractor or licensed
10 fire alarm contractor; and shall be signed by both the
11 contractor and the holder of the card. Each identification
12 card shall be valid for a period of 2 years after the date of
13 issuance. The identification card must be in the possession of
14 the fire alarm system agent while engaged in fire alarm system
15 agent duties.

16 (c) Each person to whom an identification card has
17 been issued is responsible for the safekeeping thereof, and
18 may not loan, or allow any other person to use or display, the
19 identification card.

20 (d) Each identification card must be renewed every 2
21 years and in a board-approved format to show compliance with
22 the 6 hours of continuing education necessary to maintain
23 certification as a fire alarm system agent.

24 (5) Each fire alarm system agent must receive 6 hours
25 of continuing education on fire alarm system installation and
26 repair every 2 years from a board-approved sponsor of training
27 and through a board-approved training course.

28 (6) Failure to comply with any of the provisions of
29 this section shall be grounds for disciplinary action against
30 the contractor pursuant to s. 489.533.

31

1 Section 11. This act shall take effect October 1,
2 1998.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31