

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Ogles offered the following:

Amendment (with title amendment)

On page 6, between lines 7 and 8 of the bill

insert:

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

633.021 Definitions.--As used in this chapter:

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

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

(b) Is manually operated.

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

(d) Is rechargeable or nonrechargeable.

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

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1 (f) Is listed by a nationally recognized testing
2 laboratory.

3 Section 4. Section 633.061, Florida Statutes, is
4 amended to read:

5 633.061 License or permit required of organizations
6 and individuals servicing, recharging, repairing, testing,
7 marking, inspecting, ~~or~~ installing, or hydrotesting fire
8 extinguishers and preengineered systems.--

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

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1 and license fees are required for the following:

2 (a) Class A.....\$150

3 To service, recharge, repair, install, or inspect all types of
4 fire extinguishers, ~~including recharging carbon dioxide units,~~
5 and to conduct hydrostatic tests on all types of fire
6 extinguishers, ~~including carbon dioxide units.~~

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

8 To service, recharge, repair, install, or inspect all types of
9 fire extinguishers, including recharging carbon dioxide units
10 and conducting hydrostatic tests on all water, ~~water chemical,~~
11 ~~and dry chemical~~ types of fire extinguishers, except carbon
12 dioxide units only.

13 (c) Class C.....\$100

14 To service, recharge, repair, install, or inspect all types of
15 fire extinguishers, except recharging carbon dioxide units,
16 and to conduct hydrostatic tests on all water, ~~water chemical,~~
17 ~~and dry chemical~~ types of fire extinguishers, except carbon
18 dioxide units only.

19 (d) Class D.....\$125

20 To service, repair, recharge, hydrottest, install, or inspect
21 all types of preengineered fire extinguishing systems.

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

24
25 Any fire equipment dealer licensed pursuant to this subsection
26 who does not want to engage in the business of servicing,
27 inspecting, recharging, repairing, hydrottesting, or installing
28 halon equipment must file an affidavit on a form provided by
29 the division so stating. Licenses 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

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

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

15 (a) Class 1.....\$50
16 Servicing, recharging, repairing, installing, or inspecting
17 all types of fire extinguishers, ~~including carbon dioxide~~
18 ~~units~~, and conducting hydrostatic tests on all types of fire
19 extinguishers, ~~including carbon dioxide units~~.

20 (b) Class 2.....\$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 water, ~~water~~
24 ~~chemical~~, and ~~dry chemical~~ types of fire extinguishers, except
25 carbon dioxide units only.

26 (c) Class 3.....\$50
27 Servicing, recharging, repairing, installing, or inspecting
28 all types of fire extinguishers, except recharging carbon
29 dioxide units, and conducting hydrostatic tests on all water,
30 ~~water chemical~~, and ~~dry chemical~~ types of fire extinguishers,
31 except carbon dioxide units only.

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1 (d) Class 4.....\$65
2 Servicing, repairing, hydrotesting, recharging, installing, or
3 inspecting all types of preengineered fire extinguishing
4 systems.

5 (e) Permits issued as duplicates or to reflect a
6 change of address.....\$10
7

8 Any fire equipment permittee licensed pursuant to this
9 subsection who does not want to engage in servicing,
10 inspecting, recharging, repairing, hydrotesting, or installing
11 halon equipment must file an affidavit on a form provided by
12 the division so stating. Permits will be issued by the
13 division to reflect the work authorized thereunder. It is
14 unlawful, unlicensed activity for any person or firm to
15 falsely hold himself or herself out to perform any service,
16 inspection, recharge, repair, hydrotest, or installation
17 except as specifically described in the permit.

18 (3)(a) Such licenses and permits shall be issued by
19 the State Fire Marshal for each license year beginning January
20 1 and expiring the following December 31. The failure to
21 renew a license or permit by December 31 will cause the
22 license or permit to become inoperative. The holder of an
23 inoperative license or permit shall not engage in any
24 activities for which a license or permit is required by this
25 section. A license or permit which is inoperative because of
26 the failure to renew it shall be restored upon payment of the
27 applicable fee plus a penalty equal to the applicable fee, if
28 the application for renewal is filed no later than the
29 following March 31. If the application for restoration is not
30 made before the March 31st deadline, the fee for restoration
31 shall be equal to the original application fee and the penalty

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1 provided for herein, and, in addition, the State Fire Marshal
2 shall require reexamination of the applicant. Each licensee
3 or permittee shall successfully complete a course or courses
4 of continuing education for fire equipment technicians within
5 5 years of initial issuance of a license or permit and within
6 every 5-year period thereafter or no such license or permit
7 shall be renewed. The State Fire Marshal shall adopt rules
8 describing the continuing education requirements.

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

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

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

29 2. The State Fire Marshal or his or her designee has
30 by inspection determined that the applicant possesses the
31 equipment required for the class of license sought. The State

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1 Fire Marshal shall give an applicant a reasonable opportunity
2 to correct any deficiencies discovered by inspection. A fee of
3 \$50, payable to the State Fire Marshal, shall be required for
4 any subsequent reinspection.

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

28 4. The applicant successfully completes a prescribed
29 training course offered by the State Fire College or an
30 equivalent course approved by the State Fire Marshal. This
31 subparagraph does not apply to any holder of or applicant for

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1 a permit under paragraph (d) or to a business organization or
2 a governmental entity seeking initial licensure or renewal of
3 an existing license solely for the purpose of inspecting,
4 servicing, repairing, marking, recharging, and maintaining
5 fire extinguishers used and located on the premises of and
6 owned by such organization or entity.

7 5. The applicant has a current retestor identification
8 number that is appropriate for the license for which the
9 applicant is applying and that is listed with the U.S.
10 Department of Transportation.

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

- 26 a. Must be at least 18 years of age.
27 b. Must have 4 years of proven experience as a fire
28 equipment permittee at a level equal to or greater than the
29 level of license applied for or have a combination of
30 education and experience determined to be equivalent thereto
31 by the State Fire Marshal. Having held a permit at the

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1 appropriate level for the required period constitutes the
2 required experience.

3 c. Must not have been convicted of, or pled nolo
4 contendere to, any felony. If an applicant has been convicted
5 of any such felony, the applicant must comply with s.
6 112.011(2)(b).

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

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

26 (e) A fire equipment dealer licensed under this
27 section may apply to upgrade the license currently held, if
28 the licensed dealer:

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

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1 type of license requested.

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

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

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

10 1. Submitted a nonrefundable examination fee in the
11 amount of \$50;

12 2. Successfully completed a training course offered by
13 the State Fire College or an equivalent course approved by the
14 State Fire Marshal; and

15 3. Passed, with a grade of at least 70 percent, a
16 written examination testing his or her knowledge of the rules
17 and statutes regulating the activities authorized by the
18 permit and demonstrating his or her knowledge and ability to
19 perform those tasks in a competent, lawful, and safe manner.
20 Such examination shall be developed and administered by the
21 State Fire Marshal. An examination fee shall be paid for each
22 examination scheduled. No reexamination shall be scheduled
23 sooner than 30 days after any administration of an examination
24 to an applicant. No applicant shall be permitted to take an
25 examination for any level of permit more than four times
26 during 1 year, regardless of the number of applications
27 submitted. As a prerequisite to taking the permit
28 examination, the applicant must be at least 16 years of age.

29 (g)(e) An applicant who fails the examination may take
30 it three more times during the 1-year period after he or she
31 originally filed an application for the examination. If the

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1 applicant fails the examination within 1 year after the
2 application date and he or she seeks to retake the
3 examination, he or she must file a new application, pay the
4 application and examination fees, and successfully complete a
5 prescribed training course offered by the State Fire College
6 or an equivalent course approved by the State Fire Marshal.
7 The applicant may not submit a new application within 6 months
8 after the date of his or her last reexamination.

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

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

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1 registered as a trainee for more than two 90-day periods as
2 provided in this paragraph. The trainee must:

- 3 1. Be 18 years of age.
- 4 2. Possess on his or her person at all times a valid
5 Florida driver's license or a valid state identification card,
6 issued by the Department of Highway Safety and Motor Vehicles.
7 A trainee must produce identification to the State Fire
8 Marshal or his or her designated representative upon demand.
- 9 3. Pay a fee for registration of \$10 per trainee for a
10 90-day period.

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

18 (d) Upon completion of a training period, an
19 individual must comply with the provisions of this section to
20 obtain a permit.

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

24 (6) Every permittee must have a valid and subsisting
25 permit upon his or her person at all times while engaging in
26 the servicing, recharging, repairing, testing, inspecting, or
27 installing of fire extinguishers and preengineered systems,
28 and every licensee or permittee must be able to produce such
29 license or permit upon demand. In addition, every permittee
30 shall at all times carry an identification card containing his
31 or her photograph and other identifying information as

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1 prescribed by the State Fire Marshal or the State Fire
2 Marshal's designee, which shall be produced on demand. The
3 State Fire Marshal shall supply this card at a fee which shall
4 be related to the cost of producing the card.

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

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

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

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

29 Section 5. Paragraph (b) of subsection (1) of section
30 633.065, Florida Statutes, is amended to read:

31 633.065 Requirements for installation, inspection, and

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1 maintenance of fire suppression equipment.--

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

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

14 Section 6. Subsection (1) of section 633.071, Florida
15 Statutes, is amended to read:

16 633.071 Standard service tag required on all fire
17 extinguishers and preengineered systems; serial number
18 required on all portable fire extinguishers.--

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

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

19 Section 7. Section 633.162, Florida Statutes, is
20 amended to read:

21 633.162 Disciplinary action; fire extinguisher or
22 preengineered systems; grounds for denial, nonrenewal,
23 suspension, or revocation of license or permit.--

24 (1) The violation of any provision of this chapter or
25 any rule adopted and promulgated pursuant hereto or the
26 failure or refusal to comply with any notice or order to
27 correct a violation or any cease and desist order by any
28 person who possesses a license or permit issued pursuant to s.
29 633.061 is cause for denial, nonrenewal, revocation, or
30 suspension of such license or permit by the State Fire Marshal
31 after such officer has determined that the person is guilty of

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1 such violation. An order of suspension shall state the period
2 of time of such suspension, which period may not be in excess
3 of 2 years from the date of such order. An order of
4 revocation may be entered for a period not exceeding 5 years.
5 Such orders shall effect suspension or revocation of all
6 licenses or permits then held by the person, and during such
7 period of time no license or permit shall be issued to such
8 person. During the suspension or revocation of any license or
9 permit, the former licensee or permittee shall not engage in
10 or attempt or profess to engage in any transaction or business
11 for which a license or permit is required under this chapter
12 or directly or indirectly own, control, or be employed in any
13 manner by any firm, business, or corporation for which a
14 license or permit under this chapter is required. If, during
15 the period between the beginning of proceedings and the entry
16 of an order of suspension or revocation by the State Fire
17 Marshal, a new license or permit has been issued to the person
18 so charged, the order of suspension or revocation shall
19 operate to suspend or revoke such new license or permit held
20 by such person.

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

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

31 (a) Any person, firm, or corporation the license of

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1 which under this chapter has been suspended or revoked;
2 (b) Any firm or corporation if an officer, qualifier,
3 director, stockholder, owner, or person interested directly or
4 indirectly in the firm or corporation has had his or her
5 license or permit under this chapter suspended or revoked; or
6 (c) Any person who is or has been an officer,
7 qualifier, director, stockholder, or owner of a firm or
8 corporation, or who was interested directly or indirectly in a
9 firm or corporation, the license or permit of which has been
10 suspended or revoked under this chapter.
11 (4)(2) In addition to the grounds set forth in
12 subsection (1), it is cause for denial, nonrenewal,
13 revocation, or suspension of a license or permit by the State
14 Fire Marshal if she or he determines that the licensee or
15 permittee has:
16 (a) Rendered inoperative a fire extinguisher or
17 preengineered system required by statute or by rule, except
18 during such time as the extinguisher or preengineered system
19 is being inspected, serviced, repaired, hydrottested,or
20 recharged, or except pursuant to court order.
21 (b) Falsified any record required to be maintained by
22 this chapter or rules adopted pursuant hereto.
23 (c) Improperly serviced, recharged, repaired,
24 hydrottested,tested, or inspected a fire extinguisher or
25 preengineered system.
26 (d) While holding a permit or license, allowed another
27 person to use the permit number or license number, or used a
28 license number or permit number other than her or his valid
29 license number or permit number.
30 (e) Failed to provide proof of insurance to the State
31 Fire Marshal or failed to maintain in force the insurance

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1 coverage required by s. 633.061.

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

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

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

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

16 Section 8. Section 633.171, Florida Statutes, is
17 amended to read:

18 633.171 Penalty for violation of law, rule, or order
19 to cease and desist or for failure to comply with corrective
20 order.--

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

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

29 (a) Render a fire extinguisher or preengineered system
30 required by statute or by rule inoperative except during such
31 time as the ~~said~~ extinguisher or preengineered system is being

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1 serviced, hydrottested, tested, repaired, or recharged, except
2 pursuant to court order.

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

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

7 (d) Use the license or permit number of another
8 person.

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

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

14 Section 9. Present subsections (4) and (5) of section
15 633.547, Florida Statutes, are renumbered as subsections (6)
16 and (7), respectively, and new subsections (4) and (5) are
17 added to that section, to read:

18 633.547 Disciplinary action; fire protection system
19 contractors; grounds for denial, nonrenewal, suspension, or
20 revocation of certificate.--

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

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1 employees or that will use a same or similar name as a
2 previously revoked or suspended firm, business, or
3 corporation.

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

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

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

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

17 Section 10. Paragraph (n) of subsection (3) of section
18 489.105, Florida Statutes, is amended to read:

19 489.105 Definitions.--As used in this part:

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

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1 towers over 50 feet in height; other structures over 50 feet
2 in height, other than buildings or residences over three
3 stories tall; and buildings or residences over three stories
4 tall. Contractors are subdivided into two divisions, Division
5 I, consisting of those contractors defined in paragraphs
6 (a)-(c), and Division II, consisting of those contractors
7 defined in paragraphs (d)-(q):
8 (n) "Underground utility and excavation contractor"
9 means a contractor whose services are limited to the
10 construction, installation, and repair, on public or private
11 property, of main sanitary sewer collection systems, main
12 water distribution systems, storm sewer collection systems,
13 and the continuation of utility lines from the main systems to
14 a point of termination up to and including the meter location
15 for the individual occupancy, sewer collection systems at
16 property line on residential or single-occupancy commercial
17 properties, or on multioccupancy properties at manhole or wye
18 lateral extended to an invert elevation as engineered to
19 accommodate future building sewers, water distribution
20 systems, or storm sewer collection systems at storm sewer
21 structures. However, an underground utility and excavation
22 contractor may install empty underground conduits in
23 rights-of-way, easements, platted rights-of-way in new site
24 development, and sleeves for parking lot crossings no smaller
25 than 2 inches in diameter, provided that each conduit system
26 installed is designed by a licensed professional engineer or
27 an authorized employee of a municipality, county, or public
28 utility and that the installation of any such conduit does not
29 include installation of any conductor wiring or connection to
30 an energized electrical system. An underground utility and
31 excavation contractor shall not install any piping that is an

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1 integral part of a fire protection system as defined in s.
2 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping
3 is used exclusively for such system.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 1, line 15

9

10 insert: after "penalties;"
11 amending s. 633.021, F.S.; defining the term
12 "fire extinguisher"; amending s. 633.061, F.S.;
13 requiring an individual or organization that
14 hydrotests fire extinguishers and preengineered
15 systems to obtain a permit or license from the
16 State Fire Marshal; revising the services that
17 may be performed under certain licenses and
18 permits issued by the State Fire Marshal;
19 providing additional application requirements;
20 providing requirements for obtaining an
21 upgraded license; amending ss. 633.065,
22 633.071, F.S.; providing requirements for
23 installing and inspecting fire suppression
24 equipment; amending s. 633.162, F.S.;
25 prohibiting an owner, officer, or partner of a
26 company from applying for licensure if the
27 license held by the company is suspended or
28 revoked; revising the grounds upon which the
29 State Fire Marshal may deny, revoke, or suspend
30 a license or permit; providing restrictions on
31 activities of former licenseholders and

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1 permittees; amending s. 633.171, F.S.; revising
2 the prohibition against rendering a fire
3 extinguisher or preengineered system
4 inoperative to conform to changes made by the
5 act; amending s. 633.547, F.S.; providing the
6 State Fire Marshal authority to suspend and
7 revoke certificates; providing restrictions on
8 the activities of former certificateholders
9 whose certificates are suspended or revoked;
10 amending s. 489.105, F.S., relating to
11 contracting; conforming a cross-reference to
12 changes made by the act;

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