

By Representative Fuller

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

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

2

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

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

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

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

10 (b) Is manually operated.

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

13 (d) Is rechargeable or nonrechargeable.

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

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

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

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

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

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

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

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

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

1 permittee is working. Permits and fees therefor are required
2 for the following:

3 (a) Class 1.....\$50
4 Servicing, recharging, repairing, installing, or inspecting
5 all types of fire extinguishers, including carbon dioxide
6 units, and conducting hydrostatic tests on all types of fire
7 extinguishers, including carbon dioxide units.

8 (b) Class 2.....\$50
9 Servicing, recharging, repairing, installing, or inspecting
10 all types of fire extinguishers, including carbon dioxide
11 units, and conducting hydrostatic tests on water, water
12 chemical, and dry chemical types of fire extinguishers only.

13 (c) Class 3.....\$50
14 Servicing, recharging, repairing, installing, or inspecting
15 all types of fire extinguishers, except recharging carbon
16 dioxide units, and conducting hydrostatic tests on water,
17 water chemical, and dry chemical types of fire extinguishers
18 only.

19 (d) Class 4.....\$65
20 Servicing, repairing, installing, or inspecting all types of
21 preengineered fire extinguishing systems.

22 (e) Permits issued as duplicates or to reflect a
23 change of address.....\$10
24

25 Any fire equipment permittee licensed pursuant to this
26 subsection who does not want to engage in servicing,
27 inspecting, recharging, repairing, hydrotesting, or installing
28 halon equipment must file an affidavit on a form provided by
29 the division so stating. Permits will be issued by the
30 division to reflect the work authorized thereunder. It is
31 unlawful, unlicensed activity for any person or firm to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 (f)~~(d)~~ No permit of any class shall be issued or
2 renewed to a person by the State Fire Marshal, and no permit
3 of any class shall remain operative, unless the person has:
4 1. Submitted a nonrefundable examination fee in the
5 amount of \$50;
6 2. Successfully completed a training course offered by
7 the State Fire College or an equivalent course approved by the
8 State Fire Marshal; and
9 3. Passed, with a grade of at least 70 percent, a
10 written examination testing his or her knowledge of the rules
11 and statutes regulating the activities authorized by the
12 permit and demonstrating his or her knowledge and ability to
13 perform those tasks in a competent, lawful, and safe manner.
14 Such examination shall be developed and administered by the
15 State Fire Marshal. An examination fee shall be paid for each
16 examination scheduled. No reexamination shall be scheduled
17 sooner than 30 days after any administration of an examination
18 to an applicant. No applicant shall be permitted to take an
19 examination for any level of permit more than four times
20 during 1 year, regardless of the number of applications
21 submitted. As a prerequisite to taking the permit
22 examination, the applicant must be at least 16 years of age.
23 (g)~~(e)~~ An applicant who fails the examination may take
24 it three more times during the 1-year period after he or she
25 originally filed an application for the examination. If the
26 applicant fails the examination within 1 year after the
27 application date and he or she seeks to retake the
28 examination, he or she must file a new application, pay the
29 application and examination fees, and successfully complete a
30 prescribed training course offered by the State Fire College
31 or an equivalent course approved by the State Fire Marshal.

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

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

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

- 29 1. Be 16 ~~18~~ years of age.
- 30 2. Possess on his or her person at all times a valid
31 Florida driver's license or a valid state identification card,

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

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

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

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

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

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

31

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Section 8. This act shall take effect October 1 of the
13 year in which enacted.

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16 SENATE SUMMARY

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

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