

By Representative Martinez

1 A bill to be entitled
2 An act relating to firesafety; amending s.
3 633.061, F.S.; providing separate regulatory
4 provisions for Halon fire extinguishers and
5 systems; requiring a separate license for Halon
6 equipment; providing a license fee; amending s.
7 633.175, F.S.; clarifying administration of
8 provisions providing for investigation of
9 fraudulent claims; amending s. 633.30, F.S.;
10 revising a definition; amending s. 633.35,
11 F.S.; requiring certain persons to enroll in
12 and successfully complete specified training
13 under certain circumstances; prohibiting
14 certain untrained persons from engaging in
15 certain activities; amending s. 633.511, F.S.;
16 revising criteria for eligibility for
17 appointment as a member of the Florida Fire
18 Safety Board; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 633.061, Florida Statutes, is
23 amended to read:

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

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

1 conformity with the provisions of this chapter. Each
2 organization or individual which engages in such activity must
3 possess a valid and subsisting license issued by the State
4 Fire Marshal. All fire extinguishers and preengineered
5 systems required by statute or by rule must be serviced by an
6 organization or individual licensed under the provisions of
7 this chapter. The licensee is legally qualified to act for
8 the business organization in all matters connected with its
9 business, and the licensee must supervise all activities
10 undertaken by such business organization. Each licensee shall
11 maintain a specific business location. A further requirement,
12 in the case of multiple locations where such servicing or
13 recharging is taking place, is that each licensee who
14 maintains more than one place of business where actual work is
15 carried on must possess an additional license, as set forth in
16 this section, for each location. A licensee is limited to a
17 specific type of work performed depending upon the class of
18 license held. Licenses and license fees are required for the
19 following:

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

26 (b) Class B.....\$100
27 To service, recharge, repair, install, or inspect all types of
28 fire extinguishers except all Halon extinguishers, including
29 recharging carbon dioxide units and conducting hydrostatic
30 tests on water, water chemical, and dry chemical types of
31 extinguishers only.

1 (c) Class C.....\$100
2 To service, recharge, repair, install, or inspect all types of
3 fire extinguishers except all Halon extinguishers, except to
4 recharge ~~recharging~~ carbon dioxide units, and to conduct
5 hydrostatic tests on water, water chemical, and dry chemical
6 types of fire extinguishers only.

7 (d) Class D.....\$125
8 To service, repair, install, or inspect all types of
9 preengineered fire extinguishing systems except all Halon
10 systems.

11 (e) Class E.....\$100
12 To service, recharge, repair, install, or inspect all types of
13 Halon extinguishers or systems, including, but not limited to,
14 1301, 1211, or replacement extinguishing agents for Halon.

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

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

27 (a) Class 1.....\$50
28 Servicing, recharging, repairing, installing, or inspecting
29 all types of fire extinguishers except all Halon
30 extinguishers, including carbon dioxide units, and conducting
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1 hydrostatic tests on all types of fire extinguishers,
2 including carbon dioxide units.

3 (b) Class 2.....\$50
4 Servicing, recharging, repairing, installing, or inspecting
5 all types of fire extinguishers except all Halon
6 extinguishers, including carbon dioxide units, and conducting
7 hydrostatic tests on water, water chemical, and dry chemical
8 types of fire extinguishers only.

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

15 (d) Class 4.....\$65
16 Servicing, repairing, installing, or inspecting all types of
17 preengineered fire extinguishing systems except all Halon
18 systems.

19 (e) Class E.....\$50
20 To service, recharge, repair, install, or inspect all types of
21 Halon extinguishers or systems, including, but not limited to,
22 1301, 1211, or replacement extinguishing agents for Halon.

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

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

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

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

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

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

7 2. The State Fire Marshal or his designee has by
8 inspection determined that the applicant possesses the
9 equipment required for the class of license sought. The State
10 Fire Marshal shall give an applicant a reasonable opportunity
11 to correct any deficiencies discovered by inspection. A fee of
12 \$50, payable to the State Fire Marshal, shall be required for
13 any subsequent reinspection.

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

1 suspension of the license until proof of proper insurance is
2 provided to the State Fire Marshal. An insurer which provides
3 such coverage shall notify the State Fire Marshal of any
4 change in coverage or of any termination, cancellation, or
5 nonrenewal of any coverage.

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

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

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

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

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

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

27 7. As a prerequisite to obtaining a license to engage
28 in servicing, repairing, recharging, testing, marking,
29 inspecting, or installing any Halon equipment, an applicant
30 must be currently certified and possess a Class A, B, or C

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1 portable extinguisher license and a Class D preengineered
2 systems license.

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

6 1. Submitted a nonrefundable examination fee in the
7 amount of \$50;

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

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

25 4. An applicant who fails the examination may take it
26 three more times during the 1-year period after he originally
27 filed an application for the examination. If the applicant
28 fails the examination within 1 year after the application date
29 and he seeks to retake the examination, he must file a new
30 application, pay the application and examination fees, and
31 successfully complete a prescribed training course offered by

1 the State Fire College or an equivalent course approved by the
2 State Fire Marshal. The applicant may not submit a new
3 application within 6 months after the date of his last
4 reexamination.

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

14 (b) No trainee shall perform work requiring a permit
15 unless an individual possessing a valid and current fire
16 equipment permit for the type work performed is physically
17 present. The trainee's registration shall be valid for a
18 90-day period from the date of issuance and is nontransferable
19 and nonrenewable. The trainee must:

- 20 1. Be 18 years of age.
- 21 2. Possess on his person at all times a valid Florida
22 driver's license or a valid state identification card, issued
23 by the Department of Highway Safety and Motor Vehicles. A
24 trainee must produce identification to the State Fire Marshal
25 or his designated representative upon demand.
- 26 3. Pay a fee for registration of \$10 per trainee for a
27 90-day period.

28 (c) No more than two trainees shall be under the
29 supervision of a single trainer, who shall be directly
30 responsible for all work performed by any trainee while under
31 his or her supervision. No trainee shall perform any work not

1 within the scope of the license or permit held by the fire
2 equipment dealer or permittee directly supervising his or her
3 work.

4 (d) Upon completion of a training period, an
5 individual must comply with the provisions of this section to
6 obtain a permit.

7 (5) The State Fire Marshal shall adopt rules providing
8 for the time, place, and curriculum of each training course
9 required by this section.

10 (6) Every permittee must have a valid and subsisting
11 permit upon his person at all times while engaging in the
12 servicing, recharging, repairing, testing, inspecting, or
13 installing of fire extinguishers and preengineered systems,
14 and every licensee or permittee must be able to produce such
15 license or permit upon demand. In addition, every permittee
16 shall at all times carry an identification card containing his
17 photograph and other identifying information as prescribed by
18 the State Fire Marshal, which shall be produced on demand.
19 The State Fire Marshal shall supply this card at a fee which
20 shall be related to the cost of producing the card.

21 (7) As a prerequisite to obtaining a license to engage
22 in servicing, repairing, recharging, testing, marking,
23 inspecting, or installing any Halon equipment, an applicant
24 must be currently certified and possess a Class A, B, or C
25 portable extinguisher license and a Class D preengineered
26 systems license.

27 (8)~~(7)~~ The fees collected for any such licenses and
28 permits and the filing fees for license and permit examination
29 are hereby appropriated for the use of the State Fire Marshal
30 in the administration of this chapter and shall be deposited
31 in the Insurance Commissioner's Regulatory Trust Fund.

1 ~~(9)~~⁽⁸⁾ The provisions of this chapter do not apply to
2 inspections by fire chiefs, fire inspectors, fire marshals, or
3 insurance company inspectors.

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

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

19 Section 2. Subsections (1), (3), and (5) of section
20 633.175, Florida Statutes, 1996 Supplement, is amended to
21 read:

22 633.175 Investigation of fraudulent insurance claims
23 and crimes; immunity of insurance companies supplying
24 information.--

25 (1) The State Fire Marshal or an agent appointed
26 pursuant to s. 633.02, or any law enforcement officer as
27 defined under s. 111.065, any law enforcement officer of a
28 federal agency, or a fire department official, may request any
29 insurance company or its agent, adjuster, employee, or
30 attorney, investigating a claim under an insurance policy or
31 contract with respect to the fire loss of any real or personal

1 property to release any information whatsoever in the
2 possession of the insurance company or its agent, adjuster,
3 employee, or attorney relative to that loss. The insurance
4 company or an agent, adjuster, employee, or attorney of the
5 company shall release the available information to and
6 cooperate with any official authorized to request such
7 information pursuant to this section. ~~The insurance company or~~
8 ~~its agent, adjuster, employee, or attorney, shall also~~
9 ~~cooperate with and release any available information to a law~~
10 ~~enforcement officer, as defined under s. 111.065(1), who is~~
11 ~~engaged in the investigation of that fire loss.~~The
12 information shall include, but shall not be limited to:
13 (a) Any insurance policy relevant to a loss under
14 investigation and any application for such a policy.
15 (b) Any policy premium payment records.
16 (c) The records, reports, and all materials pertaining
17 to history of any previous claims made by the insured with the
18 reporting company.
19 (d) Material relating to the investigation of the
20 loss, including statements of any person, proof of loss, and
21 other relevant evidence.
22 (e) Memoranda, notes, and correspondence relating to
23 the investigation of the loss in the possession of the
24 insurance company or its agents, adjusters, employees, or
25 attorneys.
26 (3) In the absence of fraud, bad faith, or malice, no
27 representative of investigator employed by an insurance
28 company or the National Insurance Crime Bureau employed to
29 adjust or investigate losses caused by fire shall be liable
30 for damages in a civil action for furnishing information
31 concerning fires suspected to be other than accidental to

1 investigators employed by other insurance companies or the
2 National Insurance Crime Bureau.

3 (5) At such time as the release of the investigative
4 records is required by law ~~pursuant to s. 633.111~~, the
5 individual or agency in possession of such records ~~department~~
6 shall provide written ~~due~~ notice to the insurance company
7 providing the information and to all parties at least 10 days
8 prior to releasing such records. Official, departmental, or
9 agency personnel may discuss such matters with other official,
10 departmental, or agency personnel, and any insurance company
11 complying with this section, and may share such information,
12 if such discussion is necessary to enable the orderly and
13 efficient conduct of the investigation. These discussions are
14 confidential and exempt from the provisions of s. 286.011.

15 Section 3. Subsection (2) of section 633.30, Florida
16 Statutes, is amended to read:

17 633.30 Standards for firefighting; definitions.--As
18 used in this chapter:

19 (2) "Employing agency" means any municipality or
20 county, the state, or any political subdivision of the state,
21 including authorities and special districts, employing
22 firefighters as defined in subsection (1). The term also
23 includes any private entity which has contracted with any of
24 such jurisdictions for the purpose of providing firefighting
25 services and, thereby, employing firefighters.

26 Section 4. Subsection (2) of section 633.35, Florida
27 Statutes, is amended to read:

28 633.35 Firefighter and forestry firefighter training
29 and certification program.--

30 (2) The division shall issue a certificate of
31 compliance to any person satisfactorily complying with the

1 training program established in subsection (1), who has
2 successfully passed an examination as prescribed by the
3 division, and who possesses the qualifications for employment
4 in s. 633.34, except s. 633.34(5). No person may be employed
5 as a regular or permanent firefighter by the employing agency
6 for a period of time in excess of 1 year from the date of
7 initial employment until he has obtained such certificate of
8 compliance. Any person employed under this section who does
9 not hold a certificate of compliance must enroll in a training
10 program as established under subsection (1) within 120 days
11 after employment and must successfully complete the program
12 within the 1-year period. A person who does not hold a
13 certificate of compliance and is employed under this section
14 may not directly engage in hazardous operations, including,
15 but not limited to, interior structural firefighting,
16 structural collapse search and rescue, confined space rescue,
17 hazardous materials incident mitigation, or other emergency
18 operations that may place such person in danger of personal
19 injury.

20 Section 5. Paragraph (b) of subsection (2) of section
21 633.511, Florida Statutes, is amended to read:

22 633.511 Florida Fire Safety Board; membership.--

23 (2)

24 (b) To be eligible for appointment, each fire
25 equipment dealer shall personally hold a current Class A, B,
26 or C † and Class D ‡ fire equipment dealer license issued by
27 the State Fire Marshal, together with an unexpired
28 occupational license to operate as a fire equipment dealer
29 issued by an incorporated municipality or a county; shall be
30 actively engaged in such business and have been so engaged for
31 a period of not less than 5 consecutive years before the date

1 of appointment; and shall be a citizen and resident of this
2 state.

3 Section 6. This act shall take effect October 1, 1997.

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5 HOUSE SUMMARY

6 Provides separate regulatory provisions for Halon fire
7 extinguishers and systems. Requires a separate license
8 for Halon equipment. Requires persons who do not hold a
9 certificate of compliance and are employed as a
10 firefighter or forestry firefighter to enroll in and
11 successfully complete a specified training program and
12 prohibits persons who do not hold a certificate of
13 compliance from engaging in specified hazardous
14 activities. See bill for details.

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