

By Senator Clary

7-1261-02

1 A bill to be entitled
2 An act relating to fire prevention; amending s.
3 633.061, F.S.; revising provisions regulating
4 the development and administration of training
5 courses and written examinations for persons to
6 be licensed to service and recharge fire
7 extinguishers and preengineered systems;
8 providing that the Florida State Fire College
9 adopt rules governing continuing education
10 requirements; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 633.061, Florida Statutes, is
15 amended to read:

16 633.061 License or permit required of organizations
17 and individuals servicing, recharging, repairing, testing,
18 marking, inspecting, installing, or hydrotesting fire
19 extinguishers and preengineered systems.--

20 (1) It is unlawful for any organization or individual
21 to engage in the business of servicing, repairing, recharging,
22 testing, marking, inspecting, installing, or hydrotesting any
23 fire extinguisher or preengineered system in this state except
24 in conformity with the provisions of this chapter. Each
25 organization or individual that engages in such activity must
26 possess a valid and subsisting license issued by the State
27 Fire Marshal. All fire extinguishers and preengineered
28 systems required by statute or by rule must be serviced by an
29 organization or individual licensed under the provisions of
30 this chapter. The licensee is legally qualified to act for
31 the business organization in all matters connected with its

1 business, and the licensee must supervise all activities
2 undertaken by such business organization. Each licensee shall
3 maintain a specific business location. A further requirement,
4 in the case of multiple locations where such servicing or
5 recharging is taking place, is that each licensee who
6 maintains more than one place of business where actual work is
7 carried on must possess an additional license, as set forth in
8 this section, for each location, except that a licensed
9 individual may not qualify for more than five locations. A
10 licensee is limited to a specific type of work performed
11 depending upon the class of license held. Licenses and license
12 fees are required for the following:

13 (a) Class A.....\$250
14 To service, recharge, repair, install, or inspect all types of
15 fire extinguishers and to conduct hydrostatic tests on all
16 types of fire extinguishers.

17 (b) Class B.....\$150
18 To service, recharge, repair, install, or inspect all types of
19 fire extinguishers, including recharging carbon dioxide units
20 and conducting hydrostatic tests on all types of fire
21 extinguishers, except carbon dioxide units.

22 (c) Class C.....\$150
23 To service, recharge, repair, install, or inspect all types of
24 fire extinguishers, except recharging carbon dioxide units,
25 and to conduct hydrostatic tests on all types of fire
26 extinguishers, except carbon dioxide units.

27 (d) Class D.....\$200
28 To service, repair, recharge, hydrotest, install, or inspect
29 all types of preengineered fire extinguishing systems.

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

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

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

23 (a) Class 1.....\$90
24 Servicing, recharging, repairing, installing, or inspecting
25 all types of fire extinguishers and conducting hydrostatic
26 tests on all types of fire extinguishers.

27 (b) Class 2.....\$90
28 Servicing, recharging, repairing, installing, or inspecting
29 all types of fire extinguishers, including carbon dioxide
30 units, and conducting hydrostatic tests on all types of fire
31 extinguishers, except carbon dioxide units.

1 (c) Class 3.....\$90
2 Servicing, recharging, repairing, installing, or inspecting
3 all types of fire extinguishers, except recharging carbon
4 dioxide units, and conducting hydrostatic tests on all types
5 of fire extinguishers, except carbon dioxide units.
6 (d) Class 4.....\$120
7 Servicing, repairing, hydrotesting, recharging, installing, or
8 inspecting all types of preengineered fire extinguishing
9 systems.
10 (e) Permits issued as duplicates or to reflect a
11 change of address.....\$10
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13 Any fire equipment permittee licensed pursuant to this
14 subsection who does not want to engage in servicing,
15 inspecting, recharging, repairing, hydrotesting, or installing
16 halon equipment must file an affidavit on a form provided by
17 the division so stating. Permits will be issued by the
18 division to reflect the work authorized thereunder. It is
19 unlawful, unlicensed activity for any person or firm to
20 falsely hold himself or herself out to perform any service,
21 inspection, recharge, repair, hydrotest, or installation
22 except as specifically described in the permit.
23 (3)(a) Such licenses and permits shall be issued by
24 the State Fire Marshal for 2 years beginning January 1, 2000,
25 and each 2-year period thereafter and expiring December 31 of
26 the second year. All licenses or permits issued will expire on
27 December 31 of each odd-numbered year. The failure to renew a
28 license or permit by December 31 of the second year will cause
29 the 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. The fee for a
10 license or permit issued for 1 year or less shall be prorated
11 at 50 percent of the applicable fee for a biennial license or
12 permit. Each licensee or permittee shall successfully complete
13 a course or courses of continuing education for fire equipment
14 technicians of at least 32 hours within 4 years of initial
15 issuance of a license or permit and within each 4-year period
16 thereafter or no such license or permit shall be renewed. The
17 Florida State Fire College ~~State Fire Marshal~~ shall adopt
18 rules describing the continuing education requirements.

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

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

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

9 2. The State Fire Marshal or his or her designee has
10 by inspection determined that the applicant possesses the
11 equipment required for the class of license sought. The State
12 Fire Marshal shall give an applicant a reasonable opportunity
13 to correct any deficiencies discovered by inspection. A fee of
14 \$50, payable to the State Fire Marshal, shall be required for
15 any subsequent reinspection.

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

1 chapter. Failure, for any length of time, to provide proof of
2 insurance coverage as required shall result in the immediate
3 suspension of the license until proof of proper insurance is
4 provided to the State Fire Marshal. An insurer which provides
5 such coverage shall notify the State Fire Marshal of any
6 change in coverage or of any termination, cancellation, or
7 nonrenewal of any coverage.

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

20 5. The applicant has a current retestor identification
21 number that is appropriate for the license for which the
22 applicant is applying and that is listed with the United
23 States Department of Transportation.

24 6. The applicant has passed, with a grade of at least
25 70 percent, a written examination testing his or her knowledge
26 of the rules and statutes regulating the activities authorized
27 by the license and demonstrating his or her knowledge and
28 ability to perform those tasks in a competent, lawful, and
29 safe manner. Such examination shall be developed and
30 administered by the State Fire Marshal, or his or her
31 designee, in accordance with nationally accepted testing

1 standards. An applicant shall pay a nonrefundable examination
2 fee of \$50 for each examination or reexamination scheduled. No
3 reexamination shall be scheduled sooner than 30 days after any
4 administration of an examination to an applicant. No
5 applicant shall be permitted to take an examination for any
6 level of license more than a total of four times during 1
7 year, regardless of the number of applications submitted. As a
8 prerequisite to taking the examination, the applicant:

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

10 b. Must have 4 years of proven experience as a fire
11 equipment permittee at a level equal to or greater than the
12 level of license applied for or have a combination of
13 education and experience determined to be equivalent thereto
14 by the State Fire Marshal. Having held a permit at the
15 appropriate level for the required period constitutes the
16 required experience.

17 c. Must not have been convicted of, or pled nolo
18 contendere to, any felony. If an applicant has been convicted
19 of any such felony, the applicant must comply with s.
20 112.011(1)(b).

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22 This subparagraph does not apply to any holder of or applicant
23 for a permit under paragraph (f) or to a business organization
24 or a governmental entity seeking initial licensure or renewal
25 of an existing license solely for the purpose of inspecting,
26 servicing, repairing, marking, recharging, hydrotesting, and
27 maintaining fire extinguishers used and located on the
28 premises of and owned by such organization or entity.

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

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

10 (e) A fire equipment dealer licensed under this
11 section may apply to upgrade the license currently held, if
12 the licensed dealer:

13 1. Submits an application for the license on a form in
14 conformance with paragraph (b). The application must be
15 accompanied by a fee as prescribed in subsection (1) for the
16 type of license requested.

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

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

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

25 1. Submitted a nonrefundable examination fee in the
26 amount of \$50;

27 2. Successfully completed a training course offered by
28 the Florida State Fire College or an equivalent course
29 approved by the Florida State Fire College Marshal; and

30 3. Passed, with a grade of at least 70 percent, a
31 written examination testing his or her knowledge of the rules

1 and statutes regulating the activities authorized by the
2 permit and demonstrating his or her knowledge and ability to
3 perform those tasks in a competent, lawful, and safe manner.
4 Such examination shall be developed and administered by the
5 Florida State Fire College in accordance with the national
6 testing standards ~~Marshal~~. An examination fee shall be paid
7 for each examination scheduled. No reexamination shall be
8 scheduled sooner than 30 days after any administration of an
9 examination to an applicant. No applicant shall be permitted
10 to take an examination for any level of permit more than four
11 times during 1 year, regardless of the number of applications
12 submitted. As a prerequisite to taking the permit examination,
13 the applicant must be at least 16 years of age.

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

26 ~~(4)(a) It is unlawful for a fire equipment dealer to~~
27 ~~engage in training an individual to perform the work of~~
28 ~~installing, testing, recharging, repairing, or inspecting~~
29 ~~portable extinguishers or preengineered systems except in~~
30 ~~conformity with this section. Each individual engaging in~~
31 ~~such training activity must be registered with the State Fire~~

1 ~~Marshal. The dealer must register the trainee prior to the~~
2 ~~trainee performing any work. The dealer must submit training~~
3 ~~criteria to the State Fire Marshal for review and approval.~~

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

- 21 1. Be 18 years of age.
- 22 2. Possess on his or her person at all times a valid
23 Florida driver's license or a valid state identification card,
24 issued by the Department of Highway Safety and Motor Vehicles.
25 A trainee must produce identification to the State Fire
26 Marshal or his or her designated representative upon demand.

27 ~~3. Pay a fee for registration of \$10 per trainee for a~~
28 ~~90-day period.~~

29 (b)~~(c)~~ No more than two trainees shall be under the
30 supervision of a single trainer, who shall be directly
31 responsible for all work performed by any trainee while under

1 his or her supervision. No trainee shall perform any work not
2 within the scope of the license or permit held by the fire
3 equipment dealer or permittee directly supervising his or her
4 work.

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

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

11 (5)~~(6)~~ Every permittee must have a valid and
12 subsisting permit upon his or her person at all times while
13 engaging in the servicing, recharging, repairing, testing,
14 inspecting, or installing of fire extinguishers and
15 preengineered systems, and every licensee or permittee must be
16 able to produce such license or permit upon demand. In
17 addition, every permittee shall at all times carry an
18 identification card containing his or her photograph and other
19 identifying information as prescribed by the State Fire
20 Marshal or the State Fire Marshal's designee, which shall be
21 produced on demand. The State Fire Marshal shall supply this
22 card at a fee which shall be related to the cost of producing
23 the card.

24 (6)~~(7)~~ The fees collected for any such licenses and
25 permits and the filing fees for license and permit examination
26 are hereby appropriated for the use of the State Fire Marshal
27 in the administration of this chapter and shall be deposited
28 in the Insurance Commissioner's Regulatory Trust Fund.

29 (7)~~(8)~~ The provisions of this chapter do not apply to
30 inspections by fire chiefs, fire inspectors, fire marshals, or
31 insurance company inspectors.

1 (8)~~(9)~~ All fire extinguishers and preengineered
2 systems that are required by statute or by rule must be
3 serviced, recharged, repaired, hydrottested, tested, inspected,
4 and installed in compliance with this chapter and with the
5 rules adopted by the State Fire Marshal. The State Fire
6 Marshal may adopt by rule the standards of the National Fire
7 Protection Association and of other reputable national
8 organizations.

9 (9)~~(10)~~ If the licensee leaves the business
10 organization or dies, the business organization shall
11 immediately notify the State Fire Marshal of the licensee's
12 departure, shall return the license to the State Fire Marshal,
13 and shall have a grace period of 60 days in which to license
14 another person under the provisions of this chapter, failing
15 which the business shall no longer perform those activities
16 for which a license under this section is required.

17 Section 2. This act shall take effect July 1, 2002.

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20 SENATE SUMMARY

21 Provides for the Florida State Fire College to develop
22 and administer training courses and examinations for
23 persons to be licensed to service and recharge fire
24 extinguishers and preengineered systems.
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