

723-163AX-27

Bill No. CS/HB 443

Amendment No. ____ (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) Barreiro offered the following:

Amendment (with title amendment)

On page 7, between lines 22 and 23,

insert:

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

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

(1) It is unlawful for any organization or individual to engage in the business of servicing, repairing, recharging, testing, marking, inspecting, installing, or hydrotesting any fire extinguisher or preengineered system in this state except in conformity with the provisions of this chapter. Each organization or individual that engages in such activity must possess a valid and subsisting license issued by the State Fire Marshal. All fire extinguishers and preengineered systems required by statute or by rule must be serviced by an

1 organization or individual licensed under the provisions of
2 this chapter. A licensee who receives appropriate training
3 shall not be prohibited by a manufacturer from servicing any
4 particular brand of fire extinguisher or preengineered system.

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

19 (a) Class A.....\$250
20 To service, recharge, repair, install, or inspect all types of
21 fire extinguishers and to conduct hydrostatic tests on all
22 types of fire extinguishers.

23 (b) Class B.....\$150
24 To service, recharge, repair, install, or inspect all types of
25 fire extinguishers, including recharging carbon dioxide units
26 and conducting hydrostatic tests on all types of fire
27 extinguishers, except carbon dioxide units.

28 (c) Class C.....\$150
29 To service, recharge, repair, install, or inspect all types of
30 fire extinguishers, except recharging carbon dioxide units,
31 and to conduct hydrostatic tests on all types of fire

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1 extinguishers, except carbon dioxide units.

2 (d) Class D.....\$200

3 To service, repair, recharge, hydrotest, install, or inspect
4 all types of preengineered fire extinguishing systems.

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

7
8 Any fire equipment dealer licensed pursuant to this subsection
9 who does not want to engage in the business of 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. Licenses 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 or a business organization out
16 to perform any service, inspection, recharge, repair,
17 hydrotest, or installation except as specifically described in
18 the license.

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

30 (a) Portable permit Class 1.....\$90

31 "Portable permittee" means a person who is limited to

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1 performing work no more extensive than the employing licensee
2 in the servicing, recharging, repairing, installing, or
3 inspecting all types of portable fire extinguishers.
4 ~~Servicing, recharging, repairing, installing, or inspecting~~
5 ~~all types of fire extinguishers and conducting hydrostatic~~
6 ~~tests on all types of fire extinguishers.~~
7 ~~(b) Class 2.....\$90~~
8 ~~Servicing, recharging, repairing, installing, or inspecting~~
9 ~~all types of fire extinguishers, including carbon dioxide~~
10 ~~units, and conducting hydrostatic tests on all types of fire~~
11 ~~extinguishers, except carbon dioxide units.~~
12 ~~(c) Class 3.....\$90~~
13 ~~Servicing, recharging, repairing, installing, or inspecting~~
14 ~~all types of fire extinguishers, except recharging carbon~~
15 ~~dioxide units, and conducting hydrostatic tests on all types~~
16 ~~of fire extinguishers, except carbon dioxide units.~~
17 ~~(b)(d) Preengineered permit Class 4.....\$120~~
18 "Preengineered permittee" means a person who is limited to the
19 servicing, recharging, repairing, installing, or inspecting of
20 all types of preengineered fire extinguishing systems.
21 ~~Servicing, repairing, hydrotesting, recharging, installing, or~~
22 ~~inspecting all types of preengineered fire extinguishing~~
23 ~~systems.~~
24 ~~(c)(e) Permits issued as duplicates or to reflect a~~
25 ~~change of address.....\$10~~
26
27 Any fire equipment permittee licensed pursuant to this
28 subsection who does not want to engage in servicing,
29 inspecting, recharging, repairing, hydrotesting, or installing
30 halon equipment must file an affidavit on a form provided by
31 the division so stating. Permits will be issued by the

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1 division to reflect the work authorized thereunder. It is
2 unlawful, unlicensed activity for any person or firm to
3 falsely hold himself or herself out to perform any service,
4 inspection, recharge, repair, hydrotest, or installation
5 except as specifically described in the permit.

6 (3)(a) Such licenses and permits shall be issued by
7 the State Fire Marshal for 2 years beginning January 1, 2000,
8 and each 2-year period thereafter and expiring December 31 of
9 the second year. All licenses or permits issued will expire on
10 December 31 of each odd-numbered year. The failure to renew a
11 license or permit by December 31 of the second year will cause
12 the license or permit to become inoperative. The holder of an
13 inoperative license or permit shall not engage in any
14 activities for which a license or permit is required by this
15 section. A license or permit which is inoperative because of
16 the failure to renew it shall be restored upon payment of the
17 applicable fee plus a penalty equal to the applicable fee, if
18 the application for renewal is filed no later than the
19 following March 31. If the application for restoration is not
20 made before the March 31st deadline, the fee for restoration
21 shall be equal to the original application fee and the penalty
22 provided for herein, and, in addition, the State Fire Marshal
23 shall require reexamination of the applicant. The fee for a
24 license or permit issued for 1 year or less shall be prorated
25 at 50 percent of the applicable fee for a biennial license or
26 permit. Each licensee or permittee shall successfully complete
27 a course or courses of continuing education for fire equipment
28 technicians of at least 32 hours within 4 years of initial
29 issuance of a license or permit and within each 4-year period
30 thereafter or no such license or permit shall be renewed. A
31 person who is both a licensee and a permittee shall be

1 required to complete 32 hours of continuing education per
 2 4-year period. Each licensee shall ensure that all permittees
 3 in his or her employment meet their continuing education
 4 requirements.The State Fire Marshal shall adopt rules
 5 describing the continuing education requirements and shall
 6 have the authority upon reasonable belief, to audit a fire
 7 equipment dealer to determine compliance with continuing
 8 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

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 applies to the State Fire Marshal and
29 successfully completes a prescribed training course offered by
30 the State Fire College or an equivalent course approved by the
31 State Fire Marshal. This subparagraph does not apply to any

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

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

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

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

30 b. Must have 4 years of proven experience as a fire
31 equipment permittee at a level equal to or greater than the

1 level of license applied for or have a combination of
2 education and experience determined to be equivalent thereto
3 by the State Fire Marshal. Having held a permit at the
4 appropriate level for the required period constitutes the
5 required experience.

6 c. Must not have been convicted of, or pled nolo
7 contendere to, any felony. If an applicant has been convicted
8 of any such felony, the applicant must comply with s.
9 112.011(1)(b).

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

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

29 (e) A fire equipment dealer licensed under this
30 section may apply to upgrade the license currently held, if
31 the licensed dealer:

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

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

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

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

13 1. Submitted a nonrefundable examination fee in the
14 amount of \$50;

15 2. Successfully completed a training course offered by
16 the State Fire College or an equivalent course approved by the
17 State Fire Marshal; and

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

1 taking the permit examination, the applicant must be at least
2 16 years of age.

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

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

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

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

- 9 1. Be 18 years of age.
- 10 2. Possess on his or her person at all times a valid
11 Florida driver's license or a valid state identification card,
12 issued by the Department of Highway Safety and Motor Vehicles.
13 A trainee must produce identification to the State Fire
14 Marshal or his or her designated representative upon demand.
- 15 3. ~~Pay a fee for registration of \$10 per trainee for a~~
16 ~~90-day period.~~

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

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

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

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

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

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

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

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

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

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1 business shall no longer perform those activities for which a
2 license under this section is required.

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

6 And the title is amended as follows:

7 On page 1, lines 2 through 28,
8 remove: all of said lines

9
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and insert:

11 An act relating to firesafety prevention and
12 control; amending s. 235.06, F.S.; requiring
13 the State Fire Marshal to adopt certain uniform
14 firesafety standards for certain plants and
15 facilities and a firesafety evaluation system
16 as an alternate inspection standard for certain
17 plants and facilities; providing for
18 enforcement and administration of such
19 standards and system by local fire officials;
20 prescribing conditions for conducting
21 firesafety inspections; prescribing duties of
22 local fire officials in providing a plan of
23 action and a schedule for correction of
24 deficiencies; requiring the State Fire Marshal
25 to adopt and administer rules prescribing
26 specified standards for the safety and health
27 of occupants of educational and ancillary
28 plants; amending s. 633.01, F.S.; requiring the
29 State Fire Marshal to adopt and administer
30 rules prescribing standards for the safety and
31 health of occupants of educational and

1 ancillary facilities as specified; requiring
2 the State Fire Marshal to assume certain duties
3 of the local fire official in certain counties;
4 amending s. 633.022, F.S.; conforming
5 provisions; amending s. 633.061, F.S., relating
6 to licenses or permits required of
7 organizations and individuals servicing,
8 recharging, repairing, testing, marking,
9 inspecting, installing, or hydrotesting fire
10 extinguishers and preengineered systems;
11 clarifying that a licensee who receives
12 appropriate training shall not be prohibited
13 from servicing any particular brand of fire
14 extinguisher or preengineered system; reducing
15 the number of permits required under the act;
16 providing for a portable permit and a
17 preengineered permit; providing definitions;
18 clarifying that a person who is both a licensee
19 and a permittee is required to complete 32
20 hours of continuing education every four years;
21 requiring that each licensee shall ensure that
22 all permittees in his or her employment meet
23 their continuing education requirements;
24 providing authority of the State Fire Marshal
25 to audit a fire equipment dealer to determine
26 compliance with continuing education
27 requirements; clarifying that an examination
28 shall be developed and administered by the
29 State Fire Marshal in accordance with policies
30 and procedures of the State Fire Marshal;
31 eliminating a requirement and fee for a

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1 temporary trainee permit; requiring that any
2 person who is being trained and who performs
3 work requiring a permit must perform such work
4 in the physical presence of an individual
5 possessing a valid and current fire equipment
6 permit for the type of work performed;
7 providing an effective date.
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