

1
2 An act relating to firesafety prevention and
3 control; amending s. 235.06, F.S.; requiring
4 the State Fire Marshal to adopt certain uniform
5 firesafety standards for certain plants and
6 facilities and a firesafety evaluation system
7 as an alternate inspection standard for certain
8 plants and facilities; providing for
9 enforcement and administration of such
10 standards and system by local fire officials;
11 prescribing conditions for conducting
12 firesafety inspections; prescribing duties of
13 local fire officials in providing a plan of
14 action and a schedule for correction of
15 deficiencies; requiring the State Fire Marshal
16 to adopt and administer rules prescribing
17 specified standards for the safety and health
18 of occupants of educational and ancillary
19 plants; requiring the Fire Marshal to publish
20 an annual report regarding each education
21 board's firesafety program; amending s. 633.01,
22 F.S.; requiring the State Fire Marshal to adopt
23 and administer rules prescribing standards for
24 the safety and health of occupants of
25 educational and ancillary facilities as
26 specified; requiring the State Fire Marshal to
27 assume certain duties of the local fire
28 official in certain counties; amending s.
29 633.022, F.S.; conforming provisions; providing
30 an appropriation; amending s. 633.061, F.S.,
31 relating to licenses or permits required of

1 organizations and individuals servicing,
2 recharging, repairing, testing, marking,
3 inspecting, installing, or hydrotesting fire
4 extinguishers and preengineered systems;
5 clarifying that a licensee who receives
6 appropriate training shall not be prohibited
7 from servicing any particular brand of fire
8 extinguisher or preengineered system; reducing
9 the number of permits required under the act;
10 providing for a portable permit and a
11 preengineered permit; providing definitions;
12 clarifying that a person who is both a licensee
13 and a permittee is required to complete 32
14 hours of continuing education every four years;
15 requiring that each licensee shall ensure that
16 all permittees in his or her employment meet
17 their continuing education requirements;
18 providing authority of the State Fire Marshal
19 to audit a fire equipment dealer to determine
20 compliance with continuing education
21 requirements; clarifying that an examination
22 shall be developed and administered by the
23 State Fire Marshal in accordance with policies
24 and procedures of the State Fire Marshal;
25 eliminating a requirement and fee for a
26 temporary trainee permit; requiring that any
27 person who is being trained and who performs
28 work requiring a permit must perform such work
29 in the physical presence of an individual
30 possessing a valid and current fire equipment
31

1 permit for the type of work performed;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 235.06, Florida Statutes, is
7 amended to read:

8 235.06 Casualty, safety, and sanitation, and
9 firesafety standards and inspection of property.--The
10 Commissioner of Education shall adopt and administer rules
11 prescribing standards for the safety and health of occupants
12 of educational and ancillary plants as a part of the State
13 Uniform Building Code for Public Educational Facilities
14 Construction as provided in s. 235.26, except that the State
15 Fire Marshal in consultation with the Department of Education
16 shall adopt uniform firesafety standards for educational and
17 ancillary plants and educational facilities, as provided in s.
18 633.022(1)(b), and a firesafety evaluation system to be used
19 as an alternate firesafety inspection standard for existing
20 educational and ancillary plants and educational facilities.
21 The uniform firesafety standards and the alternate firesafety
22 evaluation system shall be administered and enforced by local
23 fire officials ~~the provisions of chapter 633 to the contrary~~
24 ~~notwithstanding~~. These standards must be used by all public
25 agencies when inspecting public educational and ancillary
26 plants, and the firesafety standards must be used by local
27 fire officials when performing firesafety inspections of
28 public educational and ancillary plants and educational
29 facilities. In accordance with such standards, each board
30 shall prescribe policies and procedures establishing a
31 comprehensive program of safety and sanitation for the

1 protection of occupants of public educational and ancillary
2 plants. Such policies must contain procedures for periodic
3 inspections as prescribed herein and for withdrawal of any
4 educational and ancillary plant, or portion thereof, from use
5 until unsafe or unsanitary conditions are corrected or
6 removed.

7 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

8 (a) Each board shall provide for periodic inspection,
9 other than firesafety inspection,of each educational and
10 ancillary plant at least once during each fiscal year to
11 determine compliance with standards of sanitation and casualty
12 safety prescribed in the rules of the commissioner.

13 (b) Firesafety inspections of each educational and
14 ancillary plant must be made annually by persons certified by
15 the Division of State Fire Marshal to be eligible to conduct
16 firesafety inspections in public educational and ancillary
17 plants. The board shall submit a copy of the firesafety
18 inspection report to the State Fire Marshal and, if there is a
19 local fire official who conducts firesafety inspections, to
20 the local fire official.

21 (c) In each firesafety inspection report, the board
22 shall include a plan of action and a schedule for the
23 correction of each deficiency which have been formulated in
24 consultation with the local fire control authority. If
25 immediate life-threatening deficiencies are noted in any
26 inspection, the board shall either take action to promptly
27 correct the deficiencies or withdraw the educational or
28 ancillary plant from use until such time as the deficiencies
29 are corrected.

30 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
31 AGENCIES.--

1 (a) A safety or sanitation inspection of any
2 educational or ancillary plant may be made at any time by the
3 Department of Education or any other state or local agency
4 authorized or required to conduct such inspections by either
5 general or special law. Each agency conducting inspections
6 shall use the standards adopted by the Commissioner of
7 Education in lieu of, and to the exclusion of, any other
8 inspection standards prescribed either by statute or
9 administrative rule, ~~the provisions of chapter 633 to the~~
10 ~~contrary notwithstanding~~. The agency shall submit a copy of
11 the inspection report to the board.

12 (b) One firesafety inspection of each educational or
13 ancillary plant must be conducted each fiscal year by the
14 county, municipality, or special fire control district in
15 which the plant is located using the standards adopted by the
16 State Fire Marshal. The board shall cooperate with the
17 inspecting authority when a firesafety inspection is made by a
18 governmental authority under this paragraph.~~In addition to~~
19 ~~school board inspections, the applicable local fire control~~
20 ~~authority shall also annually inspect educational facilities~~
21 ~~within its fire control district, using the standards adopted~~
22 ~~by the Commissioner of Education. Reports shall be filed with~~
23 ~~the school board, and a copy shall be on file with the local~~
24 ~~site administrator.~~

25 (c) In each firesafety inspection report, the local
26 fire official in conjunction with the board shall include a
27 plan of action and a schedule for the correction of each
28 deficiency. If immediate life-threatening deficiencies are
29 noted in any inspection, the local fire official shall either
30 take action to require the board to promptly correct the
31 deficiencies or withdraw the educational facility from use

1 until the deficiencies are corrected, subject to review by the
2 State Fire Marshal who shall act within 10 days to ensure that
3 the deficiencies are corrected or withdraw the facility from
4 use.

5 (3) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
6 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
7 corrective action within a reasonable time, the agency making
8 the inspection, other than a local fire official, may request
9 the commissioner to:

10 (a) Order that appropriate action be taken to correct
11 all deficiencies in accordance with a schedule determined
12 jointly by the inspecting authority and the board; in
13 developing the schedule, consideration must be given to the
14 seriousness of the deficiencies and the ability of the board
15 to obtain the necessary funds; or

16 (b) After 30 calendar days' notice to the board, order
17 all or a portion of the educational or ancillary plant
18 withdrawn from use until the deficiencies are corrected.

19 (4) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
20 failure of the board to take corrective action within the time
21 designated in the plan of action to correct any firesafety
22 deficiency noted under paragraph (1)(c) or paragraph (2)(c),
23 the local fire official shall immediately report the
24 deficiency to the State Fire Marshal, who shall have
25 enforcement authority with respect to educational and
26 ancillary plants and educational facilities as provided in
27 chapter 633 for any other building or structure.

28 (5) ADDITIONAL STANDARDS.--In addition to any other
29 rules adopted under this section or s. 633.022, the State Fire
30 Marshal in consultation with the Department of Education shall
31 adopt and administer rules prescribing the following standards

1 for the safety and health of occupants of educational and
2 ancillary plants:

3 (a) The designation of serious life-safety hazards,
4 including, but not limited to, nonfunctional fire alarm
5 systems, nonfunctional fire sprinkler systems, doors with
6 padlocks or other locks or devices that preclude egress at any
7 time, inadequate exits, hazardous electrical system
8 conditions, potential structural failure, and storage
9 conditions that create a fire hazard.

10 (b) The proper placement of functional smoke and heat
11 detectors and accessible, unexpired fire extinguishers.

12 (c) The maintenance of fire doors without doorstops or
13 wedges improperly holding them open.

14 (6) The State Fire Marshal shall publish an annual
15 report to be filed with the substantive committees of the
16 State House and Senate having jurisdiction over education, the
17 Commissioner of Education or his successor and the Governor
18 documenting the status of each board's firesafety program,
19 including the improvement or lack thereof.

20 Section 2. Subsection (7) is added to section 633.01,
21 Florida Statutes, to read:

22 633.01 State Fire Marshal; powers and duties; rules.--

23 (7) The State Fire Marshal shall adopt and administer
24 rules prescribing standards for the safety and health of
25 occupants of educational and ancillary facilities pursuant to
26 ss. 633.022, 235.06, and 235.26. In addition, in any county
27 that does not employ or appoint a local fire official, the
28 State Fire Marshal shall assume the duties of the local fire
29 official with respect to firesafety inspections of educational
30 property required under s. 235.06(2)(b) and the State Fire

31

1 Marshal may take necessary corrective action as authorized
2 under s. 235.06(4).

3 Section 3. Paragraph (b) of subsection (1) of section
4 633.022, Florida Statutes, is amended to read:

5 633.022 Uniform firesafety standards.--The Legislature
6 hereby determines that to protect the public health, safety,
7 and welfare it is necessary to provide for firesafety
8 standards governing the construction and utilization of
9 certain buildings and structures. The Legislature further
10 determines that certain buildings or structures, due to their
11 specialized use or to the special characteristics of the
12 person utilizing or occupying these buildings or structures,
13 should be subject to firesafety standards reflecting these
14 special needs as may be appropriate.

15 (1) The Department of Insurance shall establish
16 uniform firesafety standards that apply to:

17 (b) All new, existing, and proposed hospitals, nursing
18 homes, assisted living facilities, adult family-care homes,
19 correctional facilities, public schools, transient public
20 lodging establishments, public food service establishments,
21 elevators, migrant labor camps, mobile home parks, lodging
22 parks, recreational vehicle parks, recreational camps,
23 residential and nonresidential child care facilities,
24 facilities for the developmentally disabled, motion picture
25 and television special effects productions, and self-service
26 gasoline stations, of which standards the State Fire Marshal
27 is the final administrative interpreting authority. ~~With~~
28 ~~respect to public schools, the department shall utilize~~
29 ~~firesafety standards that have been adopted by the State Board~~
30 ~~of Education.~~

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1 In the event there is a dispute between the owners of the
2 buildings specified in paragraph (b) and a local authority
3 requiring a more stringent uniform firesafety standard for
4 sprinkler systems, the State Fire Marshal shall be the final
5 administrative interpreting authority and the State Fire
6 Marshal's interpretation regarding the uniform firesafety
7 standards shall be considered final agency action.

8 Section 4. The establishment of six FTE positions to
9 be located in the Division of State Fire Marshal are
10 authorized and for fiscal year 2002-2003 the sum of \$452,894
11 is appropriated from the Insurance Commissioner's Regulatory
12 Trust Fund for the Department of Insurance, Division of State
13 Fire Marshal, to implement the provisions of this act.

14 Section 5. 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. A licensee who receives appropriate training
31 shall not be prohibited by a manufacturer from servicing any

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

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

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

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

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

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

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

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

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

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

29 "Portable permittee" means a person who is limited to
30 performing work no more extensive than the employing licensee
31 in the servicing, recharging, repairing, installing, or

1 inspecting all types of portable fire extinguishers.
2 ~~Servicing, recharging, repairing, installing, or inspecting~~
3 ~~all types of fire extinguishers and conducting hydrostatic~~
4 ~~tests on all types of fire extinguishers.~~
5 ~~(b) Class 2.....\$90~~
6 ~~Servicing, recharging, repairing, installing, or inspecting~~
7 ~~all types of fire extinguishers, including carbon dioxide~~
8 ~~units, and conducting hydrostatic tests on all types of fire~~
9 ~~extinguishers, except carbon dioxide units.~~
10 ~~(c) Class 3.....\$90~~
11 ~~Servicing, recharging, repairing, installing, or inspecting~~
12 ~~all types of fire extinguishers, except recharging carbon~~
13 ~~dioxide units, and conducting hydrostatic tests on all types~~
14 ~~of fire extinguishers, except carbon dioxide units.~~
15 ~~(b)(d) Preengineered permit Class 4.....\$120~~
16 "Preengineered permittee" means a person who is limited to the
17 servicing, recharging, repairing, installing, or inspecting of
18 all types of preengineered fire extinguishing systems.
19 ~~Servicing, repairing, hydrotesting, recharging, installing, or~~
20 ~~inspecting all types of preengineered fire extinguishing~~
21 ~~systems.~~
22 ~~(c)(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 2 years beginning January 1, 2000,
6 and each 2-year period thereafter and expiring December 31 of
7 the second year. All licenses or permits issued will expire on
8 December 31 of each odd-numbered year. The failure to renew a
9 license or permit by December 31 of the second year will cause
10 the license or permit to become inoperative. The holder of an
11 inoperative license or permit shall not engage in any
12 activities for which a license or permit is required by this
13 section. A license or permit which is inoperative because of
14 the failure to renew it shall be restored upon payment of the
15 applicable fee plus a penalty equal to the applicable fee, if
16 the application for renewal is filed no later than the
17 following March 31. If the application for restoration is not
18 made before the March 31st deadline, the fee for restoration
19 shall be equal to the original application fee and the penalty
20 provided for herein, and, in addition, the State Fire Marshal
21 shall require reexamination of the applicant. The fee for a
22 license or permit issued for 1 year or less shall be prorated
23 at 50 percent of the applicable fee for a biennial license or
24 permit. Each licensee or permittee shall successfully complete
25 a course or courses of continuing education for fire equipment
26 technicians of at least 32 hours within 4 years of initial
27 issuance of a license or permit and within each 4-year period
28 thereafter or no such license or permit shall be renewed. A
29 person who is both a licensee and a permittee shall be
30 required to complete 32 hours of continuing education per
31 4-year period. Each licensee shall ensure that all permittees

1 in his or her employment meet their continuing education
2 requirements.The State Fire Marshal shall adopt rules
3 describing the continuing education requirements and shall
4 have the authority upon reasonable belief, to audit a fire
5 equipment dealer to determine compliance with continuing
6 education requirements.

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

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

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

27 2. The State Fire Marshal or his or her designee has
28 by inspection determined that the applicant possesses the
29 equipment required for the class of license sought. The State
30 Fire Marshal shall give an applicant a reasonable opportunity
31 to correct any deficiencies discovered by inspection. A fee of

1 \$50, payable to the State Fire Marshal, shall be required for
2 any subsequent reinspection.

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

26 4. The applicant applies to the State Fire Marshal and
27 successfully completes a prescribed training course offered by
28 the State Fire College or an equivalent course approved by the
29 State Fire Marshal. This subparagraph does not apply to any
30 holder of or applicant for a permit under paragraph (f) or to
31 a business organization or a governmental entity seeking

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

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

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

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

1 by the State Fire Marshal. Having held a permit at the
2 appropriate level for the required period constitutes the
3 required experience.

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

8
9 This subparagraph does not apply to any holder of or applicant
10 for a permit under paragraph (f) 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, hydrotesting, and
14 maintaining fire extinguishers used and located on the
15 premises of and owned by such organization or entity.

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

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

30 1. Submits an application for the license on a form in
31 conformance with paragraph (b). The application must be

1 accompanied by a fee as prescribed in subsection (1) for the
2 type of license requested.

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

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

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

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

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

16 3. Passed, with a grade of at least 70 percent, a
17 written examination testing his or her knowledge of the rules
18 and statutes regulating the activities authorized by the
19 permit and demonstrating his or her knowledge and ability to
20 perform those tasks in a competent, lawful, and safe manner.
21 Such examination shall be developed and administered by the
22 State Fire Marshal in accordance with the policies and
23 procedures fo the State Fire Marshal. An examination fee shall
24 be paid for each examination scheduled. No reexamination
25 shall be scheduled sooner than 30 days after any
26 administration of an examination to an applicant. No
27 applicant shall be permitted to take an examination for any
28 level of permit more than four times during 1 year, regardless
29 of the number of applications submitted. As a prerequisite to
30 taking the permit examination, the applicant must be at least
31 16 years of age.

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

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

21 (a)(b) No one that is being trained ~~trainee~~ shall
22 perform work requiring a permit unless an individual
23 possessing a valid and current fire equipment permit for the
24 type of work performed is physically present. ~~The trainee's~~
25 ~~registration shall be valid for a 90-day period from the date~~
26 ~~of issuance and is nontransferable and nonrenewable. The~~
27 ~~initial training period may be extended for an additional 90~~
28 ~~days of training if the applicant has filed an application for~~
29 ~~permit and enrolled in the 40-hour course at the State Fire~~
30 ~~College within 60 days after the date of registration as a~~
31 ~~trainee and either the training course at the State Fire~~

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

7 1. Be 18 years of age.

8 2. Possess on his or her person at all times a valid
9 Florida driver's license or a valid state identification card,
10 issued by the Department of Highway Safety and Motor Vehicles.

11 A trainee must produce identification to the State Fire
12 Marshal or his or her designated representative upon demand.

13 ~~3. Pay a fee for registration of \$10 per trainee for a~~
14 ~~90-day period.~~

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

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

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

28 (6) Every permittee must have a valid and subsisting
29 permit upon his or her person at all times while engaging in
30 the servicing, recharging, repairing, testing, inspecting, or
31 installing of fire extinguishers and preengineered systems,

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

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

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

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

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

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Section 6. This act shall take effect July 1, 2002.