

Bill No. CS for SB 532

Amendment No. Barcode 324730

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Silver moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

235.06 Casualty, safety, and sanitation, and firesafety standards and inspection of property.--The Commissioner of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, except that the State Fire Marshal in consultation with the Department of Education shall adopt uniform firesafety standards for educational and ancillary plants and educational facilities, as provided in s. 633.022(1)(b), and a firesafety evaluation system to be used as an alternate firesafety inspection standard for existing educational and ancillary plants and educational facilities.

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1 The uniform firesafety standards and the alternate firesafety
2 evaluation system shall be administered and enforced by local
3 fire officials ~~the provisions of chapter 633 to the contrary~~
4 ~~notwithstanding~~. These standards must be used by all public
5 agencies when inspecting public educational and ancillary
6 plants, and the firesafety standards must be used by local
7 fire officials when performing firesafety inspections of
8 public educational and ancillary plants and educational
9 facilities. In accordance with such standards, each board
10 shall prescribe policies and procedures establishing a
11 comprehensive program of safety and sanitation for the
12 protection of occupants of public educational and ancillary
13 plants. Such policies must contain procedures for periodic
14 inspections as prescribed herein and for withdrawal of any
15 educational and ancillary plant, or portion thereof, from use
16 until unsafe or unsanitary conditions are corrected or
17 removed.

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

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

24 (b) Firesafety inspections of each educational and
25 ancillary plant must be made annually by persons certified by
26 the Division of State Fire Marshal to be eligible to conduct
27 firesafety inspections in public educational and ancillary
28 plants. The board shall submit a copy of the firesafety
29 inspection report to the State Fire Marshal and, if there is a
30 local fire official who conducts firesafety inspections, to
31 the local fire official.

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1 (c) In each firesafety inspection report, the board
2 shall include a plan of action and a schedule for the
3 correction of each deficiency which have been formulated in
4 consultation with the local fire control authority. If
5 immediate life-threatening deficiencies are noted in any
6 inspection, the board shall either take action to promptly
7 correct the deficiencies or withdraw the educational or
8 ancillary plant from use until such time as the deficiencies
9 are corrected.

10 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
11 AGENCIES.--

12 (a) A safety or sanitation inspection of any
13 educational or ancillary plant may be made at any time by the
14 Department of Education or any other state or local agency
15 authorized or required to conduct such inspections by either
16 general or special law. Each agency conducting inspections
17 shall use the standards adopted by the Commissioner of
18 Education in lieu of, and to the exclusion of, any other
19 inspection standards prescribed either by statute or
20 administrative rule, ~~the provisions of chapter 633 to the~~
21 ~~contrary notwithstanding.~~ The agency shall submit a copy of
22 the inspection report to the board.

23 (b) One firesafety inspection of each educational or
24 ancillary plant must be conducted each fiscal year by the
25 county, municipality, or special fire control district in
26 which the plant is located using the standards adopted by the
27 State Fire Marshal. The board shall cooperate with the
28 inspecting authority when a firesafety inspection is made by a
29 governmental authority under this paragraph.~~In addition to~~
30 ~~school board inspections, the applicable local fire control~~
31 ~~authority shall also annually inspect educational facilities~~

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1 ~~within its fire control district, using the standards adopted~~
2 ~~by the Commissioner of Education. Reports shall be filed with~~
3 ~~the school board, and a copy shall be on file with the local~~
4 ~~site administrator.~~

5 (c) In each firesafety inspection report, the local
6 fire official in conjunction with the board shall include a
7 plan of action and a schedule for the correction of each
8 deficiency. If immediate life-threatening deficiencies are
9 noted in any inspection, the local fire official shall either
10 take action to require the board to promptly correct the
11 deficiencies or withdraw the educational facility from use
12 until the deficiencies are corrected, subject to review by the
13 State Fire Marshal who shall act within 10 days to ensure that
14 the deficiencies are corrected or withdraw the facility from
15 use.

16 (3) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
17 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
18 corrective action within a reasonable time, the agency making
19 the inspection, other than a local fire official, may request
20 the commissioner to:

21 (a) Order that appropriate action be taken to correct
22 all deficiencies in accordance with a schedule determined
23 jointly by the inspecting authority and the board; in
24 developing the schedule, consideration must be given to the
25 seriousness of the deficiencies and the ability of the board
26 to obtain the necessary funds; or

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

30 (4) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
31 failure of the board to take corrective action within the time

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1 designated in the plan of action to correct any firesafety
2 deficiency noted under paragraph (1)(c) or paragraph (2)(c),
3 the local fire official shall immediately report the
4 deficiency to the State Fire Marshal, who shall have
5 enforcement authority with respect to educational and
6 ancillary plants and educational facilities as provided in
7 chapter 633 for any other building or structure.

8 (5) ADDITIONAL STANDARDS.--In addition to any other
9 rules adopted under this section or s. 633.022, the State Fire
10 Marshal in consultation with the Department of Education shall
11 adopt and administer rules prescribing the following standards
12 for the safety and health of occupants of educational and
13 ancillary plants:

14 (a) The designation of serious life-safety hazards,
15 including, but not limited to, nonfunctional fire alarm
16 systems, nonfunctional fire sprinkler systems, doors with
17 padlocks or other locks or devices that preclude egress at any
18 time, inadequate exits, hazardous electrical system
19 conditions, potential structural failure, and storage
20 conditions that create a fire hazard.

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

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

25 (6) The State Fire Marshal shall publish an annual
26 report to be filed with the substantive committees of the
27 State House and Senate having jurisdiction over education, the
28 Commissioner of Education or his successor and the Governor
29 documenting the status of each board's firesafety program,
30 including the improvement or lack thereof.

31 Section 2. Subsection (7) is added to section 633.01,

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1 Florida Statutes, to read:

2 633.01 State Fire Marshal; powers and duties; rules.--

3 (7) The State Fire Marshal shall adopt and administer
4 rules prescribing standards for the safety and health of
5 occupants of educational and ancillary facilities pursuant to
6 ss. 633.022, 235.06, and 235.26. In addition, in any county
7 that does not employ or appoint a local fire official, the
8 State Fire Marshal shall assume the duties of the local fire
9 official with respect to firesafety inspections of educational
10 property required under s. 235.06(2)(b) and the State Fire
11 Marshal may take necessary corrective action as authorized
12 under s. 235.06(4).

13 Section 3. Paragraph (b) of subsection (1) of section
14 633.022, Florida Statutes, is amended to read:

15 633.022 Uniform firesafety standards.--The Legislature
16 hereby determines that to protect the public health, safety,
17 and welfare it is necessary to provide for firesafety
18 standards governing the construction and utilization of
19 certain buildings and structures. The Legislature further
20 determines that certain buildings or structures, due to their
21 specialized use or to the special characteristics of the
22 person utilizing or occupying these buildings or structures,
23 should be subject to firesafety standards reflecting these
24 special needs as may be appropriate.

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

27 (b) All new, existing, and proposed hospitals, nursing
28 homes, assisted living facilities, adult family-care homes,
29 correctional facilities, public schools, transient public
30 lodging establishments, public food service establishments,
31 elevators, migrant labor camps, mobile home parks, lodging

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1 parks, recreational vehicle parks, recreational camps,
2 residential and nonresidential child care facilities,
3 facilities for the developmentally disabled, motion picture
4 and television special effects productions, and self-service
5 gasoline stations, of which standards the State Fire Marshal
6 is the final administrative interpreting authority. ~~With~~
7 ~~respect to public schools, the department shall utilize~~
8 ~~firesafety standards that have been adopted by the State Board~~
9 ~~of Education.~~

10

11 In the event there is a dispute between the owners of the
12 buildings specified in paragraph (b) and a local authority
13 requiring a more stringent uniform firesafety standard for
14 sprinkler systems, the State Fire Marshal shall be the final
15 administrative interpreting authority and the State Fire
16 Marshal's interpretation regarding the uniform firesafety
17 standards shall be considered final agency action.

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

24 Section 5. Section 633.061, Florida Statutes, is
25 amended to read:

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

30 (1) It is unlawful for any organization or individual
31 to engage in the business of servicing, repairing, recharging,

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1 testing, marking, inspecting, installing, or hydrotesting any
 2 fire extinguisher or preengineered system in this state except
 3 in conformity with the provisions of this chapter. Each
 4 organization or individual that engages in such activity must
 5 possess a valid and subsisting license issued by the State
 6 Fire Marshal. All fire extinguishers and preengineered
 7 systems required by statute or by rule must be serviced by an
 8 organization or individual licensed under the provisions of
 9 this chapter. A licensee who receives appropriate training
 10 shall not be prohibited by a manufacturer from servicing any
 11 particular brand of fire extinguisher or preengineered system.

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

26 (a) Class A.....\$250
 27 To service, recharge, repair, install, or inspect all types of
 28 fire extinguishers and to conduct hydrostatic tests on all
 29 types of fire extinguishers.

30 (b) Class B.....\$150
 31 To service, recharge, repair, install, or inspect all types of

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1 fire extinguishers, including recharging carbon dioxide units
2 and conducting hydrostatic tests on all types of fire
3 extinguishers, except carbon dioxide units.

4 (c) Class C.....\$150
5 To service, recharge, repair, install, or inspect all types of
6 fire extinguishers, except recharging carbon dioxide units,
7 and to conduct hydrostatic tests on all types of fire
8 extinguishers, except carbon dioxide units.

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

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

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

26 (2) Each individual actually performing the work of
27 servicing, recharging, repairing, hydrotesting, installing,
28 testing, or inspecting fire extinguishers or preengineered
29 systems must possess a valid and subsisting permit issued by
30 the State Fire Marshal. Permittees are limited as to specific
31 type of work performed to allow ~~dependent upon the class of~~

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1 ~~permit held which shall be a class allowing work no more~~
2 ~~extensive than the class of license held by the licensee under~~
3 ~~whom the permittee is working. Permits will be issued by the~~
4 ~~division and the fees therefor are required are as follows for~~
5 ~~the following:~~

6 (a) Portable permit Class 1.....\$90
7 "Portable permittee" means a person who is limited to
8 performing work no more extensive than the employing licensee
9 in the servicing, recharging, repairing, installing, or
10 inspecting all types of portable fire extinguishers.
11 ~~servicing, recharging, repairing, installing, or inspecting~~
12 ~~all types of fire extinguishers and conducting hydrostatic~~
13 ~~tests on all types of fire extinguishers.~~

14 (b) ~~Class 2.....\$90~~
15 ~~servicing, recharging, repairing, installing, or inspecting~~
16 ~~all types of fire extinguishers, including carbon dioxide~~
17 ~~units, and conducting hydrostatic tests on all types of fire~~
18 ~~extinguishers, except carbon dioxide units.~~

19 (c) ~~Class 3.....\$90~~
20 ~~servicing, recharging, repairing, installing, or inspecting~~
21 ~~all types of fire extinguishers, except recharging carbon~~
22 ~~dioxide units, and conducting hydrostatic tests on all types~~
23 ~~of fire extinguishers, except carbon dioxide units.~~

24 (b)(d) Preengineered permit Class 4.....\$120
25 "Preengineered permittee" means a person who is limited to the
26 servicing, recharging, repairing, installing, or inspecting of
27 all types of preengineered fire extinguishing systems.
28 ~~servicing, repairing, hydrotesting, recharging, installing, or~~
29 ~~inspecting all types of preengineered fire extinguishing~~
30 ~~systems.~~

31 (c)(e) Permits issued as duplicates or to reflect a

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1 change of address.....\$10

2

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

13 (3)(a) Such licenses and permits shall be issued by
14 the State Fire Marshal for 2 years beginning January 1, 2000,
15 and each 2-year period thereafter and expiring December 31 of
16 the second year. All licenses or permits issued will expire on
17 December 31 of each odd-numbered year. The failure to renew a
18 license or permit by December 31 of the second year will cause
19 the license or permit to become inoperative. The holder of an
20 inoperative license or permit shall not engage in any
21 activities for which a license or permit is required by this
22 section. A license or permit which is inoperative because of
23 the failure to renew it shall be restored upon payment of the
24 applicable fee plus a penalty equal to the applicable fee, if
25 the application for renewal is filed no later than the
26 following March 31. If the application for restoration is not
27 made before the March 31st deadline, the fee for restoration
28 shall be equal to the original application fee and the penalty
29 provided for herein, and, in addition, the State Fire Marshal
30 shall require reexamination of the applicant. The fee for a
31 license or permit issued for 1 year or less shall be prorated

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1 at 50 percent of the applicable fee for a biennial license or
2 permit. Each licensee or permittee shall successfully complete
3 a course or courses of continuing education for fire equipment
4 technicians of at least 32 hours within 4 years of initial
5 issuance of a license or permit and within each 4-year period
6 thereafter or no such license or permit shall be renewed. A
7 person who is both a licensee and a permittee shall be
8 required to complete 32 hours of continuing education per
9 4-year period. Each licensee shall ensure that all permittees
10 in his or her employment meet their continuing education
11 requirements.The State Fire Marshal shall adopt rules
12 describing the continuing education requirements and shall
13 have the authority upon reasonable belief, to audit a fire
14 equipment dealer to determine compliance with continuing
15 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 or her employment by the
29 licensee named in the permit.

30 (c) A license of any class shall not be issued or
31 renewed by the State Fire Marshal and a license of any class

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1 shall not remain operative unless:

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

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

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

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1 such coverage shall notify the State Fire Marshal of any
2 change in coverage or of any termination, cancellation, or
3 nonrenewal of any coverage.

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

15 5. The applicant has a current retestor identification
16 number that is appropriate for the license for which the
17 applicant is applying and that is listed with the United
18 States Department of Transportation.

19 6. The applicant has passed, with a grade of at least
20 70 percent, a written examination testing his or her knowledge
21 of the rules and statutes regulating the activities authorized
22 by the license and demonstrating his or her knowledge and
23 ability to perform those tasks in a competent, lawful, and
24 safe manner. Such examination shall be developed and
25 administered by the State Fire Marshal, or his or her designee
26 in accordance with policies and procedures of the State Fire
27 Marshal. An applicant shall pay a nonrefundable examination
28 fee of \$50 for each examination or reexamination scheduled.
29 No reexamination shall be scheduled sooner than 30 days after
30 any administration of an examination to an applicant. No
31 applicant shall be permitted to take an examination for any

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1 level of license more than a total of four times during 1
2 year, regardless of the number of applications submitted. As a
3 prerequisite to licensure of ~~taking the examination~~, the
4 applicant:

- 5 a. Must be at least 18 years of age.
- 6 b. Must have 4 years of proven experience as a fire
7 equipment permittee at a level equal to or greater than the
8 level of license applied for or have a combination of
9 education and experience determined to be equivalent thereto
10 by the State Fire Marshal. Having held a permit at the
11 appropriate level for the required period constitutes the
12 required experience.
- 13 c. Must not have been convicted of, or pled nolo
14 contendere to, any felony. If an applicant has been convicted
15 of any such felony, the applicant must comply with s.
16 112.011(1)(b).

17

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

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

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

5 (e) A fire equipment dealer licensed under this
6 section may apply to upgrade the license currently held, if
7 the licensed dealer:

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

12 2. Provides evidence of 2 years' experience as a
13 licensed dealer and meets such relevant educational
14 requirements as are established by rule by the State Fire
15 Marshal for purposes of upgrading a license.

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

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

20 1. Submitted a nonrefundable examination fee in the
21 amount of \$50;

22 2. Successfully completed a training course offered by
23 the State Fire College or an equivalent course approved by the
24 State Fire Marshal; and

25 3. Passed, with a grade of at least 70 percent, a
26 written examination testing his or her knowledge of the rules
27 and statutes regulating the activities authorized by the
28 permit and demonstrating his or her knowledge and ability to
29 perform those tasks in a competent, lawful, and safe manner.
30 Such examination shall be developed and administered by the
31 State Fire Marshal in accordance with the policies and

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1 procedures fo the State Fire Marshal. An examination fee shall
2 be paid for each examination scheduled. No reexamination
3 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 permit more than four times during 1 year, regardless
7 of the number of applications submitted. As a prerequisite to
8 taking the permit examination, the applicant must be at least
9 16 years of age.

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

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

30 ~~(a)(b) No one that is being trained trainee shall~~
31 perform work requiring a permit unless an individual

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

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

22 ~~3. Pay a fee for registration of \$10 per trainee for a~~
23 ~~90-day period.~~

24 **(b)(c)** No more than two trainees shall be under the
25 supervision of a single trainer, who shall be directly
26 responsible for all work performed by any trainee while under
27 his or her supervision. No trainee shall perform any work not
28 within the scope of the license or permit held by the fire
29 equipment dealer or permittee directly supervising his or her
30 work.

31 ~~(d) Upon completion of a training period, an~~

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1 ~~individual must comply with the provisions of this section to~~
2 ~~obtain a permit.~~

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

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

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

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

26 (9) All fire extinguishers and preengineered systems
27 that are required by statute or by rule must be serviced,
28 recharged, repaired, hydrottested, tested, inspected, and
29 installed in compliance with this chapter and with the rules
30 adopted by the State Fire Marshal. The State Fire Marshal may
31 adopt by rule the standards of the National Fire Protection

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1 Association and of other reputable national organizations.

2 (10) If the licensee leaves the business organization
3 or dies, the business organization shall immediately notify
4 the State Fire Marshal of the licensee's departure, shall
5 return the license to the State Fire Marshal, and shall have a
6 grace period of 60 days in which to license another person
7 under the provisions of this chapter, failing which the
8 business shall no longer perform those activities for which a
9 license under this section is required.

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

11
12

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

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16

17 and insert:

18

A bill to be entitled

19

An act relating to firesafety prevention and
20 control; amending s. 235.06, F.S.; requiring
21 the State Fire Marshal to adopt certain uniform
22 firesafety standards for certain plants and
23 facilities and a firesafety evaluation system
24 as an alternate inspection standard for certain
25 plants and facilities; providing for
26 enforcement and administration of such
27 standards and system by local fire officials;
28 prescribing conditions for conducting
29 firesafety inspections; prescribing duties of
30 local fire officials in providing a plan of
31 action and a schedule for correction of

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1 deficiencies; requiring the State Fire Marshal
2 to adopt and administer rules prescribing
3 specified standards for the safety and health
4 of occupants of educational and ancillary
5 plants; requiring the Fire Marshal to publish
6 an annual report regarding each education
7 board's firesafety program; amending s. 633.01,
8 F.S.; requiring the State Fire Marshal to adopt
9 and administer rules prescribing standards for
10 the safety and health of occupants of
11 educational and ancillary facilities as
12 specified; requiring the State Fire Marshal to
13 assume certain duties of the local fire
14 official in certain counties; amending s.
15 633.022, F.S.; conforming provisions; providing
16 an appropriation; amending s. 633.061, F.S.,
17 relating to licenses or permits required of
18 organizations and individuals servicing,
19 recharging, repairing, testing, marking,
20 inspecting, installing, or hydrotesting fire
21 extinguishers and preengineered systems;
22 clarifying that a licensee who receives
23 appropriate training shall not be prohibited
24 from servicing any particular brand of fire
25 extinguisher or preengineered system; reducing
26 the number of permits required under the act;
27 providing for a portable permit and a
28 preengineered permit; providing definitions;
29 clarifying that a person who is both a licensee
30 and a permittee is required to complete 32
31 hours of continuing education every four years;

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1 requiring that each licensee shall ensure that
2 all permittees in his or her employment meet
3 their continuing education requirements;
4 providing authority of the State Fire Marshal
5 to audit a fire equipment dealer to determine
6 compliance with continuing education
7 requirements; clarifying that an examination
8 shall be developed and administered by the
9 State Fire Marshal in accordance with policies
10 and procedures of the State Fire Marshal;
11 eliminating a requirement and fee for a
12 temporary trainee permit; requiring that any
13 person who is being trained and who performs
14 work requiring a permit must perform such work
15 in the physical presence of an individual
16 possessing a valid and current fire equipment
17 permit for the type of work performed;
18 providing an effective date.

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