

Bill No. CS for SB 2836

Barcode 044476

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development  
Appropriations (Diaz de la Portilla) recommended the following  
amendment:

**Senate Amendment (with title amendment)**

On page 24, between lines 29 and 30,

insert:

Section 8. Subsections (2) and (6) of section 633.081,  
Florida Statutes, are amended to read:

633.081 Inspection of buildings and equipment; orders;  
firesafety inspection training requirements; certification;  
disciplinary action.--The State Fire Marshal and her or his  
agents shall, at any reasonable hour, when the department has  
reasonable cause to believe that a violation of this chapter  
or s. 509.215, or a rule promulgated thereunder, or a minimum  
firesafety code adopted by a local authority, may exist,  
inspect any and all buildings and structures which are subject  
to the requirements of this chapter or s. 509.215 and rules  
promulgated thereunder. The authority to inspect shall extend  
to all equipment, vehicles, and chemicals which are located

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1 within the premises of any such building or structure.

2 (2) Every firesafety inspection conducted pursuant to  
3 state or local firesafety requirements shall be by a person  
4 certified as having met the inspection training requirements  
5 set by the State Fire Marshal. Such person shall:

6 (a) Be a high school graduate or the equivalent as  
7 determined by the department;

8 (b) Not have been found guilty of, or having pleaded  
9 guilty or nolo contendere to, a felony or a crime punishable  
10 by imprisonment of 1 year or more under the law of the United  
11 States, or of any state thereof, which involves moral  
12 turpitude, without regard to whether a judgment of conviction  
13 has been entered by the court having jurisdiction of such  
14 cases;

15 (c) Have her or his fingerprints on file with the  
16 department or with an agency designated by the department;

17 (d) Have good moral character as determined by the  
18 department;

19 (e) Be at least 18 years of age ~~a resident of Florida;~~

20 (f) Have satisfactorily completed the firesafety  
21 inspector certification examination as prescribed by the  
22 department; and

23 (g)1. Have satisfactorily completed, as determined by  
24 the department, a firesafety inspector training program of not  
25 less than 200 hours, ~~as~~ established by the department and  
26 administered by ~~such~~ agencies and institutions ~~as~~ approved by  
27 the department for the purpose of providing basic  
28 certification training for firesafety inspectors; or

29 2. Have received in another state training which is  
30 determined by the department to be at least equivalent to that  
31 required by the department for approved firesafety inspector

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1 education and training programs in this state.

2 (6) The State Fire Marshal may deny, refuse to renew,  
3 suspend, or revoke the certificate of a firesafety inspector  
4 or special state firesafety inspector if it finds that any of  
5 the following grounds exist:

6 (a) Any cause for which issuance of a certificate  
7 could have been refused had it then existed and been known to  
8 the State Fire Marshal.

9 (b) Violation of ~~any provision of~~ this chapter or any  
10 rule or order of the State Fire Marshal.

11 (c) Falsification of records relating to the  
12 certificate.

13 (d) Having been found guilty of or having pleaded  
14 guilty or nolo contendere to a felony, whether or not a  
15 judgment of conviction has been entered.

16 (e) Failure to meet any of the renewal requirements.

17 (f) Having been convicted of a crime in any  
18 jurisdiction which directly relates to the practice of fire  
19 code inspection, plan review, or administration.

20 (g) Making or filing a report or record that the  
21 certificateholder knows to be false, or knowingly inducing  
22 another to file a false report or record, or knowingly failing  
23 to file a report or record required by state or local law, or  
24 knowingly impeding or obstructing such filing, or knowingly  
25 inducing another person to impede or obstruct such filing.

26 (h) Failing to properly enforce applicable fire codes  
27 or permit requirements within this state which the  
28 certificateholder knows are applicable by committing willful  
29 misconduct, gross negligence, gross misconduct, repeated  
30 negligence, or negligence resulting in a significant danger to  
31 life or property.

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1        (i) Accepting labor, services, or materials at no  
2 charge or at a noncompetitive rate from any person who  
3 performs work that is under the enforcement authority of the  
4 certificateholder and who is not an immediate family member of  
5 the certificateholder. For the purpose of this paragraph, the  
6 term "immediate family member" means a spouse, child, parent,  
7 sibling, grandparent, aunt, uncle, or first cousin of the  
8 person or the person's spouse or any person who resides in the  
9 primary residence of the certificateholder.

10            Section 9. Subsection (9) of section 633.521, Florida  
11 Statutes, is amended, and subsection (11) is added to that  
12 section, to read:

13            633.521 Certificate application and issuance; permit  
14 issuance; examination and investigation of applicant.--

15            (9) It is the intent of the Legislature that the  
16 inspections and testing of automatic fire sprinkler systems  
17 for detached one-family dwellings, detached two-family  
18 dwellings, and mobile homes be accomplished by the owner, who  
19 is responsible for requesting service from a contractor when  
20 necessary. It is further intended that the NFPA-25 inspection  
21 of exposed underground piping and any attached appurtenances  
22 supplying a fire protection system be conducted by a  
23 Contractor I or Contractor II.

24            (11) It is intended that a certificateholder, or a  
25 permitholder who is employed by a certificateholder, conduct  
26 inspections required by this chapter. It is understood that  
27 after July 1, 2008, employee turnover may result in a  
28 depletion of personnel who are certified under the NICET  
29 Sub-field of Inspection and Testing of Fire Protection Systems  
30 Level II which is required for permitholders. The extensive  
31 training and experience necessary to achieve NICET Level II

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1 certification is recognized. A certificateholder may therefore  
2 obtain a provisional permit with an endorsement for  
3 inspection, testing, and maintenance of water-based fire  
4 extinguishing systems for an employee if the employee has  
5 initiated procedures for obtaining Level II certification from  
6 the National Institute for Certification in Engineering  
7 Technologies Sub-field of Inspection and Testing of Fire  
8 Protection Systems and achieved Level I certification. After 2  
9 years of provisional certification, the employee must have  
10 achieved NICET Level II certification or cease performing  
11 inspections requiring Level II certification. The provisional  
12 permit is valid only for the 2 calendar years after the date  
13 of issuance, may not be extended, and is not renewable. After  
14 the initial 2-year provisional permit expires, the  
15 certificateholder must wait 2 additional years before a new  
16 provisional permit may be issued. The intent is to prohibit  
17 the certificateholder from using employees who never reach  
18 NICET Level II status by continuously obtaining provisional  
19 permits.

20 Section 10. Subsection (4) of section 633.537, Florida  
21 Statutes, is amended to read:

22 633.537 Certificate; expiration; renewal; inactive  
23 certificate; continuing education.--

24 (4) The renewal period for the permit class is the  
25 same as that for ~~of~~ the employing certificateholder. The  
26 continuing education requirements for permitholders are what  
27 is required to maintain NICET Sub-field of Inspection and  
28 Testing of Fire Protection Systems Level II or higher  
29 certification plus 8 ~~shall be 8 contact hours by June 30,~~  
30 ~~2006. An additional 16~~ contact hours of continuing education  
31 ~~is required by June 30, 2008, and during each biennial renewal~~

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1 period thereafter. The continuing education curriculum from  
 2 July 1, 2005, until July 1, 2008, shall be the preparatory  
 3 curriculum for NICET II certification; after July 1, 2008, the  
 4 technical curriculum is at the discretion of the State Fire  
 5 Marshal and may be used to meet the maintenance of NICET Level  
 6 II certification and 8 contact hours of continuing education  
 7 requirements. It is the responsibility of the permitholder to  
 8 maintain NICET II certification as a condition of permit  
 9 renewal after July 1, 2008.

10

11 (Redesignate subsequent sections.)

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

15 And the title is amended as follows:

16 On page 2, line 19, after the semicolon,

17

18 insert:

19 amending s. 633.081, F.S.; deleting the  
 20 requirement that a certified firesafety  
 21 inspector be a resident of Florida; requiring  
 22 that a firesafey inspector be 18 years of age  
 23 or older; establishing grounds under which an  
 24 inspector's license may be suspended or  
 25 revoked; amending s. 633.521, F.S.; providing  
 26 for provisional permits for inspectors of  
 27 certain fire protection systems; providing a  
 28 time limitation for such permits; amending s.  
 29 633.537, F.S.; revising continuing education  
 30 requirements;

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