



830734

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/21/2020	.	
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The Committee on Banking and Insurance (Perry) recommended the following:

Senate Amendment (with title amendment)

Between lines 325 and 326
insert:

Section 7. Paragraphs (d), (g), and (h) of subsection (4)
of section 633.304, Florida Statutes, are amended to read:

633.304 Fire suppression equipment; license to install or
maintain.—

(4)

(d) A license of any class may not be issued or renewed by



830734

11 the division and a license of any class does not remain
12 operative unless:

13 1. The applicant has submitted to the State Fire Marshal
14 evidence of registration as a Florida corporation or evidence of
15 compliance with s. 865.09.

16 2. The State Fire Marshal or his or her designee has by
17 inspection determined that the applicant possesses the equipment
18 required for the class of license sought. The State Fire Marshal
19 shall give an applicant a reasonable opportunity to correct any
20 deficiencies discovered by inspection. To obtain such
21 inspection, an applicant with facilities located outside this
22 state must:

23 a. Provide a notarized statement from a professional
24 engineer licensed by the applicant's state of domicile
25 certifying that the applicant possesses the equipment required
26 for the class of license sought and that all such equipment is
27 operable; or

28 b. Allow the State Fire Marshal or her or his designee to
29 inspect the facility. All costs associated with the State Fire
30 Marshal's inspection must be paid by the applicant. The State
31 Fire Marshal, in accordance with s. 120.54, may adopt rules to
32 establish standards for the calculation and establishment of the
33 amount of costs associated with any inspection conducted by the
34 State Fire Marshal under this section. Such rules must include
35 procedures for invoicing and receiving funds in advance of the
36 inspection.

37 3. The applicant has submitted to the State Fire Marshal
38 proof of insurance providing coverage for comprehensive general
39 liability for bodily injury and property damage, products



830734

40 liability, completed operations, and contractual liability. The
41 State Fire Marshal shall adopt rules providing for the amounts
42 of such coverage, but such amounts may not be less than \$300,000
43 for Class A or Class D licenses, \$200,000 for Class B licenses,
44 and \$100,000 for Class C licenses; and the total coverage for
45 any class of license held in conjunction with a Class D license
46 may not be less than \$300,000. The State Fire Marshal may, at
47 any time after the issuance of a license or its renewal, require
48 upon demand, and in no event more than 30 days after notice of
49 such demand, the licensee to provide proof of insurance, on the
50 insurer's form, containing confirmation of insurance coverage as
51 required by this chapter. Failure, for any length of time, to
52 provide proof of insurance coverage as required must result in
53 the immediate suspension of the license until proof of proper
54 insurance is provided to the State Fire Marshal. An insurer that
55 provides such coverage shall notify the State Fire Marshal of
56 any change in coverage or of any termination, cancellation, or
57 nonrenewal of any coverage.

58 4. The applicant applies to the State Fire Marshal,
59 provides proof of experience, and successfully completes a
60 prescribed training course that includes both written and
61 practical training offered at by the State Fire College and or
62 an equivalent course approved by the State Fire Marshal as
63 applicable to the class of license being sought. This
64 subparagraph does not apply to any holder of or applicant for a
65 permit under paragraph (g) or to a business organization or a
66 governmental entity seeking initial licensure or renewal of an
67 existing license solely for the purpose of inspecting,
68 servicing, repairing, marking, recharging, and maintaining fire



69 extinguishers used and located on the premises of and owned by
70 such organization or entity.

71 5. The applicant has a current retestor identification
72 number that is appropriate for the license for which the
73 applicant is applying and that is listed with the United States
74 Department of Transportation.

75 6. The applicant has passed, with a grade of at least 70
76 percent, a written examination testing his or her knowledge of
77 the rules and statutes governing the activities authorized by
78 the license and demonstrating his or her knowledge and ability
79 to perform those tasks in a competent, lawful, and safe manner.
80 Such examination must be developed and administered by the State
81 Fire Marshal, or his or her designee in accordance with policies
82 and procedures of the State Fire Marshal. An applicant shall pay
83 a nonrefundable examination fee of \$50 for each examination or
84 reexamination scheduled. A reexamination may not be scheduled
85 sooner than 30 days after any administration of an examination
86 to an applicant. An applicant may not be permitted to take an
87 examination for any level of license more than a total of four
88 times during 1 year, regardless of the number of applications
89 submitted. As a prerequisite to licensure of the applicant, he
90 or she:

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

92 b. Must have 4 years of proven experience as a fire
93 equipment permittee at a level equal to or greater than the
94 level of license applied for or have a combination of education
95 and experience determined to be equivalent thereto by the State
96 Fire Marshal. Having held a permit at the appropriate level for
97 the required period constitutes the required experience.



830734

98 c. Must not have been convicted of a felony or a crime
99 punishable by imprisonment of 1 year or more under the law of
100 the United States or of any state thereof or under the law of
101 any other country. "Convicted" means a finding of guilt or the
102 acceptance of a plea of guilty or nolo contendere in any federal
103 or state court or a court in any other country, without regard
104 to whether a judgment of conviction has been entered by the
105 court having jurisdiction of the case. If an applicant has been
106 convicted of any such felony, the applicant is excluded from
107 licensure for a period of 4 years after expiration of sentence
108 or final release by the Florida Commission on Offender Review
109 unless the applicant, before the expiration of the 4-year
110 period, has received a full pardon or has had her or his civil
111 rights restored.

112
113 This subparagraph does not apply to any holder of or applicant
114 for a permit under paragraph (g) or to a business organization
115 or a governmental entity seeking initial licensure or renewal of
116 an existing license solely for the purpose of inspecting,
117 servicing, repairing, marking, recharging, hydrotesting, and
118 maintaining fire extinguishers used and located on the premises
119 of and owned by such organization or entity.

120 (g) A permit of any class may not be issued or renewed to a
121 person by the division, and a permit of any class does not
122 remain operative, unless the person has:

123 1. Submitted a nonrefundable examination fee in the amount
124 of \$50.

125 2. Successfully completed a training course that includes
126 both written and practical training offered at ~~by~~ the State Fire



830734

127 College and ~~or an equivalent~~ course approved by the State Fire
128 Marshal as applicable to the class of license being sought.

129 3. Passed, with a grade of at least 70 percent, a written
130 examination testing his or her knowledge of the rules and
131 statutes governing the activities authorized by the permit and
132 demonstrating his or her knowledge and ability to perform those
133 tasks in a competent, lawful, and safe manner. Such examination
134 must be developed and administered by the State Fire Marshal in
135 accordance with the policies and procedures of the State Fire
136 Marshal. An examination fee must be paid for each examination
137 scheduled. A reexamination may not be scheduled sooner than 30
138 days after any administration of an examination to an applicant.
139 An applicant may not be permitted to take an examination for any
140 level of permit more than four times during 1 year, regardless
141 of the number of applications submitted. As a prerequisite to
142 taking the permit examination, the applicant must be at least 16
143 years of age.

144 (h) An applicant for a license or permit under this section
145 who fails the examination may take it three more times during
146 the 1-year period after he or she originally filed an
147 application for the examination. If the applicant fails the
148 examination within 1 year after the application date and he or
149 she seeks to retake the examination, he or she must file a new
150 application, pay the application and examination fees, and
151 successfully complete a prescribed training course that includes
152 both written and practical training offered at ~~by~~ the State Fire
153 College and ~~or an equivalent~~ course approved by the State Fire
154 Marshal as applicable to the class of license being sought. The
155 applicant may not submit a new application within 6 months after



830734

156 the date of his or her fourth reexamination. An applicant who
157 passes the examination but does not meet the remaining
158 qualifications prescribed by law and rule within 1 year after
159 the application date must file a new application, pay the
160 application and examination fee, successfully complete a
161 prescribed training course that includes both written and
162 practical training offered at approved by the State Fire College
163 and ~~or an equivalent~~ course approved by the State Fire Marshal
164 as applicable to the class of license being sought, and pass the
165 written examination.

166
167 ===== T I T L E A M E N D M E N T =====

168 And the title is amended as follows:

169 Delete line 35

170 and insert:

171 construction; amending s. 633.304, F.S.; specifying
172 that training courses offered by the State Fire
173 College must include a written and a practical element
174 and be approved by the State Fire Marshal; amending s.
175 633.416, F.S.; providing