

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Fabricio offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 941 and 942, insert:

7 Section 23. Paragraphs (d), (g), and (h) of subsection (4)
 8 of section 633.304, Florida Statutes, are amended to read:

9 633.304 Fire suppression equipment; license to install or
 10 maintain.—

11 (4)

12 (d) A license of any class may not be issued or renewed by
 13 the division and a license of any class does not remain
 14 operative unless:

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

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

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

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

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

60 4. The applicant applies to the State Fire Marshal,
61 provides proof of experience, and successfully completes a
62 prescribed training course that includes both written and
63 practical training ~~offered by the State Fire College or an~~

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64 ~~equivalent course~~ approved by the State Fire Marshal as
65 applicable to the class of license being sought. This
66 subparagraph does not apply to any holder of or applicant for a
67 permit under paragraph (g) or to a business organization or a
68 governmental entity seeking initial licensure or renewal of an
69 existing license solely for the purpose of inspecting,
70 servicing, repairing, marking, recharging, and maintaining fire
71 extinguishers used and located on the premises of and owned by
72 such organization or entity.

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

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

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89 examination for any level of license more than a total of four
90 times during 1 year, regardless of the number of applications
91 submitted. As a prerequisite to licensure of the applicant, he
92 or she:

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

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

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

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

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

125 1. Submitted a nonrefundable examination fee in the amount
126 of \$50.

127 2. Successfully completed a training course that includes
128 both written and practical training ~~offered by the State Fire~~
129 ~~College or an equivalent course~~ approved by the State Fire
130 Marshal as applicable to the class of license being sought.

131 3. Passed, with a grade of at least 70 percent, a written
132 examination testing his or her knowledge of the rules and
133 statutes governing the activities authorized by the permit and
134 demonstrating his or her knowledge and ability to perform those
135 tasks in a competent, lawful, and safe manner. Such examination
136 must be developed and administered by the State Fire Marshal in
137 accordance with the policies and procedures of the State Fire
138 Marshal. An examination fee must be paid for each examination

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139 | scheduled. A reexamination may not be scheduled sooner than 30
140 | days after any administration of an examination to an applicant.
141 | An applicant may not be permitted to take an examination for any
142 | level of permit more than four times during 1 year, regardless
143 | of the number of applications submitted. As a prerequisite to
144 | taking the permit examination, the applicant must be at least 16
145 | years of age.

146 | (h) An applicant for a license or permit under this
147 | section who fails the examination may take it three more times
148 | during the 1-year period after he or she originally filed an
149 | application for the examination. If the applicant fails the
150 | examination within 1 year after the application date and he or
151 | she seeks to retake the examination, he or she must file a new
152 | application, pay the application and examination fees, and
153 | successfully complete a prescribed training course that includes
154 | both written and practical training ~~offered by the State Fire~~
155 | ~~College or an equivalent course~~ approved by the State Fire
156 | Marshal as applicable to the class of license being sought. The
157 | applicant may not submit a new application within 6 months after
158 | the date of his or her fourth reexamination. An applicant who
159 | passes the examination but does not meet the remaining
160 | qualifications prescribed by law and rule within 1 year after
161 | the application date must file a new application, pay the
162 | application and examination fee, successfully complete a
163 | prescribed training course that includes both written and

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164 practical training approved by the State Fire College or an
165 equivalent course approved by the State Fire Marshal as
166 applicable to the class of license being sought, and pass the
167 written examination.
168

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170 **T I T L E A M E N D M E N T**

171 Remove line 120 and insert:
172 laws; amending s. 633.304, F.S.; revising the training
173 requirements for licenses and permits to install or maintain
174 fire suppression equipment; amending s. 633.402, F.S.; revising
175 the