

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 101 Fire Safety

SPONSOR(S): Quinones

TIED BILLS: None

IDEN./SIM. BILLS: SB 494, SB 1190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice (Sub)</u>	<u>6 Y, 0 N</u>	<u>Cole</u>	<u>De La Paz</u>
2) <u>Public Safety & Crime Prevention</u>	<u></u>	<u></u>	<u></u>
3) <u>Insurance</u>	<u></u>	<u></u>	<u></u>
4) <u>Public Safety Appropriations</u>	<u></u>	<u></u>	<u></u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The State Fire Marshal does not have the authority to promulgate a rule to force all local fire marshals to create a permitting process. They do have the authority to regulate fire extinguisher and equipment dealers and firefighters, but not local fire marshals. Each individual city and county fire department is governed by statute, but is not responsible to the State Fire Marshal.

Current state law does not require vendors, owners, or operators of facilities to obtain permits from the local or state fire marshal prior to fireworks or pyrotechnics being used indoors. HB 101 amends current law to require the owner or operator of a facility to obtain a permit for the fireworks or pyrotechnics to be used only if the premises does not have a fire suppression system. If the facility has a fire suppression system, no permit is required.

The bill prohibits a vendor or licensee from installing any fireworks or pyrotechnics in any indoor facility that does not have a fire suppression system without first obtaining a permit from the local fire marshal, furnishing a copy of that permit to the owner or operator of the facility, and obtaining written permission from the owner/operator to do so. The bill provides for criminal penalties if these provisions are violated.

Seasonal fireworks covered by Section 791, F.S. are exempt from the bill as long as they are not used or meant to be used indoors.

The bill also provides the Division of the State Fire Marshal the authority to protect fire fighters by implementing certain safety standards as recommended by the National Fire Protection Association Publication 1403.

The Florida Association of Counties does not feel that there will be any adverse fiscal impact on the counties as the owners or operators will go through the established permitting process.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

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DATE January 22, 2004

C. SECTION DIRECTORY:

Section 1: Amends S. 633.171, F.S. relating to the obtaining of permits from local fire marshals by vendors or licensees when fireworks or pyrotechnics are to be used indoors.

Section 2: Amends S. 633.821, F.S. by adding the National Fire Protection Association, Inc., Publication 1403 to the approved list of publications to use to make firefighter working conditions safer.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There does not appear to be any fiscal impact to the private sector other than the cost of the permit and complying with safety protocols.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

The term “fire suppression system” is not defined in the bill or in statute. However, “fire protection system” is defined in S. 633.021(8), F.S. (See footnote).²

The bill prevents a vendor or licensee from installing the fireworks or pyrotechnics, but does not specifically prohibit their employees from doing so.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A strike all amendment was adopted by the Criminal Justice Subcommittee that makes it a third degree felony to initiate a pyrotechnic display in an indoor facility that has no fire suppression system and to initiate a pyrotechnic display indoors without written permission from the owner or operator and a permit from the local authority having jurisdiction over the venue. The amendment also requires the state fire marshal to promulgate rules and procedures for live fire training exercises and develop a training and certification process for live fire instructors that all fire departments must follow.

² A “fire protection system” is a system individually designed to protect the interior or exterior of a specific building, structure, or other special hazard, from fire. Such systems include, but are not limited to, water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, CO2 systems, foam extinguishing systems, dry chemical systems, and Halon and other chemical systems used for fire protection use. Such systems also include any overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, thermal systems used in connection with fire sprinkler systems, and tanks and pumps connected to fire sprinkler systems.