

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6  
7 A bill to be entitled  
8 An act relating to fire prevention and control; amending  
9 s. 633.171, F.S.; providing criminal penalties for  
10 initiating a pyrotechnic display in an indoor facility  
11 under certain circumstances; providing an exception;  
12 amending s. 633.821, F.S.; providing additional criteria  
13 for certain rules of the Division of State Fire Marshal;  
14 requiring the division to adopt rules relating to live  
15 fire training; providing requirements; providing for such  
16 rules to take effect; requiring state certification as an  
17 instructor for certain training after a certain date;  
18 providing an exception from application to certain  
19 wildland training; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:  
22

23 Section 1. Section 633.171, Florida Statutes, is amended  
24 to read:

25 633.171 Penalty for violation of law, rule, or order to  
26 cease and desist or for failure to comply with corrective  
27 order.--

28 (1) Any person who violates ~~The violation of~~ any provision  
29 of this law, ~~or~~ any order or rule of the State Fire Marshal, or  
30 any order to cease and desist or to correct conditions issued  
31 under this chapter commits hereunder, ~~shall constitute~~ a  
32 misdemeanor of the second degree, punishable as provided in s.  
33 775.082 or s. 775.083.

34 (2) It is ~~shall constitute~~ a misdemeanor of the first  
35 degree, punishable as provided in s. 775.082 or s. 775.083, to  
36 intentionally or willfully:

37 (a) Render a fire extinguisher or preengineered system  
38 required by statute or by rule inoperative except during such  
39 time as the extinguisher or preengineered system is being  
40 serviced, hydrotested, tested, repaired, or recharged, except  
41 pursuant to court order.

42 (b) Obliterate the serial number on a fire extinguisher  
43 for purposes of falsifying service records.

44 (c) Improperly service, recharge, repair, hydrotest, test,  
45 or inspect a fire extinguisher or preengineered system.

46 (d) Use the license or permit number of another person.

47 (e) Hold a permit and allow another person to use said  
48 permit number.

49 (f) Use, or permit the use of, any license by any  
50 individual or organization other than the one to whom the  
51 license is issued.

52 (3)(a) A person who initiates a pyrotechnic display in an  
53 indoor facility that does not have a fire suppression system  
54 installed in compliance with s. 633.065 commits a felony of the  
55 third degree, punishable as provided in s. 775.082, s. 775.083,  
56 or s. 775.084.

57 (b) A person who initiates a pyrotechnic display in an  
58 indoor facility without the written consent of the owner or  
59 operator of the indoor facility and without a permit issued by  
60 the local authority having jurisdiction commits a felony of the  
61 third degree, punishable as provided in s. 775.082, s. 775.083,  
62 or s. 775.084.

63 (c) This subsection does not apply to the manufacture,  
64 distribution, sale at wholesale or retail, or seasonal sale of  
65 products regulated under chapter 791 if the products are not  
66 used in an indoor facility.

67 Section 2. Subsection (2) of section 633.821, Florida  
68 Statutes, is amended, and subsection (6) is added to said  
69 section, to read:

70 633.821 Workplace safety.--

71 (2) The division shall have the authority to adopt rules  
72 for the purpose of ensuring safe working conditions for all  
73 firefighter employees by authorizing the enforcement of  
74 effective standards, by assisting and encouraging firefighter  
75 employers to maintain safe working conditions, and by providing  
76 for education and training in the field of safety. Specifically,

77 | the division may by rule adopt all or any part of subparts C  
 78 | through T and subpart Z of 29 C.F.R. s. 1910, as revised April  
 79 | 8, 1998; the National Fire Protection Association, Inc.,  
 80 | Standard 1500, paragraph 5-7 (Personal Alert Safety System)  
 81 | (1992 edition); the National Fire Protection Association, Inc.,  
 82 | Publication 1403, Standard on Live Fire Training Evolutions  
 83 | (1997 edition); and ANSI A 10.4-1990.

84 |       (6)(a) The Division of State Fire Marshal shall adopt  
 85 | rules for live fire training and for a training and  
 86 | certification process for a live fire training instructor that  
 87 | shall be required for the training of all firefighters subject  
 88 | to this chapter.

89 |       (b) Such rules for training shall include:

90 |       1. Sections of the most current edition of the National  
 91 | Fire Protection Association, Inc., Publication 1402, Guide to  
 92 | Building Fire Service Training Centers, relating to establishing  
 93 | policies and procedures for effective use of such permanent  
 94 | facilities or structures.

95 |       2. Sections of the most current edition of the National  
 96 | Fire Protection Association, Inc., Publication 1403, Standard on  
 97 | Live Fire Training Evolutions (1997 edition), excluding:

98 |       a. Any chapter entitled "Referenced Publications."

99 |       b. References to the National Fire Protection Association,  
 100 | Inc., Publication 1975, Station Uniform.

101 |       c. The National Fire Protection Association, Inc.,  
 102 | Publication 1001, or any reference to such publication in the  
 103 | National Fire Protection Association, Inc., Publication 1975.

104        d. Any reference to authority having jurisdiction in the  
 105 National Fire Protection Association, Inc., publication 1403,  
 106 defined as the organization, office, or individual responsible  
 107 for approving equipment, materials, installations, and  
 108 procedures.

109        3. A 40-hour training program for instructors including:

110        a. Live fire instructional techniques.

111        b. Training safety in acquired or permanent facilities or  
 112 props.

113        c. Personnel safety.

114        d. Exterior props, including, but not limited to, liquid  
 115 petroleum gas, other liquid fuels, and similar props.

116        (c) Such rules, excluding live fire training instructor  
 117 certification, shall take effect no later than January 1, 2005.

118        (d) State certification as a live fire training instructor  
 119 is required for live fire training on and after January 1, 2006.

120        (e) This subsection does not apply to wildland training  
 121 credentialed through the National Wildfire Coordinating Group by  
 122 the Division of Forestry.

123        Section 3. This act shall take effect upon becoming a law.