

CHAMBER ACTION

1 The Committee on Insurance recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to fire prevention and control; creating  
7 s. 633.115, F.S.; creating the Fire and Emergency Incident  
8 Information Reporting Program within the Division of State  
9 Fire Marshal; providing program requirements; providing  
10 duties of the division relating to the program; creating  
11 the Fire and Emergency Incident Information System  
12 Technical Advisory Panel within the division; providing  
13 for membership and duties of the panel; amending s.  
14 633.171, F.S.; providing criminal penalties for initiating  
15 a pyrotechnic display in an indoor facility under certain  
16 circumstances; providing an exception; amending s.  
17 633.821, F.S.; providing additional criteria for certain  
18 rules of the Division of State Fire Marshal; requiring the  
19 division to adopt rules relating to live fire training;  
20 providing requirements; providing for such rules to take  
21 effect; requiring state certification as an instructor for  
22 certain training after a certain date; providing an  
23 exception from application to certain wildland training;

24 | amending s. 932.7055, F.S.; providing that proceeds from  
 25 | the sale of certain forfeited property be deposited into  
 26 | the Insurance Regulatory Trust Fund and used for specified  
 27 | purposes; providing an effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Section 633.115, Florida Statutes, is created  
 32 | to read:

33 | 633.115 Fire and Emergency Incident Information Reporting  
 34 | Program; duties; fire reports.--

35 | (1)(a) The Fire and Emergency Incident Information  
 36 | Reporting Program is created within the Division of State Fire  
 37 | Marshal. The program shall:

38 | 1. Establish and maintain an electronic communication  
 39 | system capable of transmitting fire and emergency incident  
 40 | information to and between fire protection agencies.

41 | 2. Initiate a Fire and Emergency Incident Information  
 42 | Reporting System that shall be responsible for:

43 | a. Receiving fire and emergency incident information from  
 44 | fire protection agencies.

45 | b. Preparing and disseminating annual reports to the  
 46 | Governor, the President of the Senate, the Speaker of the House  
 47 | of Representatives, fire protection agencies, and, upon request,  
 48 | the public. Each report shall include, but not be limited to,  
 49 | the information listed in the National Fire Incident Reporting  
 50 | System.

51 c. Upon request, providing other states and federal  
 52 agencies with fire and emergency incident data of this state.

53 3. Adopt rules to effectively and efficiently implement,  
 54 administer, manage, maintain, and use the Fire and Emergency  
 55 Incident Information Reporting Program. The rules shall be  
 56 considered minimum requirements and shall not preclude a fire  
 57 protection agency from implementing its own requirements which  
 58 shall not conflict with the rules of the Division of State Fire  
 59 Marshal.

60 4. By rule, establish procedures and a format for each  
 61 fire protection agency to voluntarily monitor its records and  
 62 submit reports to the program.

63 5. Establish an electronic information database, which is  
 64 accessible and searchable by fire protection agencies.

65 (b) The Division of State Fire Marshal shall consult with  
 66 the Division of Forestry of the Department of Agriculture and  
 67 Consumer Services and the Bureau of Emergency Medical Services  
 68 of the Department of Health to coordinate data, ensure accuracy  
 69 of the data, and limit duplication of efforts in data  
 70 collection, analysis, and reporting.

71 (2) The Fire and Emergency Incident Information System  
 72 Technical Advisory Panel is created within the Division of State  
 73 Fire Marshal. The panel shall advise, review, and recommend to  
 74 the State Fire Marshal with respect to the requirements of this  
 75 section. The membership of the panel shall consist of the  
 76 following 15 members:

77 (a) The current 13 members of the Firefighters Employment,  
 78 Standards, and Training Council as established in s. 633.31.

79           (b) One member from the Division of Forestry of the  
80 Department of Agriculture and Consumer Services appointed by the  
81 division director.

82           (c) One member from the Bureau of Emergency Medical  
83 Services of the Department of Health, appointed by the bureau  
84 chief.

85           (3) For the purpose of this section, the term "fire  
86 protection agency" shall be defined by rule by the Division of  
87 State Fire Marshal.

88           Section 2. Section 633.171, Florida Statutes, is amended  
89 to read:

90           633.171 Penalty for violation of law, rule, or order to  
91 cease and desist or for failure to comply with corrective  
92 order.--

93           (1) Any person who violates ~~The violation of~~ any provision  
94 of this law, ~~or~~ any order or rule of the State Fire Marshal, or  
95 any order to cease and desist or to correct conditions issued  
96 under this chapter commits hereunder, ~~shall constitute~~ a  
97 misdemeanor of the second degree, punishable as provided in s.  
98 775.082 or s. 775.083.

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

102           (a) Render a fire extinguisher or preengineered system  
103 required by statute or by rule inoperative except during such  
104 time as the extinguisher or preengineered system is being  
105 serviced, hydrotested, tested, repaired, or recharged, except  
106 pursuant to court order.

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

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

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

112 (e) Hold a permit and allow another person to use said  
113 permit number.

114 (f) Use, or permit the use of, any license by any  
115 individual or organization other than the one to whom the  
116 license is issued.

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

122 (b) A person who initiates a pyrotechnic display in an  
123 indoor facility without the written consent of the owner or  
124 operator of the indoor facility and without a permit issued by  
125 the local authority having jurisdiction commits a felony of the  
126 third degree, punishable as provided in s. 775.082, s. 775.083,  
127 or s. 775.084.

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

132 Section 3. Subsection (2) of section 633.821, Florida  
133 Statutes, is amended, and subsection (6) is added to said  
134 section, to read:

135 |           633.821 Workplace safety.--

136 |           (2) The division shall have the authority to adopt rules  
137 | for the purpose of ensuring safe working conditions for all  
138 | firefighter employees by authorizing the enforcement of  
139 | effective standards, by assisting and encouraging firefighter  
140 | employers to maintain safe working conditions, and by providing  
141 | for education and training in the field of safety. Specifically,  
142 | the division may by rule adopt all or any part of subparts C  
143 | through T and subpart Z of 29 C.F.R. s. 1910, as revised April  
144 | 8, 1998; the National Fire Protection Association, Inc.,  
145 | Standard 1500, paragraph 5-7 (Personal Alert Safety System)  
146 | (1992 edition); the National Fire Protection Association, Inc.,  
147 | Publication 1403, Standard on Live Fire Training Evolutions  
148 | (latest edition), as limited by subsection (6); and ANSI A 10.4-  
149 | 1990.

150 |           (6)(a) The division shall adopt rules for live fire  
151 | training that all firefighters subject to this chapter must  
152 | complete. The division shall also adopt rules for a training and  
153 | certification process for live fire training instructors.

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

155 |           1. Sections of the most current edition of the National  
156 | Fire Protection Association, Inc., Publication 1402, Guide to  
157 | Building Fire Service Training Centers, relating to establishing  
158 | policies and procedures for effective use of such permanent  
159 | facilities or structures.

160 |           2. Sections of the most current edition of the National  
161 | Fire Protection Association, Inc., Publication 1403, Standard on  
162 | Live Fire Training Evolutions, excluding, however:

- 163        a. Any chapter entitled "Referenced Publications."
- 164        b. References to the National Fire Protection Association,
- 165 Inc., Publication 1975, Station Uniform.
- 166        c. The National Fire Protection Association, Inc.,
- 167 Publication 1001, or any references to such publication in the
- 168 National Fire Protection Association, Inc., Publication 1975.
- 169        d. Any reference to authority having jurisdiction in the
- 170 National Fire Protection Association, Inc., publication 1403,
- 171 defined as the organization, office, or individual responsible
- 172 for approving equipment, materials, installations, and
- 173 procedures.
- 174        3. A 40-hour training program for live fire training
- 175 instructors including:
- 176        a. Live fire instructional techniques.
- 177        b. Training safety in acquired or permanent facilities or
- 178 props.
- 179        c. Personnel safety.
- 180        d. Exterior props, including, but not limited to, liquid
- 181 petroleum gas, other liquid fuels, and similar props.
- 182        (c) The rules, excluding those pertaining to live fire
- 183 training instructor certification, shall take effect no later
- 184 than January 1, 2005.
- 185        (d) Each live fire training instructor is required to be
- 186 state certified. All live fire training commenced on and after
- 187 January 1, 2006, must be conducted by a certified live fire
- 188 training instructor.
- 189        (e) This subsection does not apply to wildland training
- 190 credentialed through the National Wildfire Coordinating Group by

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191 the Division of Forestry of the Department of Agriculture and  
192 Consumer Services.

193 Section 4. Paragraph (1) is added to subsection (5) of  
194 section 932.7055, Florida Statutes, to read:

195 932.7055 Disposition of liens and forfeited property.--

196 (5) If the seizing agency is a state agency, all remaining  
197 proceeds shall be deposited into the General Revenue Fund.

198 However, if the seizing agency is:

199 (1) The Division of State Fire Marshal in the Department  
200 of Financial Services, the proceeds accrued under the Florida  
201 Contraband Forfeiture Act shall be deposited into the Insurance  
202 Regulatory Trust Fund to be used for the purposes of arson  
203 suppression, arson investigation, and the funding of antiarson  
204 rewards.

205 Section 5. This act shall take effect upon becoming a law.