

By Senator Constantine

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A bill to be entitled
An act relating to fire prevention and control;
amending s. 633.171, F.S.; establishing
penalties for the unauthorized use of fireworks
or pyrotechnic devices in an indoor facility;
providing that the act does not apply to the
manufacture, distribution, or sale of
fireworks; providing an effective date.

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

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

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

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

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

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

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

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

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

7 (e) Hold a permit and allow another person to use the
8 ~~said~~ permit number.

9 (f) Use, or permit the use of, any license by any
10 individual or organization other than the one to whom the
11 license is issued.

12 (3)(a) A person who initiates a pyrotechnic display in
13 an indoor facility that does not have a fire suppression
14 system installed according to s. 633.162 commits a felony of
15 the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 (b) A person who initiates a pyrotechnic display in an
18 indoor facility without the written consent of the owner or
19 operator of the indoor facility and without a permit issued by
20 the local authority having jurisdiction commits a felony of
21 the third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (c) This section does not apply to the manufacture,
24 distribution, sale at wholesale or retail, or seasonal sale of
25 products regulated under chapter 791 if the products are not
26 used in an indoor facility.

27 Section 2. This act shall take effect upon becoming
28 law.

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SENATE SUMMARY

Provides that it is a third-degree felony to use fireworks or pyrotechnic devices in an indoor facility without authorization. Provides an exception for the manufacture, distribution, sale at wholesale or retail, or seasonal sale of fireworks if the products are not used in an indoor facility.