

By the Committees on Comprehensive Planning; Banking and Insurance; and Senator Constantine

316-2031-04

1 A bill to be entitled
2 An act relating to fire prevention and control;
3 amending s. 633.171, F.S.; establishing
4 penalties for the unauthorized use of fireworks
5 or pyrotechnic devices in an indoor facility;
6 providing that the act does not apply to the
7 manufacture, distribution, or sale of
8 fireworks; amending s. 633.821, F.S.; providing
9 that the Division of State Fire Marshal may
10 adopt additional national fire standards to
11 ensure safe working conditions for
12 firefighters; directing the division to adopt
13 rules for live fire training and for a training
14 and certification process for
15 live-fire-training instructors; providing for
16 the contents of the training rules; requiring
17 the live-fire-training rules to take effect
18 January 1, 2005; requiring each
19 live-fire-training instructor to be
20 state-certified by January 1, 2006; directing
21 that all live fire training commenced on and
22 after January 1, 2006, be conducted by a
23 certified live-fire-training instructor;
24 providing an exception; amending s. 932.7055,
25 F.S.; providing that proceeds from the sale of
26 forfeited property seized by the Division of
27 the State Fire Marshal in the Department of
28 Financial Services under the Florida Contraband
29 Forfeiture Act be deposited into the Insurance
30 Regulatory Trust Fund and used for specified
31 purposes; providing an effective date.

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

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

5 633.171 Penalty for violation of law, rule, or order
6 to cease and desist or for failure to comply with corrective
7 order.--

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

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

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

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

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

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

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

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1 (f) Use, or permit the use of, any license by any
2 individual or organization other than the one to whom the
3 license is issued.

4 (3)(a) A person who initiates a pyrotechnic display in
5 an indoor facility that does not have a fire protection system
6 installed according to the Florida Fire Prevention Code and
7 National Fire Protection Association Standard 13 commits a
8 felony of the third degree, punishable as provided in s.
9 775.082, s. 775.083, or s. 775.084.

10 (b) A person who initiates a pyrotechnic display in an
11 indoor facility without the written consent of the owner or
12 operator of the indoor facility and without a permit issued by
13 the local authority having jurisdiction commits a felony of
14 the third degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084.

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

20 Section 2. Subsection (2) of section 633.821, Florida
21 Statutes, is amended, and subsection (6) is added to that
22 section, to read:

23 633.821 Workplace safety.--

24 (2) The division shall have the authority to adopt
25 rules for the purpose of ensuring safe working conditions for
26 all firefighter employees by authorizing the enforcement of
27 effective standards, by assisting and encouraging firefighter
28 employers to maintain safe working conditions, and by
29 providing for education and training in the field of safety.
30 Specifically, the division may by rule adopt all or any part
31 of subparts C through T and subpart Z of 29 C.F.R. s. 1910, as

1 revised April 8, 1998; the National Fire Protection
2 Association, Inc., Standard 1500, paragraph 5-7 (Personal
3 Alert Safety System) (1992 edition); the National Fire
4 Protection Association Inc., Publication 1403, Standard on
5 Live Fire Training Evolutions (1997 edition);and ANSI A
6 10.4-1990.

7 (6)(a) The division shall adopt rules for live fire
8 training that all firefighters subject to this chapter must
9 complete. The division shall also adopt rules for a training
10 and certification process for live-fire-training instructors.

11 (b) The rules for training shall include:

12 1. Sections of the most current edition of National
13 Fire Protection Association, Inc., Publication 1402, Guide to
14 Building Fire Service Training Centers, relating to
15 establishing policies and procedures for the effective use of
16 permanent facilities or structures.

17 2. Sections of the most current edition of National
18 Fire Protection Association, Inc., Publication 1403, Standard
19 on Live Fire Training Evolutions, excluding, however:

20 a. Any chapter entitled "Referenced Publications";

21 b. References to the National Fire Protection
22 Association, Inc., Publication 1975, Station Uniform;

23 c. The National Fire Protection Association, Inc.,
24 Publication 1001, or any reference to this publication in the
25 National Fire Protection Association, Inc., Publication 1975;
26 and

27 d. Any reference to authority having jurisdiction in
28 National Fire Protection Association, Inc., Publication 1403,
29 defined as the organization, office, or individual responsible
30 for approving equipment, materials, and installation, or
31 procedures.

1 3. A 40-hour training program for live-fire-training
2 instructors including:

3 a. Live fire instructional techniques;

4 b. Training safety in acquired or permanent facilities
5 or props;

6 c. Personnel safety; and

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

9 (c) The rules, excluding those pertaining to
10 live-fire-training-instructor certification, shall take effect
11 no later than January 1, 2005.

12 (d) Each live-fire-training instructor is required to
13 be state-certified. All live fire training commenced on and
14 after January 1, 2006 must be conducted by a certified
15 live-fire-training instructor.

16 (e) This subsection does not apply to wildland
17 training credentialed by the National Wildfire Coordinating
18 Group through the Florida Division of Forestry.

19 Section 3. Paragraph (1) is added to subsection (5) of
20 section 932.7055, Florida Statutes, to read:

21 932.7055 Disposition of liens and forfeited
22 property.--

23 (5) If the seizing agency is a state agency, all
24 remaining proceeds shall be deposited into the General Revenue
25 Fund. However, if the seizing agency is:

26 (1) The Division of the State Fire Marshal in the
27 Department of Financial Services, the proceeds accrued under
28 the Florida Contraband Forfeiture Act shall be deposited into
29 the Insurance Regulatory Trust Fund to be used for the
30 purposes of arson suppression, arson investigation, and the
31 funding of anti-arson rewards.

1 Section 4. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS for SB 1190

7 The CS differs from the bill as filed in that it:

8 *Requires the State Fire Marshal to adopt rules
9 for live fire training for firefighters, and
10 requires fire training instructors be certified
11 on and after January 1, 2006; and
12 *Requires that proceeds from property seized by
13 the Division of the State Fire Marshal in
14 Department of Financial Services, after any
15 liens have been satisfied, be used for arson
16 suppression, arson investigation, and funding
17 anti-arson rewards.
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