

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

307-2122-04

1 A bill to be entitled
2 An act relating to fire prevention and control;
3 creating s. 633.115, F.S.; creating the Fire
4 and Emergency Incident Information Program in
5 the Division of State Fire Marshal of the
6 Department of Financial Services; providing
7 powers and duties of the program; providing for
8 the adoption of rules; creating a Fire and
9 Emergency Incident Information System Technical
10 Advisory Panel in the division; providing for
11 membership and duties; providing for a
12 definition; amending s. 633.171, F.S.;
13 establishing penalties for the unauthorized use
14 of fireworks or pyrotechnic devices in an
15 indoor facility; providing that the act does
16 not apply to the manufacture, distribution, or
17 sale of fireworks; amending s. 633.821, F.S.;
18 providing that the Division of State Fire
19 Marshal may adopt additional national fire
20 standards to ensure safe working conditions for
21 firefighters; directing the division to adopt
22 rules for live fire training and for a training
23 and certification process for
24 live-fire-training instructors; providing for
25 the contents of the training rules; requiring
26 the live-fire-training rules to take effect
27 January 1, 2005; requiring each
28 live-fire-training instructor to be
29 state-certified by January 1, 2006; directing
30 that all live fire training commenced on and
31 after January 1, 2006, be conducted by a

1 certified live-fire-training instructor;
2 providing an exception; amending s. 932.7055,
3 F.S.; providing that proceeds from the sale of
4 forfeited property seized by the Division of
5 the State Fire Marshal in the Department of
6 Financial Services under the Florida Contraband
7 Forfeiture Act be deposited into the Insurance
8 Regulatory Trust Fund and used for specified
9 purposes; providing an effective date.

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

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13 Section 1. Section 633.115, Florida Statutes, is
14 created to read:

15 633.115 Florida Fire and Emergency Incident
16 Information Reporting Program; duties; fire reports.--

17 (1) There is created a Fire and Emergency Incident
18 Information Reporting Program within the Division of State
19 Fire Marshal. The program shall:

20 (a) Establish and maintain an electronic communication
21 system capable of transmitting fire and emergency incident
22 information to and between fire protection agencies.

23 (b) Initiate a fire and emergency incident information
24 reporting system that shall be responsible for:

25 1. Receiving fire and emergency incident information
26 from fire protection agencies.

27 2. Preparing and disseminating annual reports to the
28 Governor, the Legislature, fire protection agencies, and, upon
29 request, the public. Each report shall include, but need not
30 be limited to, the information listed in the National Fire
31 Incident Reporting System.

1 3. Upon request, providing other states and federal
2 agencies with state fire and emergency incident data.

3 (c) Adopt rules to effectively and efficiently
4 implement, administer, manage, maintain, and utilize the Fire
5 and Emergency Incident Information Program. The rules shall be
6 minimum requirements and do not preclude a fire protection
7 agency from implementing its own requirements that are not in
8 conflict with the rules of the Division of State Fire Marshal.

9 (d) By rule, establish procedures and a format for
10 each fire protection agency to voluntarily monitor its records
11 and submit reports to the program.

12 (e) Establish an electronic information database that
13 is accessible and searchable by fire protection agencies.

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15 The Division of State Fire Marshal shall consult with the
16 Division of Forestry of the Department of Agriculture and
17 Consumer Services and the Bureau of Emergency Medical Services
18 of the Department of Health to coordinate data, ensure
19 accuracy of the data, and limit duplication of efforts in data
20 collection, analysis, and reporting.

21 (2) There is created within the Division of State Fire
22 Marshal a Fire and Emergency Incident Information System
23 technical advisory panel. The panel shall advise, review, and
24 make recommendations to the State Fire Marshal regarding the
25 requirements of this section.

26 (a) The membership of the technical advisory panel
27 shall consist of the following 15 members:

28 1. The current 13 members of the Firefighters
29 Employment, Standards, and Training Council, established in s.
30 633.31;

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1 2. One member from the Division of Forestry, appointed
2 by the division director; and

3 3. One member from the Bureau of Emergency Medical
4 Services, appointed by the bureau chief.

5 (3) As used in this section, the term "fire protection
6 agency" shall be defined by rule by the Division of State Fire
7 Marshal.

8 Section 2. Section 633.171, Florida Statutes, is
9 amended to read:

10 633.171 Penalty for violation of law, rule, or order
11 to cease and desist or for failure to comply with corrective
12 order.--

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

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

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

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

29 (c) Improperly service, recharge, repair, hydrottest,
30 test, or inspect a fire extinguisher or preengineered system.

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

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

5 (f) Use, or permit the use of, any license by any
6 individual or organization other than the one to whom the
7 license is issued.

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

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

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

24 Section 3. Subsection (2) of section 633.821, Florida
25 Statutes, is amended, and subsection (6) is added to that
26 section, to read:

27 633.821 Workplace safety.--

28 (2) The division shall have the authority to adopt
29 rules for the purpose of ensuring safe working conditions for
30 all firefighter employees by authorizing the enforcement of
31 effective standards, by assisting and encouraging firefighter

1 employers to maintain safe working conditions, and by
2 providing for education and training in the field of safety.
3 Specifically, the division may by rule adopt all or any part
4 of subparts C through T and subpart Z of 29 C.F.R. s. 1910, as
5 revised April 8, 1998; the National Fire Protection
6 Association, Inc., Standard 1500, paragraph 5-7 (Personal
7 Alert Safety System) (1992 edition); the latest edition of the
8 National Fire Protection Association Inc., Publication 1403,
9 Standard on Live Fire Training Evolutions, as limited by
10 subsection (6);and ANSI A 10.4-1990.

11 (6)(a) The division shall adopt rules for live fire
12 training that all firefighters subject to this chapter must
13 complete. The division shall also adopt rules for a training
14 and certification process for live-fire-training instructors.

15 (b) The rules for training shall include:

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

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

24 a. Any chapter entitled "Referenced Publications";

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

27 c. The National Fire Protection Association, Inc.,
28 Publication 1001, or any reference to this publication in the
29 National Fire Protection Association, Inc., Publication 1975;
30 and

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1 d. Any reference to authority having jurisdiction in
2 National Fire Protection Association, Inc., Publication 1403,
3 defined as the organization, office, or individual responsible
4 for approving equipment, materials, and installation, or
5 procedures.

6 3. A 40-hour training program for live-fire-training
7 instructors including:

8 a. Live fire instructional techniques;

9 b. Training safety in acquired or permanent facilities
10 or props;

11 c. Personnel safety; and

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

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

17 (d) Each live-fire-training instructor is required to
18 be state-certified. All live fire training commenced on and
19 after January 1, 2006 must be conducted by a certified
20 live-fire-training instructor.

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

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

26 932.7055 Disposition of liens and forfeited
27 property.--

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

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1 (1) The Division of the State Fire Marshal in the
2 Department of Financial Services, the proceeds accrued under
3 the Florida Contraband Forfeiture Act shall be deposited into
4 the Insurance Regulatory Trust Fund to be used for the
5 purposes of arson suppression, arson investigation, and the
6 funding of anti-arson rewards.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS/CS/SB 1190

- 13 - Creates the Fire and Emergency Incident Information
14 Program in the Division of State Fire Marshal of the
15 Department of Financial Services, powers and duties of
16 the program, and authority to adopt rules to implement,
17 administer, manage, maintain, and utilize the program.
18 - Creates a Fire and Emergency Incident Information System
19 Technical Advisory Panel and provides for the membership
20 and duties of the panel.
21 - Provides that the Division of State Fire Marshal shall
22 define, by rule, the term "fire protection agency."
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