



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

17 (1) There is created the 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 must include, but need not be  
30 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 use the Fire and  
5 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 the 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 of 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) As used in this subsection, the term:

9 1. "Pyrotechnic display" means a special effect  
10 created through the use of a pyrotechnic material or  
11 pyrotechnic device.

12 2. "Pyrotechnic device" means any device containing  
13 pyrotechnic materials and capable of producing a special  
14 effect.

15 3. "Pyrotechnic material" means a chemical mixture  
16 used to produce visible or audible effects by combustion,  
17 deflagration, or detonation when such chemical mixture  
18 consists predominantly of solids capable of producing a  
19 controlled, self-sustaining, and self-contained exothermic  
20 chemical reaction that results in heat, gas, sound, light, or  
21 a combination of such effects, without requiring external  
22 oxygen.

23 (b) A person who initiates a pyrotechnic display in a  
24 structure that does not have a fire protection system  
25 installed according to the Florida Fire Prevention Code and  
26 National Fire Protection Association Standard 13 commits a  
27 felony of the third degree, punishable as provided in s.  
28 775.082, s. 775.083, or s. 775.084.

29 (c) A person who initiates a pyrotechnic display in a  
30 structure without the written consent of the owner or operator  
31 of the structure and without a permit issued by the local

1 authority having jurisdiction commits a felony of the third  
2 degree, punishable as provided in s. 775.082, s. 775.083, or  
3 s. 775.084.

4 (d) This subsection does not apply to the manufacture,  
5 distribution, sale at wholesale or retail, or seasonal sale of  
6 products regulated under chapter 791 if the products are not  
7 used in a structure.

8 Section 3. Subsection (2) of section 633.821, Florida  
9 Statutes, is amended, and subsection (6) is added to that  
10 section, to read:

11 633.821 Workplace safety.--

12 (2) The division shall have the authority to adopt  
13 rules for the purpose of ensuring safe working conditions for  
14 all firefighter employees by authorizing the enforcement of  
15 effective standards, by assisting and encouraging firefighter  
16 employers to maintain safe working conditions, and by  
17 providing for education and training in the field of safety.  
18 Specifically, the division may by rule adopt all or any part  
19 of subparts C through T and subpart Z of 29 C.F.R. s. 1910, as  
20 revised April 8, 1998; the National Fire Protection  
21 Association, Inc., Standard 1500, paragraph 5-7 (Personal  
22 Alert Safety System) (1992 edition); the latest edition of the  
23 National Fire Protection Association Inc., Publication 1403,  
24 Standard on Live Fire Training Evolutions, as limited by  
25 subsection (6); and ANSI A 10.4-1990.

26 (6)(a) The division shall adopt rules for live fire  
27 training that all firefighters subject to this chapter must  
28 complete. The division shall also adopt rules for a training  
29 and certification process for live-fire-training instructors.

30 (b) The rules for training must include:  
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1           1. Sections of the most current edition of National  
2 Fire Protection Association, Inc., Publication 1402, Guide to  
3 Building Fire Service Training Centers, relating to  
4 establishing policies and procedures for the effective use of  
5 permanent facilities or structures.

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

9           a. Any chapter entitled "Referenced Publications";

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

12           c. The National Fire Protection Association, Inc.,  
13 Publication 1001, or any reference to this publication in the  
14 National Fire Protection Association, Inc., Publication 1975;  
15 and

16           d. Any reference to an authority having jurisdiction  
17 in National Fire Protection Association, Inc., Publication  
18 1403, defined as the organization, office, or individual  
19 responsible for approving equipment, materials, and  
20 installation, or procedures.

21           3. A 40-hour training program for live-fire-training  
22 instructors which includes:

23           a. Live fire instructional techniques;

24           b. Training safety in acquired or permanent facilities  
25 or props;

26           c. Personnel safety; and

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

29           (c) The rules, excluding those pertaining to the  
30 certification of live-fire-training instructors, shall take  
31 effect no later than January 1, 2006.

1           (d) Each live-fire-training instructor must be  
2 state-certified. All live fire training commenced on and after  
3 January 1, 2007, must be conducted by a certified  
4 live-fire-training instructor.

5           (e) This subsection does not apply to wildland or  
6 prescribed live-fire training sanctioned by the Division of  
7 Forestry within the Department of Agriculture and Consumer  
8 Services or the National Wildfire Coordinating Group.

9           Section 4. Paragraph (m) is added to subsection (6) of  
10 section 932.7055, Florida Statutes, to read:

11           932.7055 Disposition of liens and forfeited  
12 property.--

13           (6) If the seizing agency is a state agency, all  
14 remaining proceeds shall be deposited into the General Revenue  
15 Fund. However, if the seizing agency is:

16           (m) The Division of State Fire Marshal in the  
17 Department of Financial Services, the proceeds accrued under  
18 the Florida Contraband Forfeiture Act shall be deposited into  
19 the Insurance Regulatory Trust Fund to be used for the  
20 purposes of arson suppression, arson investigation, and the  
21 funding of antiarson rewards.

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



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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 108

- Defines "pyrotechnic display," "pyrotechnic material," and "pyrotechnic device."
- Provides that the substantive offenses relating to pyrotechnic displays relate to certain pyrotechnic displays in a "structure."
- Clarifies that the new requirement that the State Fire Marshal adopt rules for live fire training for firefighters and for a certification program for live fire training instructors, including adopting specified standards, does not apply to live-fire-training exercises by the Florida Division of Forestry or the National Wildfire Coordinating Group.