

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Quinones offered the following:

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3 **Amendment (with title amendment)**

4 Remove line 28 and insert:

5 Section 2. Effective upon this act becoming a law, section
6 633.115, Florida Statutes, is created to read:

7 633.115 Fire and Emergency Incident Information Reporting
8 Program; duties; fire reports.--

9 (1)(a) The Fire and Emergency Incident Information
10 Reporting Program is created within the Division of State Fire
11 Marshal. The program shall:

12 1. Establish and maintain an electronic communication
13 system capable of transmitting fire and emergency incident
14 information to and between fire protection agencies.

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15 2. Initiate a Fire and Emergency Incident Information
16 Reporting System that shall be responsible for:

17 a. Receiving fire and emergency incident information from
18 fire protection agencies.

19 b. Preparing and disseminating annual reports to the
20 Governor, the President of the Senate, the Speaker of the House
21 of Representatives, fire protection agencies, and, upon request,
22 the public. Each report shall include, but not be limited to,
23 the information listed in the National Fire Incident Reporting
24 System.

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

27 3. Adopt rules to effectively and efficiently implement,
28 administer, manage, maintain, and use the Fire and Emergency
29 Incident Information Reporting Program. The rules shall be
30 considered minimum requirements and shall not preclude a fire
31 protection agency from implementing its own requirements which
32 shall not conflict with the rules of the Division of State Fire
33 Marshal.

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

37 5. Establish an electronic information database which is
38 accessible and searchable by fire protection agencies.

39 (b) The Division of State Fire Marshal shall consult with
40 the Division of Forestry of the Department of Agriculture and
41 Consumer Services and the Bureau of Emergency Medical Services

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42 of the Department of Health to coordinate data, ensure accuracy
43 of the data, and limit duplication of efforts in data
44 collection, analysis, and reporting.

45 (2) The Fire and Emergency Incident Information System
46 Technical Advisory Panel is created within the Division of State
47 Fire Marshal. The panel shall advise, review, and recommend to
48 the State Fire Marshal with respect to the requirements of this
49 section. The membership of the panel shall consist of the
50 following 15 members:

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

53 (b) One member from the Division of Forestry of the
54 Department of Agriculture and Consumer Services, appointed by
55 the division director.

56 (c) One member from the Bureau of Emergency Medical
57 Services of the Department of Health, appointed by the bureau
58 chief.

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

62 Section 3. Effective upon this act becoming a law, section
63 633.171, Florida Statutes, is amended to read:

64 633.171 Penalty for violation of law, rule, or order to
65 cease and desist or for failure to comply with corrective
66 order.--

67 (1) Any person who violates ~~The violation of~~ any provision
68 of this law, ~~or~~ any order or rule of the State Fire Marshal, or

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69 any order to cease and desist or to correct conditions issued
70 under this chapter commits hereunder, shall constitute a
71 misdemeanor of the second degree, punishable as provided in s.
72 775.082 or s. 775.083.

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

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

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

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

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

86 (e) Hold a permit and allow another person to use said
87 permit number.

88 (f) Use, or permit the use of, any license by any
89 individual or organization other than the one to whom the
90 license is issued.

91 (3)(a) As used in this subsection, the term:

92 1. "Pyrotechnic display" means a special effect created
93 through the use of a pyrotechnic material or pyrotechnic device.

94 2. "Pyrotechnic device" means any device containing
95 pyrotechnic materials and capable of producing a special effect.

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96 3. "Pyrotechnic material" means a chemical mixture used to
97 produce visible or audible effects by combustion, deflagration,
98 or detonation when such chemical mixture consists predominantly
99 of solids capable of producing a controlled, self-sustaining,
100 and self-contained exothermic chemical reaction that results in
101 heat, gas, sound, light, or a combination of such effects,
102 without requiring external oxygen.

103 (b) A person who initiates a pyrotechnic display within
104 any structure commits a felony of the third degree, punishable
105 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

106 1. The structure has a fire protection system installed in
107 compliance with s. 633.065.

108 2. The owner of the structure has authorized in writing
109 the pyrotechnic display.

110 3. If the local jurisdiction requires a permit for the use
111 of a pyrotechnic display in an occupied structure, such permit
112 has been obtained and all conditions of the permit complied with
113 or, if the local jurisdiction does not require a permit for the
114 use of a pyrotechnic display in an occupied structure, the
115 person initiating the display has complied with National Fire
116 Protection Association, Inc., Standard 1126, 2001 Edition,
117 Standard for the Use of Pyrotechnics before a Proximate
118 Audience.

119 (c) This subsection shall not be construed to preclude
120 prosecution for a more general offense resulting from the same
121 criminal transaction or episode. This subsection does not apply
122 to the manufacture, distribution, sale at wholesale or retail,

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123 or seasonal sale of products regulated under chapter 791 if the
124 products are not used in an occupied structure.

125 Section 4. Effective upon this act becoming a law,
126 subsection (2) of section 633.821, Florida Statutes, is amended,
127 and subsection (6) is added to said section, to read:

128 633.821 Workplace safety.--

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

143 (6)(a) The division shall adopt rules for live fire
144 training that all firefighters subject to this chapter must
145 complete. The division shall also adopt rules for a training and
146 certification process for live fire training instructors.

147 (b) Such rules for training shall include:

148 1. Sections of the most current edition of the National
149 Fire Protection Association, Inc., Publication 1402, Guide to

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150 Building Fire Service Training Centers, relating to establishing
151 policies and procedures for effective use of such permanent
152 facilities or structures.

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

156 a. Any chapter entitled "Referenced Publications."

157 b. References to the National Fire Protection Association,
158 Inc., Publication 1975, Station Uniform.

159 c. The National Fire Protection Association, Inc.,
160 Publication 1001, or any references to such publication in the
161 National Fire Protection Association, Inc., Publication 1975.

162 d. Any reference to an authority having jurisdiction in
163 the National Fire Protection Association, Inc., publication
164 1403, defined as the organization, office, or individual
165 responsible for approving equipment, materials, installations,
166 and procedures.

167 3. A 40-hour training program for live fire training
168 instructors, including:

169 a. Live fire instructional techniques.

170 b. Training safety in acquired or permanent facilities or
171 props.

172 c. Personnel safety.

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

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175 (c) The rules, excluding those pertaining to live fire
176 training instructor certification, shall take effect no later
177 than January 1, 2006.

178 (d) Each live fire training instructor is required to be
179 state certified. All live fire training commenced on and after
180 January 1, 2007, must be conducted by a certified live fire
181 training instructor.

182 (e) This subsection does not apply to wildland or
183 prescribed live-fire training exercises sanctioned by the
184 Division of Forestry of the Department of Agriculture and
185 Consumer Services or the National Wildfire Coordinating Group.

186 Section 5. Effective upon this act becoming a law,
187 paragraph (m) is added to subsection (6) of section 932.7055,
188 Florida Statutes, to read:

189 932.7055 Disposition of liens and forfeited property.--

190 (6) If the seizing agency is a state agency, all remaining
191 proceeds shall be deposited into the General Revenue Fund.

192 However, if the seizing agency is:

193 (m) The Division of State Fire Marshal in the Department
194 of Financial Services, the proceeds accrued under the Florida
195 Contraband Forfeiture Act shall be deposited into the Insurance
196 Regulatory Trust Fund to be used for the purposes of arson
197 suppression, arson investigation, and the funding of antiarson
198 rewards.

199 Section 6. Except as otherwise provided herein, this act
200 shall take effect October 1, 2005.

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202 ===== T I T L E A M E N D M E N T =====
203 Remove lines 2-7 and insert:
204 An act relating to fire prevention and control; amending
205 s. 633.702, F.S.; providing a criminal penalty for
206 intentionally or willfully installing, servicing, testing,
207 repairing, improving, or inspecting a fire alarm system
208 unless authorized by part II of ch. 489; providing
209 exemptions; creating s. 633.115, F.S.; creating the Fire
210 and Emergency Incident Information Reporting Program
211 within the Division of State Fire Marshal; providing
212 program requirements; providing duties of the division
213 relating to the program; creating the Fire and Emergency
214 Incident Information System Technical Advisory Panel
215 within the division; providing for membership and duties
216 of the panel; requiring the division to adopt certain
217 rules; amending s. 633.171, F.S.; providing definitions;
218 providing criminal penalties for initiating a pyrotechnic
219 display in certain structures under certain circumstances;
220 providing exceptions; providing construction; providing
221 application; amending s. 633.821, F.S.; providing
222 additional criteria for certain rules of the Division of
223 State Fire Marshal; requiring the division to adopt rules
224 relating to live fire training; providing requirements;
225 providing for such rules to take effect; requiring state
226 certification as an instructor for certain training after
227 a certain date; providing an exception from application to
228 certain wildland or prescribed live-fire training

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HOUSE AMENDMENT

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229 | exercises; amending s. 932.7055, F.S.; providing that
230 | proceeds from the sale of certain forfeited property be
231 | deposited into the Insurance Regulatory Trust Fund and
232 | used for specified purposes; providing effective dates.

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