

Bill No. CS for CS for CS for CS for SB 442

Barcode 534406

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 80, line 29, delete that line

and insert:

Section 47. Effective upon this act becoming a law,  
section 633.115, Florida Statutes, is created to read:

633.115 Fire and Emergency Incident Information

Reporting Program; duties; fire reports.--

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

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

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

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

2. Preparing and disseminating annual reports to the

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1 Governor, the Legislature, fire protection agencies, and, upon  
2 request, the public. Each report must include, but need not be  
3 limited to, the information listed in the National Fire  
4 Incident Reporting System.

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

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

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

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

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

25 (2) There is created within the Division of State Fire  
26 Marshal the Fire and Emergency Incident Information System  
27 Technical Advisory Panel. The panel shall advise, review, and  
28 make recommendations to the State Fire Marshal regarding the  
29 requirements of this section.

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

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1           1. The current 13 members of the Firefighters  
2 Employment, Standards, and Training Council, established in s.  
3 633.31;

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

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

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

11           Section 48. Effective upon this act becoming a law,  
12 section 633.171, Florida Statutes, is amended to read:

13           633.171 Penalty for violation of law, rule, or order  
14 to cease and desist or for failure to comply with corrective  
15 order.--

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) A person who initiates a pyrotechnic display in a  
26 structure that does not have a fire protection system  
27 installed according to the Florida Fire Prevention Code and  
28 National Fire Protection Association Standard 13 commits a  
29 felony of the third degree, punishable as provided in s.  
30 775.082, s. 775.083, or s. 775.084.

31 (c) A person who initiates a pyrotechnic display in a

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1 structure without the written consent of the owner or operator  
 2 of the structure and without a permit issued by the local  
 3 authority having jurisdiction commits a felony of the third  
 4 degree, punishable as provided in s. 775.082, s. 775.083, or  
 5 s. 775.084.

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

10 Section 49. Effective upon this act becoming a law,  
 11 subsection (2) of section 633.821, Florida Statutes, is  
 12 amended, and subsection (6) is added to that section, to read:

13 633.821 Workplace safety.--

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

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

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1       (b) The rules for training must include:

2           1. Sections of the most current edition of National  
3 Fire Protection Association, Inc., Publication 1402, Guide to  
4 Building Fire Service Training Centers, relating to  
5 establishing policies and procedures for the effective use of  
6 permanent facilities or structures.

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

10           a. Any chapter entitled "Referenced Publications";

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

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

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

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

24           a. Live fire instructional techniques;

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

27           c. Personnel safety; and

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

30       (c) The rules, excluding those pertaining to the  
31 certification of live-fire-training instructors, shall take

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1 effect no later than January 1, 2006.

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

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

10 Section 50. Effective upon this act becoming a law,  
11 paragraph (m) is added to subsection (6) of section 932.7055,  
12 Florida Statutes, to read:

13 932.7055 Disposition of liens and forfeited  
14 property.--

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

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

24 Section 51. Except as otherwise expressly provided in  
25 this act and except for this section, which shall take effect  
26 upon becoming a law, this act shall take effect July 1, 2005.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 7, lines 29 through 31, delete those lines

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1 and insert:

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



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1           932.7055, F.S.; providing that proceeds from  
2           the sale of forfeited property seized by the  
3           Division of State Fire Marshal in the  
4           Department of Financial Services under the  
5           Florida Contraband Forfeiture Act be deposited  
6           into the Insurance Regulatory Trust Fund and  
7           used for specified purposes; providing  
8           effective dates.

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