

1 A bill to be entitled
2 An act relating to fire prevention and control; creating
3 s. 633.115, F.S.; creating the Fire and Emergency Incident
4 Information Reporting Program within the Division of State
5 Fire Marshal; providing program requirements; providing
6 duties of the division relating to the program; creating
7 the Fire and Emergency Incident Information System
8 Technical Advisory Panel within the division; providing
9 for membership and duties of the panel; requiring the
10 division to adopt certain rules; amending s. 633.171,
11 F.S.; providing criminal penalties for initiating a
12 pyrotechnic display in an indoor facility under certain
13 circumstances; providing an exception; amending s.
14 633.821, F.S.; providing additional criteria for certain
15 rules of the Division of State Fire Marshal; requiring the
16 division to adopt rules relating to live fire training;
17 providing requirements; providing for such rules to take
18 effect; requiring state certification as an instructor for
19 certain training after a certain date; providing an
20 exception from application to certain wildland training;
21 amending s. 932.7055, F.S.; providing that proceeds from
22 the sale of certain forfeited property be deposited into
23 the Insurance Regulatory Trust Fund and used for specified
24 purposes; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 633.115, Florida Statutes, is created

29 to read:

30 633.115 Fire and Emergency Incident Information Reporting
 31 Program; duties; fire reports.--

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

35 1. Establish and maintain an electronic communication
 36 system capable of transmitting fire and emergency incident
 37 information to and between fire protection agencies.

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

40 a. Receiving fire and emergency incident information from
 41 fire protection agencies.

42 b. Preparing and disseminating annual reports to the
 43 Governor, the President of the Senate, the Speaker of the House
 44 of Representatives, fire protection agencies, and, upon request,
 45 the public. Each report shall include, but not be limited to,
 46 the information listed in the National Fire Incident Reporting
 47 System.

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

50 3. Adopt rules to effectively and efficiently implement,
 51 administer, manage, maintain, and use the Fire and Emergency
 52 Incident Information Reporting Program. The rules shall be
 53 considered minimum requirements and shall not preclude a fire
 54 protection agency from implementing its own requirements which
 55 shall not conflict with the rules of the Division of State Fire
 56 Marshal.

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

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

62 (b) The Division of State Fire Marshal shall consult with
63 the Division of Forestry of the Department of Agriculture and
64 Consumer Services and the Bureau of Emergency Medical Services
65 of the Department of Health to coordinate data, ensure accuracy
66 of the data, and limit duplication of efforts in data
67 collection, analysis, and reporting.

68 (2) The Fire and Emergency Incident Information System
69 Technical Advisory Panel is created within the Division of State
70 Fire Marshal. The panel shall advise, review, and recommend to
71 the State Fire Marshal with respect to the requirements of this
72 section. The membership of the panel shall consist of the
73 following 15 members:

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

76 (b) One member from the Division of Forestry of the
77 Department of Agriculture and Consumer Services, appointed by
78 the division director.

79 (c) One member from the Bureau of Emergency Medical
80 Services of the Department of Health, appointed by the bureau
81 chief.

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

85 Section 2. Section 633.171, Florida Statutes, is amended
 86 to read:

87 633.171 Penalty for violation of law, rule, or order to
 88 cease and desist or for failure to comply with corrective
 89 order.--

90 (1) Any person who violates ~~The violation of~~ any provision
 91 of this law, ~~or~~ any order or rule of the State Fire Marshal, or
 92 any order to cease and desist or to correct conditions issued
 93 under this chapter commits hereunder, ~~shall constitute a~~
 94 misdemeanor of the second degree, punishable as provided in s.
 95 775.082 or s. 775.083.

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

99 (a) Render a fire extinguisher or preengineered system
 100 required by statute or by rule inoperative except during such
 101 time as the extinguisher or preengineered system is being
 102 serviced, hydrotested, tested, repaired, or recharged, except
 103 pursuant to court order.

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

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

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

109 (e) Hold a permit and allow another person to use said
 110 permit number.

111 (f) Use, or permit the use of, any license by any
 112 individual or organization other than the one to whom the

113 license is issued.

114 (3)(a) A person who initiates a pyrotechnic display in an
 115 indoor facility that does not have a fire suppression system
 116 installed in compliance with s. 633.065 commits a felony of the
 117 third degree, punishable as provided in s. 775.082, s. 775.083,
 118 or s. 775.084.

119 (b) A person who initiates a pyrotechnic display in an
 120 indoor facility without the written consent of the owner or
 121 operator of the indoor facility and without a permit issued by
 122 the local authority having jurisdiction commits a felony of the
 123 third degree, punishable as provided in s. 775.082, s. 775.083,
 124 or s. 775.084.

125 (c) This subsection does not apply to the manufacture,
 126 distribution, sale at wholesale or retail, or seasonal sale of
 127 products regulated under chapter 791 if the products are not
 128 used in an indoor facility.

129 Section 3. Subsection (2) of section 633.821, Florida
 130 Statutes, is amended, and subsection (6) is added to said
 131 section, to read:

132 633.821 Workplace safety.--

133 (2) The division shall have the authority to adopt rules
 134 for the purpose of ensuring safe working conditions for all
 135 firefighter employees by authorizing the enforcement of
 136 effective standards, by assisting and encouraging firefighter
 137 employers to maintain safe working conditions, and by providing
 138 for education and training in the field of safety. Specifically,
 139 the division may by rule adopt all or any part of subparts C
 140 through T and subpart Z of 29 C.F.R. s. 1910, as revised April

141 8, 1998; the National Fire Protection Association, Inc.,
142 Standard 1500, paragraph 5-7 (Personal Alert Safety System)
143 (1992 edition); the National Fire Protection Association, Inc.,
144 Publication 1403, Standard on Live Fire Training Evolutions
145 (latest edition), as limited by subsection (6); and ANSI A 10.4-
146 1990.

147 (6)(a) The division shall adopt rules for live fire
148 training that all firefighters subject to this chapter must
149 complete. The division shall also adopt rules for a training and
150 certification process for live fire training instructors.

151 (b) Such rules for training shall include:

152 1. Sections of the most current edition of the National
153 Fire Protection Association, Inc., Publication 1402, Guide to
154 Building Fire Service Training Centers, relating to establishing
155 policies and procedures for effective use of such permanent
156 facilities or structures.

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

160 a. Any chapter entitled "Referenced Publications."

161 b. References to the National Fire Protection Association,
162 Inc., Publication 1975, Station Uniform.

163 c. The National Fire Protection Association, Inc.,
164 Publication 1001, or any references to such publication in the
165 National Fire Protection Association, Inc., Publication 1975.

166 d. Any reference to an authority having jurisdiction in
167 the National Fire Protection Association, Inc., publication
168 1403, defined as the organization, office, or individual

169 responsible for approving equipment, materials, installations,
 170 and procedures.

171 3. A 40-hour training program for live fire training
 172 instructors, including:

173 a. Live fire instructional techniques.

174 b. Training safety in acquired or permanent facilities or
 175 props.

176 c. Personnel safety.

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

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

182 (d) Each live fire training instructor is required to be
 183 state certified. All live fire training commenced on and after
 184 January 1, 2007, must be conducted by a certified live fire
 185 training instructor.

186 (e) This subsection does not apply to wildland training
 187 credentialed through the National Wildfire Coordinating Group by
 188 the Division of Forestry of the Department of Agriculture and
 189 Consumer Services.

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

192 932.7055 Disposition of liens and forfeited property.--

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

195 However, if the seizing agency is:

196 (m) The Division of State Fire Marshal in the Department

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197 of Financial Services, the proceeds accrued under the Florida
198 Contraband Forfeiture Act shall be deposited into the Insurance
199 Regulatory Trust Fund to be used for the purposes of arson
200 suppression, arson investigation, and the funding of antiarson
201 rewards.

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