

1 A bill to be entitled

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

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

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Section 1. Popular name.--This act may be cited as the "Lieutenant John Mickel and Dallas Begg Act."

Section 2. Section 633.115, Florida Statutes, is created to read:

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

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

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

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

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

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

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

3. Adopt rules to effectively and efficiently implement, administer, manage, maintain, and use the Fire and Emergency Incident Information Reporting Program. The rules shall be

57 considered minimum requirements and shall not preclude a fire  
58 protection agency from implementing its own requirements which  
59 shall not conflict with the rules of the Division of State Fire  
60 Marshal.

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

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

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

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

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

80 (b) One member from the Division of Forestry of the  
81 Department of Agriculture and Consumer Services, appointed by  
82 the division director.

83           (c) One member from the Bureau of Emergency Medical  
 84 Services of the Department of Health, appointed by the bureau  
 85 chief.

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

89           Section 3. Section 633.171, Florida Statutes, is amended  
 90 to read:

91           633.171 Penalty for violation of law, rule, or order to  
 92 cease and desist or for failure to comply with corrective  
 93 order.--

94           (1) Any person who violates ~~The violation of~~ any provision  
 95 of this law, ~~or~~ any order or rule of the State Fire Marshal, or  
 96 any order to cease and desist or to correct conditions issued  
 97 under this chapter commits hereunder, ~~shall constitute~~ a  
 98 misdemeanor of the second degree, punishable as provided in s.  
 99 775.082 or s. 775.083.

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

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

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

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

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

113 (e) Hold a permit and allow another person to use said  
114 permit number.

115 (f) Use, or permit the use of, any license by any  
116 individual or organization other than the one to whom the  
117 license is issued.

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

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

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

123 3. "Pyrotechnic material" means a chemical mixture used to  
124 produce visible or audible effects by combustion, deflagration,  
125 or detonation when such chemical mixture consists predominantly  
126 of solids capable of producing a controlled, self-sustaining,  
127 and self-contained exothermic chemical reaction that results in  
128 heat, gas, sound, light, or a combination of such effects,  
129 without requiring external oxygen.

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

133 1. The structure has a fire protection system installed in  
134 compliance with s. 633.065.

135 2. The owner of the structure has authorized in writing  
136 the pyrotechnic display.

137        3. If the local jurisdiction requires a permit for the use  
138 of a pyrotechnic display in an occupied structure, such permit  
139 has been obtained and all conditions of the permit complied with  
140 or, if the local jurisdiction does not require a permit for the  
141 use of a pyrotechnic display in an occupied structure, the  
142 person initiating the display has complied with National Fire  
143 Protection Association, Inc., Standard 1126, 2001 Edition,  
144 Standard for the Use of Pyrotechnics before a Proximate  
145 Audience.

146        (c) This subsection shall not be construed to preclude  
147 prosecution for a more general offense resulting from the same  
148 criminal transaction or episode. This subsection does not apply  
149 to the manufacture, distribution, sale at wholesale or retail,  
150 or seasonal sale of products regulated under chapter 791 if the  
151 products are not used in an occupied structure.

152        Section 4. Subsection (2) of section 633.821, Florida  
153 Statutes, is amended, and subsection (6) is added to said  
154 section, to read:

155        633.821 Workplace safety.--

156        (2) The division shall have the authority to adopt rules  
157 for the purpose of ensuring safe working conditions for all  
158 firefighter employees by authorizing the enforcement of  
159 effective standards, by assisting and encouraging firefighter  
160 employers to maintain safe working conditions, and by providing  
161 for education and training in the field of safety. Specifically,  
162 the division may by rule adopt all or any part of subparts C  
163 through T and subpart Z of 29 C.F.R. s. 1910, as revised April  
164 8, 1998; the National Fire Protection Association, Inc.,

165 Standard 1500, paragraph 5-7 (Personal Alert Safety System)  
166 (1992 edition); the National Fire Protection Association, Inc.,  
167 Publication 1403, Standard on Live Fire Training Evolutions  
168 (latest edition), as limited by subsection (6); and ANSI A 10.4-  
169 1990.

170 (6)(a) The division shall adopt rules for live fire  
171 training that all firefighters subject to this chapter must  
172 complete. The division shall also adopt rules for a training and  
173 certification process for live fire training instructors.

174 (b) Such rules for training shall include:

175 1. Sections of the most current edition of the National  
176 Fire Protection Association, Inc., Publication 1402, Guide to  
177 Building Fire Service Training Centers, relating to establishing  
178 policies and procedures for effective use of such permanent  
179 facilities or structures.

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

183 a. Any chapter entitled "Referenced Publications."

184 b. References to the National Fire Protection Association,  
185 Inc., Publication 1975, Station Uniform.

186 c. The National Fire Protection Association, Inc.,  
187 Publication 1001, or any references to such publication in the  
188 National Fire Protection Association, Inc., Publication 1975.

189 d. Any reference to an authority having jurisdiction in  
190 the National Fire Protection Association, Inc., publication  
191 1403, defined as the organization, office, or individual

192 responsible for approving equipment, materials, installations,  
 193 and procedures.

194 3. A 40-hour training program for live fire training  
 195 instructors, including:

196 a. Live fire instructional techniques.

197 b. Training safety in acquired or permanent facilities or  
 198 props.

199 c. Personnel safety.

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

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

205 (d) Each live fire training instructor is required to be  
 206 state certified. All live fire training commenced on and after  
 207 January 1, 2007, must be conducted by a certified live fire  
 208 training instructor.

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

213 Section 5. Paragraph (m) is added to subsection (6) of  
 214 section 932.7055, Florida Statutes, to read:

215 932.7055 Disposition of liens and forfeited property.--

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

218 However, if the seizing agency is:



219        (m) The Division of State Fire Marshal in the Department  
220 of Financial Services, the proceeds accrued under the Florida  
221 Contraband Forfeiture Act shall be deposited into the Insurance  
222 Regulatory Trust Fund to be used for the purposes of arson  
223 suppression, arson investigation, and the funding of antiarson  
224 rewards.

225        Section 6. This act shall take effect upon becoming a law.