

## House Bill No. 69

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

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

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

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

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

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

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

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

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

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

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

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

633.171 Penalty for violation of law, rule, or order to cease and desist or for failure to comply with corrective order.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

633.821 Workplace safety.—

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

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

(b) Such rules for training shall include:

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

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

a. Any chapter entitled “Referenced Publications.”

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

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

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

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

- a. Live fire instructional techniques.
- b. Training safety in acquired or permanent facilities or props.
- c. Personnel safety.
- d. Exterior props, including, but not limited to, liquid petroleum gas, other liquid fuels, and similar props.

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

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

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

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

932.7055 Disposition of liens and forfeited property.—

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

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

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

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.