

In response to the Rhode Island tragedy, a number of states revised their fire prevention laws in efforts to make the occurrence of a similar incident less likely. Rhode Island passed stringent new fire-prevention requirements that include mandating sprinklers in almost all public buildings that hold 50 or more persons. Rhode Island also banned the indoor use of pyrotechnics in almost all venues holding under 1,000 people and made violation of the state's permit requirements a felony offense. Other states also toughened their requirements for indoor pyrotechnic displays. For example, New York now requires a permit from a local permitting authority for the use of indoor pyrotechnics, a specified number of fire extinguishing devices on hand and sets penalties for non-compliance ranging from a class A misdemeanor for a first offense to a class E felony for subsequent offenses.

The Florida Fire Prevention Code

Chapter 633 of the Florida Statutes contains Florida's laws relating to fire prevention and control. The chapter designates the Chief Financial Officer as the State Fire Marshal and contains various fire prevention standards and procedures. Section 633.0215, F.S., contains laws regarding the adoption of the Florida Fire Prevention Code, which contains Florida's fire safety laws pertaining to public and private buildings. The Florida Fire Prevention Code incorporates the National Fire Protection Association Standard 1 for fire prevention and other materials mandated by the statute.

The state of Florida prohibits the use of pyrotechnics without a permit. In order to receive a permit, the person seeking to stage a pyrotechnics display must apply for a permit with the local jurisdiction (the fire prevention bureau of a city, county or special district) and describe in detail the types of pyrotechnics to be used and the venue where the display shall occur.¹ Permit requirements vary with each location, but the authority having jurisdiction must exercise sound judgment regarding the safety of the production and the qualifications of the pyrotechnic operator.² The local fire official is required to travel to the venue to conduct a walk-through and observe a demonstration of the pyrotechnics (though this requirement can be waived by the local jurisdiction under certain circumstances).³

The Florida Fire Prevention Code also contains the requirements for fire protection systems such as sprinklers. Generally, sprinklers must be installed in any place of assembly with a seating capacity of 300 or more for new buildings and in all existing building that have over 15,000 square feet of space suitable for displays or exhibitions. Sprinklers must be installed in accordance with NFPA Standard 13, which describes how such systems must be installed, the maximum size, source of water supplies, the placement of the sprinkler heads and similar items.

III. Effect of Proposed Changes:

Section 1 Creates subsection (3) of s. 633.171, F.S., which mandates more stringent requirements for initiating a pyrotechnics display in an indoor facility and increases the penalties for staging a pyrotechnics display without meeting the necessary legal requirements. First, the

¹ Florida Fire Prevention Codes 4-1 through 4-5.2. The FFPC incorporates NFPA Standard 1126, "Pyrotechnic before a Proximate Audience" of the 1996 edition.

² Florida Fire Prevention Code 4-1.1

³ Florida Fire Prevention Code 4-4.1

bill mandates that an indoor facility must have a fire suppression system installed in accordance with the requirements of the Florida Fire Prevention Code and National Fire Protection Association Standard 13, in order to house a pyrotechnics display. Additionally, a person who initiates a pyrotechnics display in an indoor facility must have the written consent of the owner or operator of the facility. Finally, a person who wishes to initiate a pyrotechnics display in an indoor facility must procure a permit issued by the local authority that has jurisdiction over the issuance of such permits. Failure to abide by any of the three requirements of s. 633.171(3), F.S., is a third-degree felony offense punishable as provided in ss. 775.082, 775.083, or 775.084, F.S. A third-degree felony carries with it the possibility of up to 5 years imprisonment and up to a \$5,000 fine. Multiple felony convictions also place a violator at risk of an enhanced sentence as a habitual felony offender. These requirements do not apply to the manufacture, distribution or sale of fireworks regulated under ch. 791 if the products are not used in an indoor facility.

The bill also makes technical changes to s. 633.171(1) and (2), F.S.

Section 2 The bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The requirements of this bill should be effective in increasing the safety of audiences attending events at indoor facilities. The bill will place a requirement to have an approved fire protection system (such as a sprinkler system) in all indoor venues as a condition of housing a pyrotechnic display.

C. Government Sector Impact:

Local governments will have to modify their permit requirements for indoor facilities to reflect conformity with the requirements of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
