

HB 433 – Fire Safety and Prevention

This bill creates s. 633.217, F.S., prohibiting a person from “threatening, coercing, tricking, persuading, interfering with, or otherwise influencing, or attempting to threaten, coerce, trick, persuade, interfere with, or otherwise influence, the firesafety inspector into violating any provision of the Florida Fire Prevention Code, any rule adopted by the State Fire Marshal, or any provision of this chapter.” Furthermore, it prohibits someone from “offering any compensation to the firesafety inspector to induce a violation.” A first violation is a 1st degree misdemeanor, while a second or subsequent violation is an **unranked, 3rd degree felony**.

Per DOC, in FY 17-18, 24 (adj.) offenders were sentenced under s. 838.015, F.S. (Level 7, 2nd degree felony), involving bribery of a public servant, and 9 (adj.) were sentenced to prison (mean sentence length=29.9 m, incarceration rate: 37.5% adj.-36.4% unadj.). Nobody was sentenced under s. 836.12, F.S. (unranked, 3rd degree felony), for a second or subsequent act of threatening a public official with death or serious bodily harm.

In FY 17-18, the incarceration rate for an unranked, 3rd degree felony was 8.7%. While the number of potential offenders is not known, a second or subsequent offense would have to occur before the felony was triggered.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House