

Bill No. CS for CS for SB's 1970 & 164, 1st Eng.

Amendment No. Barcode 124198

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Posey moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 8, line 6, through
15 page 22, line 23 delete those lines

16
17 and insert:

18 Section 7. Effective July 1, 2001, section 633.801,
19 Florida Statutes, is created to read:

20 633.801 Short title.--Sections 633.801 through 633.825
21 may be cited as the "Florida Firefighter Occupational Safety
22 and Health Act."

23 Section 8. Effective July 1, 2001, section 633.802,
24 Florida Statutes, is created to read:

25 633.802 Definitions.--As used in ss. 633.801-633.825,
26 unless the context clearly indicates otherwise, the term:

27 (1) "Department" means the Department of Insurance.

28 (2) "Division" means the Division of State Fire
29 Marshal of the Department of Insurance.

30 (3) "Firefighter employee" means any person engaged in
31 any employment, public or private, as a firefighter under any

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1 appointment or contract of hire or apprenticeship, express or
2 implied, oral or written, whether lawfully or unlawfully
3 employed, and responding to or assisting with fire and medical
4 emergencies whether or not the firefighter is on duty, except
5 those appointed under s. 590.02(1)(d).

6 (4) "Firefighter employer" means the state and all
7 political subdivisions thereof, all public and quasi-public
8 corporations therein, and any person carrying on any
9 employment thereof, which employs firefighters or which uses
10 volunteer firefighters, except those appointed under s.
11 590.02(1)(d).

12 (5) "Firefighter employment" or "employment" means any
13 service performed by a firefighter employee for the
14 firefighter employer.

15 (6) "Place of firefighter employment" or "place of
16 employment" means the physical location at which the
17 firefighter is employed.

18 Section 9. Effective July 1, 2001, section 633.803,
19 Florida Statutes, is created to read:

20 633.803 Legislative intent.--It is the intent of the
21 Legislature to enhance firefighter occupational safety and
22 health in this state through the implementation and
23 maintenance of policies, procedures, practices, rules, and
24 standards that reduce the incidence of firefighter employee
25 accidents, firefighter occupational diseases, and firefighter
26 fatalities compensable under chapter 440 or otherwise. The
27 Legislature further intends that the division develop a means
28 by which it can identify individual firefighter employers with
29 a high frequency or severity of work-related injuries, conduct
30 safety inspections of those firefighter employers, and assist
31 those firefighter employers in the development and

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1 implementation of firefighter employee safety and health
2 programs. In addition, it is the intent of the Legislature
3 that the division administer the provisions of ss.
4 633.801-633.825; provide assistance to firefighter employers,
5 firefighter employees, and insurers; and enforce the policies,
6 rules, and standards set forth in ss. 633.801-633.825.

7 Section 10. Effective July 1, 2001, section 633.804,
8 Florida Statutes, is created to read:

9 633.804 Safety inspections, consultations; rules.--The
10 division shall adopt rules governing the manner, means, and
11 frequency of firefighter employer and firefighter employee
12 safety inspections and consultations by all insurers and
13 self-insurers.

14 Section 11. Effective July 1, 2001, section 633.805,
15 Florida Statutes, is created to read:

16 633.805 Division to make study of firefighter
17 occupational diseases, etc.--The division shall make a
18 continuous study of firefighter occupational diseases and the
19 ways and means for their control and prevention and shall make
20 and enforce necessary regulations for such control. For this
21 purpose, the division is authorized to cooperate with
22 firefighter employers, firefighter employees, and insurers and
23 with the Department of Health.

24 Section 12. Effective July 1, 2001, section 633.806,
25 Florida Statutes, is created to read:

26 633.806 Investigations by the division; refusal to
27 admit; penalty.--

28 (1) The division shall make studies and investigations
29 with respect to safety provisions and the causes of
30 firefighter injuries in places of firefighter employment, and
31 shall make to the Legislature and firefighter employers and

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1 insurers such recommendations as it considers proper as to the
2 best means of preventing firefighter injuries. In making such
3 studies and investigations, the division may:

4 (a) Cooperate with any agency of the United States
5 charged with the duty of enforcing any law securing safety
6 against injury in any place of firefighter employment covered
7 by ss. 633.801-633.825, or any agency or department of the
8 state engaged in enforcing any law to assure safety for
9 firefighter employees.

10 (b) Allow any such agency or department to have access
11 to the records of the division.

12 (2) The division by rule may adopt procedures for
13 conducting investigations of firefighter employers under ss.
14 633.801-633.825.

15 Section 13. Effective July 1, 2001, section 633.807,
16 Florida Statutes, is created to read:

17 633.807 Safety; firefighter employer
18 responsibilities.--Every firefighter employer shall furnish to
19 firefighters employment that is safe for the firefighter
20 employees, furnish and use safety devices and safeguards,
21 adopt and use methods and processes reasonably adequate to
22 render such an employment and place of employment safe, and do
23 every other thing reasonably necessary to protect the lives,
24 health, and safety of such firefighter employees. As used in
25 this section, the terms "safe" and "safety" as applied to any
26 employment or place of firefighter employment mean such
27 freedom from danger as is reasonably necessary for the
28 protection of the lives, health, and safety of firefighter
29 employees, including conditions and methods of sanitation and
30 hygiene. Safety devices and safeguards required to be
31 furnished by the firefighter employer by this section or by

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1 the division under authority of this section shall not include
2 personal apparel and protective devices that replace personal
3 apparel normally worn by firefighter employees during regular
4 working hours.

5 Section 14. Effective July 1, 2001, section 633.808,
6 Florida Statutes, is created to read:

7 633.808 Division authority.--The division shall:

8 (1) Investigate and prescribe by rule what safety
9 devices, safeguards, or other means of protection must be
10 adopted for the prevention of accidents in every place of
11 firefighter employment or at any fire scene; determine what
12 suitable devices, safeguards, or other means of protection for
13 the prevention of occupational diseases must be adopted or
14 followed in any or all such places of firefighter employment
15 or at any fire scene; and adopt reasonable rules for the
16 prevention of accidents, the safety, protection, and security
17 of firefighters engaged in interior firefighting, and the
18 prevention of occupational diseases.

19 (2) Ascertain, fix, and order such reasonable
20 standards and rules for the construction, repair, and
21 maintenance of places of firefighter employment as shall
22 render them safe. Such rules and standards must be adopted in
23 accordance with chapter 120.

24 (3) Assist firefighter employers in the development
25 and implementation of firefighter employee safety training
26 programs by contracting with professional safety
27 organizations.

28 (4) Adopt rules prescribing recordkeeping
29 responsibilities for firefighter employers, which may include
30 rules for maintaining a log and summary of occupational
31 injuries, diseases, and illnesses and for producing on request

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1 a notice of injury and firefighter employee accident
2 investigation records, and rules prescribing a retention
3 schedule for such records.

4 Section 15. Effective July 1, 2001, section 633.810,
5 Florida Statutes, is created to read:

6 633.810 Firefighter employers whose firefighter
7 employees have a high frequency or severity of work-related
8 injuries.--The division shall develop a means by which it can
9 identify individual firefighter employers whose firefighter
10 employees have a high frequency or severity of work-related
11 injuries. The division shall carry out safety inspections of
12 the facilities and operations of these firefighter employers
13 in order to assist them in reducing the frequency and severity
14 of work-related injuries. The division shall develop safety
15 and health programs for those firefighter employers. Insurers
16 shall distribute these safety and health programs to the
17 firefighter employers so identified by the division. Those
18 firefighter employers identified by the division as having a
19 high frequency or severity of work-related injuries shall
20 implement a division-developed safety and health program. The
21 division shall carry out safety inspections of those
22 firefighter employers so identified to ensure compliance with
23 the safety and health program and to assist such firefighter
24 employers in reducing the number of work-related injuries. The
25 division may not assess penalties as the result of such
26 inspections, except as provided by s. 633.813. Copies of any
27 report made as the result of such an inspection must be
28 provided to the firefighter employer and its insurer.
29 Firefighter employers may submit their own safety and health
30 programs to the division for approval in lieu of using the
31 division-developed safety and health program. The division

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1 must promptly review the program submitted and approve or
2 disapprove it. Upon approval by the division, the program must
3 be implemented by the firefighter employer. If the program is
4 not approved or if a program is not submitted, the firefighter
5 employer must implement the division-developed program. The
6 division shall adopt rules setting forth the criteria for
7 safety and health programs, as such rules relate to this
8 section.

9 Section 16. Effective July 1, 2001, section 633.812,
10 Florida Statutes, is created to read:

11 633.812 Workplace safety committees and safety
12 coordinators.--

13 (1) In order to promote health and safety in places of
14 firefighter employment in this state:

15 (a) Each firefighter employer of 20 or more
16 firefighter employees shall establish and administer a
17 workplace safety committee in accordance with rules adopted
18 under this section.

19 (b) Each firefighter employer of fewer than 20
20 firefighter employees that is identified by the division as
21 having a high frequency or severity of work-related injuries
22 shall establish and administer a workplace safety committee or
23 designate a workplace safety coordinator who shall establish
24 and administer workplace safety activities in accordance with
25 rules adopted under this section.

26 (2) The division shall adopt rules:

27 (a) Prescribing the membership of the workplace safety
28 committees so as to ensure an equal number of firefighter
29 employee representatives, who are volunteers or are elected by
30 their peers, and of firefighter employer representatives and
31 specifying the frequency of meetings.

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1 (b) Requiring firefighter employers to make adequate
2 records of each meeting and to file and maintain the records
3 subject to inspection by the division.

4 (c) Prescribing the duties and functions of the
5 workplace safety committee and workplace safety coordinator,
6 which include, but are not limited to:

7 1. Establishing procedures for workplace safety
8 inspections by the committee.

9 2. Establishing procedures investigating all workplace
10 accidents, safety-related incidents, illnesses, and deaths.

11 3. Evaluating accident prevention and illness
12 prevention programs.

13 4. Prescribing guidelines for the training of
14 workplace safety committee members.

15 (3) The composition, selection, and function of
16 workplace safety committees shall be a mandatory topic of
17 negotiations with any certified collective bargaining agent
18 for firefighter employers that operate under a collective
19 bargaining agreement. Firefighter employers that operate under
20 a collective bargaining agreement that contains provisions
21 regulating the formation and operation of workplace safety
22 committees that meet or exceed the minimum requirements
23 contained in this section, or that otherwise have existing
24 workplace safety committees that meet or exceed the minimum
25 requirements established by this section, are in compliance
26 with this section.

27 (4) Firefighter employees must be compensated at their
28 regular hourly wages while engaged in workplace safety
29 committee or workplace safety coordinator training, meetings,
30 or other duties prescribed under this section.

31 Section 17. Effective July 1, 2001, section 633.813,

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1 Florida Statutes, is created to read:

2 633.813 Firefighter employer penalties.--If any
3 firefighter employer violates or fails or refuses to comply
4 with ss. 633.801-633.825, any rule adopted by the division in
5 accordance with chapter 120 for the prevention of injuries,
6 accidents, or occupational diseases, or any lawful order of
7 the division in connection with ss. 633.801-633.825, or fails
8 or refuses to furnish or adopt any safety device, safeguard,
9 or other means of protection prescribed by the division under
10 ss. 633.801-633.825 for the prevention of accidents or
11 occupational diseases, the division may assess against the
12 firefighter employer a civil penalty of not less than \$100 nor
13 more than \$5,000 for each day the violation, failure, or
14 refusal continues after the firefighter employer has been
15 given notice thereof in writing. The total penalty for each
16 violation may not exceed \$50,000. The division shall adopt
17 rules requiring penalties commensurate with the frequency or
18 severity, or both, of safety violations. A hearing must be
19 held in the county where the violation, failure, or refusal is
20 alleged to have occurred unless otherwise agreed to by the
21 firefighter employer and authorized by the division. All
22 penalties assessed and collected under this section shall be
23 deposited in the Insurance Commissioner's Regulatory Trust
24 Fund.

25 Section 18. Effective July 1, 2001, section 633.814,
26 Florida Statutes, is created to read:

27 633.814 Division cooperation with Federal Government;
28 exemption from division requirements.--

29 (1) The division shall cooperate with the Federal
30 Government so that duplicate inspections will be avoided yet
31 assure safe places of firefighter employment for the citizens

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1 of this state.

2 (2) Except as provided in this section, a private
3 firefighter employer is not subject to the requirements of the
4 division if:

5 (a) The private firefighter employer is subject to the
6 federal regulations in 29 C.F.R. ss. 1910 and 1926;

7 (b) The private firefighter employer has adopted and
8 implemented a written safety program that conforms to the
9 requirements of 29 C.F.R. ss. 1910 and 1926;

10 (c) A private firefighter employer with 20 or more
11 full-time firefighter employees includes provisions for a
12 workplace safety committee in its safety program. The
13 workplace safety committee must include firefighter employee
14 representation and must meet at least once each calendar
15 quarter. The private firefighter employer must make adequate
16 records of each meeting and maintain the records subject to
17 inspections under subsection (3). The workplace safety
18 committee shall, if appropriate, make recommendations
19 regarding improvements to the safety program and corrections
20 of hazards affecting workplace safety; and

21 (d) The private firefighter employer provides the
22 division with a written statement that certifies compliance
23 with this subsection.

24 (3) The division may enter at any reasonable time any
25 place of firefighter employment for the purpose of verifying
26 the accuracy of the written certification required pursuant to
27 paragraph (2)(d). If the division determines that the
28 firefighter employer has not complied with the requirements of
29 subsection (2), the firefighter employer shall be subject to
30 the rules of the division until the firefighter employer
31 complies with subsection (2) and recertifies that fact to the

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1 division.

2 (4) This section shall not restrict the division from
3 performing any duties pursuant to a written contract between
4 the division and the federal Occupational Safety and Health
5 Administration (OSHA).

6 Section 19. Effective July 1, 2001, section 633.815,
7 Florida Statutes, is created to read:

8 633.815 Failure to implement a safety and health
9 program; cancellations.--If a firefighter employer that is
10 found by the division to have a high frequency or severity of
11 work-related injuries fails to implement a safety and health
12 program, the insurer or self-insurer's fund that is providing
13 coverage for the firefighter employer may cancel the contract
14 for insurance with the firefighter employer. In the
15 alternative, the insurer or fund may terminate any discount or
16 deviation granted to the firefighter employer for the
17 remainder of the term of the policy. If the contract is
18 canceled or the discount or deviation is terminated, the
19 insurer must make such reports as are required by law.

20 Section 20. Effective July 1, 2001, section 633.816,
21 Florida Statutes, is created to read:

22 633.816 Expenses of administration.--The amounts that
23 are needed to administer ss. 633.801-633.825 shall be
24 disbursed from the Insurance Commissioner's Regulatory Trust
25 Fund.

26 Section 21. Effective July 1, 2001, section 633.817,
27 Florida Statutes, is created to read:

28 633.817 Refusal to admit; penalty.--The division and
29 its authorized representatives may enter and inspect any place
30 of firefighter employment at any reasonable time for the
31 purpose of investigating compliance with ss. 633.801-633.825

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1 and conducting inspections for the proper enforcement of ss.
2 633.801-633.825. A firefighter employer who refuses to admit
3 any member of the division or its authorized representative to
4 any place of employment or to allow investigation and
5 inspection pursuant to this section commits a misdemeanor of
6 the second degree, punishable as provided in s. 775.082 or s.
7 775.083.

8 Section 22. Effective July 1, 2001, section 633.818,
9 Florida Statutes, is created to read:

10 633.818 Firefighter employee rights and
11 responsibilities.--

12 (1) Each firefighter employee of a firefighter
13 employer covered under ss. 633.801-633.825 shall comply with
14 rules adopted by the division and with reasonable workplace
15 safety and health standards, rules, policies, procedures, and
16 work practices established by the firefighter employer and the
17 workplace safety committee. A firefighter employee who
18 knowingly fails to comply with this subsection may be
19 disciplined or discharged by the firefighter employer.

20 (2) A firefighter employer may not discharge, threaten
21 to discharge, cause to be discharged, intimidate, coerce,
22 otherwise discipline, or in any manner discriminate against a
23 firefighter employee for any of the following reasons:

24 (a) The firefighter employee has testified or is about
25 to testify, on her or his own behalf or on behalf of others,
26 in any proceeding instituted under ss. 633.801-633.825;

27 (b) The firefighter employee has exercised any other
28 right afforded under ss. 633.801-633.825; or

29 (c) The firefighter employee is engaged in activities
30 relating to the workplace safety committee.

31 (3) Neither pay, position, seniority, nor other

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1 benefit may be lost for exercising any right under, or for
2 seeking compliance with any requirement of, ss.
3 633.801-633.825.

4 Section 23. Effective July 1, 2001, section 633.819,
5 Florida Statutes, is created to read:

6 633.819 Compliance.--Failure of a firefighter employer
7 or an insurer to comply with ss. 633.801-633.825 or with any
8 rules adopted thereunder constitutes grounds for the division
9 to seek remedies, including injunctive relief, for
10 noncompliance by making appropriate filings with the circuit
11 court.

12 Section 24. Effective July 1, 2001, section 633.820,
13 Florida Statutes, is created to read:

14 633.820 False statements to insurers.--A firefighter
15 employer who knowingly and willfully falsifies or conceals a
16 material fact, makes a false, fictitious, or fraudulent
17 statement or representation, or makes or uses any false
18 document knowing the document to contain any false,
19 fictitious, or fraudulent entry or statement to an insurer of
20 workers' compensation insurance under ss. 633.801-633.825
21 commits a misdemeanor of the second degree, punishable as
22 provided in s. 775.082 or s. 775.083.

23 Section 25. Effective July 1, 2001, section 633.823,
24 Florida Statutes, is created to read:

25 633.823 Matters within jurisdiction of the division;
26 false, fictitious, or fraudulent acts, statements, and
27 representations prohibited; penalty; statute of
28 limitations.--A person may not, in any matter within the
29 jurisdiction of the division, knowingly and willfully falsify
30 or conceal a material fact; make any false, fictitious, or
31 fraudulent statement or representation; or make or use any

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1 false document, knowing the same to contain any false,
2 fictitious, or fraudulent statement or entry. A person who
3 violates this section commits a misdemeanor of the second
4 degree, punishable as provided in s. 775.082 or s. 775.083.
5 The statute of limitations for prosecution of an act committed
6 in violation of this section is 5 years after the date the act
7 was committed or, if not discovered within 30 days after the
8 act was committed, 5 years after the date the act was
9 discovered.

10 Section 26. Effective July 1, 2001, section 633.824,
11 Florida Statutes, is created to read:

12 633.824 Volunteer firefighters; volunteer fire
13 departments.--Sections 633.803-633.825 apply to volunteer
14 firefighters and volunteer fire departments.

15 Section 27. Effective July 1, 2001, section 633.825,
16 Florida Statutes, is created to read:

17 633.825 Workplace safety.--

18 (1) The division shall assist in making places of
19 firefighter employment safer places to work and decreasing the
20 frequency and severity of work-related injuries.

21 (2) The division shall have the authority to adopt
22 rules for the purpose of assuring safe working conditions for
23 all firefighter employees by authorizing the enforcement of
24 effective standards, assisting and encouraging firefighter
25 employers to maintain safe working conditions, and providing
26 for education and training in the field of safety.

27 Specifically, the division may by rule adopt all or any part
28 of subparts C through T and subpart Z of 29 C.F.R. part 1910
29 as revised April 8, 1998; the National Fire Protection
30 Association, Inc., Standard 1500, paragraph 5-7 (Personal
31 Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

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1 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the
2 two individuals located outside the immediately dangerous to
3 life and health atmosphere may be assigned to an additional
4 rule, such as incident commander, pumper operator, engineer,
5 or driver, so long as such individual is able to immediately
6 perform assistance or rescue activities without jeopardizing
7 the safety or health of any firefighter working at an
8 incident. Also with respect to 29 C.F.R. s. 1910.134(g)(4):

9 (a) Each county, municipality, or special district
10 shall implement such provision by April 1, 2002, except as
11 provided in paragraph (b).

12 (b) If any county, municipality, or special district
13 is unable to implement such provision by April 1, 2002,
14 without adding additional personnel to its firefighting staff
15 or expending significant additional funds, such county,
16 municipality, or special district shall have an additional 6
17 months within which to implement such provision. Such county,
18 municipality, or special district shall notify the division
19 that the 6-month extension to implement such provision is in
20 effect in such county, municipality, or special district
21 within 30 days after its decision to extend the time for an
22 additional 6 months. The decision to extend the time for
23 implementation shall be made prior to April 1, 2002.

24 (c) If, after the extension granted in paragraph (b),
25 the county, municipality, or special district, after having
26 worked with and cooperated fully with the division and the
27 Firefighters Employment, Standards, and Training Council, is
28 still unable to implement such provision without adding
29 additional personnel to its firefighting staff or expending
30 significant additional funds, such county, municipality, or
31 special district shall be exempt from the requirements of 29

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1 C.F.R. s. 1910.134(g)(4). Nevertheless, each year thereafter
2 the division shall review each such county, municipality, or
3 special district to determine if such county, municipality, or
4 special district has the ability to implement such provision
5 without adding additional personnel to its firefighting staff
6 or expending significant additional funds. If the division
7 determines that any county, municipality, or special district
8 has the ability to implement such provision without adding
9 additional personnel to its firefighting staff or expending
10 significant additional funds, the division shall require such
11 county, municipality, or special district to implement such
12 provision. Such requirement by the division under this
13 paragraph constitutes final agency action subject to chapter
14 120.

15 (4) The provisions of chapter 440 which pertain to
16 workplace safety shall be applicable to the division.

17 (5) The division shall have the authority to adopt any
18 rule necessary to implement, interpret, and make specific the
19 provisions of this section; however, the division may not
20 adopt by rule any other standard or standards of the
21 Occupational Safety and Health Administration or the National
22 Fire Protection Association without specific legislative
23 authority.

24 Section 28. Paragraph (c) of subsection (3) of section
25 383.3362, Florida Statutes, is amended to read:

26 383.3362 Sudden Infant Death Syndrome.--

27 (3) TRAINING.--

28 (c) The Department of Health, in consultation with the
29 Emergency Medical Services Advisory Council, the Firefighters
30 Employment, Standards, and Training Council, and the Criminal
31 Justice Standards and Training Commission, shall develop and

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1 adopt, by rule, curriculum that, at a minimum, includes
2 training in the nature of SIDS, standard procedures to be
3 followed by law enforcement agencies in investigating cases
4 involving sudden deaths of infants, and training in responding
5 appropriately to the parents or caretakers who have requested
6 assistance.

7 Section 29. Subsection (4) of section 633.30, Florida
8 Statutes, is amended to read:

9 633.30 Standards for firefighting; definitions.--As
10 used in this chapter:

11 (4) "Council" means the Firefighters Employment,
12 Standards, and Training Council.

13 Section 30. Effective July 1, 2001, subsections (1)
14 and (2) of section 633.31, Florida Statutes, are amended to
15 read:

16 633.31 Firefighters Employment, Standards, and
17 Training Council.--

18 (1) There is created within the Department of
19 Insurance a Firefighters Employment, Standards, and Training
20 Council of ~~thirteen~~ ~~nine~~ members appointed by the State Fire
21 Marshal. Two members shall be fire chiefs who shall be
22 appointed by the Florida Fire Chiefs Association, two members
23 shall be firefighters who are not officers who shall be
24 appointed by the Florida Professional Firefighters'
25 Association, two members shall be firefighter officers who are
26 not fire chiefs who shall be appointed by the State Fire
27 Marshal, one member shall be appointed by the Florida League
28 of Cities, one member shall be appointed by the Florida
29 Association of Counties, one member shall be appointed by the
30 Florida Association of Special Districts, one member shall be
31 appointed by the Florida Fire Marshal's Association, one

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1 member shall be appointed by the State Fire Marshal, and one
2 member shall be a director or instructor of a state-certified
3 firefighting training facility who shall be appointed by the
4 State Fire Marshal. To be eligible for appointment as a fire
5 chief member, firefighter officer member, firefighter member,
6 or a director or instructor of a state-certified firefighting
7 facility, a person shall have had at least 4 years' experience
8 in the firefighting profession. The remaining member, who
9 shall be appointed by the State Fire Marshal, ~~two members~~
10 shall not be a member or representative ~~members~~ of the
11 firefighting profession or of any local government. Members
12 shall serve only as long as they continue to meet the criteria
13 under which they were appointed, or unless a member has failed
14 to appear at three consecutive and properly noticed meetings
15 unless excused by the chair.

16 (2) ~~Initially, the State Fire Marshal shall appoint~~
17 ~~three members for terms of 4 years, two members for terms of 3~~
18 ~~years, two members for terms of 2 years, and two members for~~
19 ~~terms of 1 year. Thereafter, Members shall be appointed for~~
20 4-year terms and in no event shall a member serve more than
21 two consecutive terms. Any vacancy shall be filled in the
22 manner of the original appointment for the remaining time of
23 the term.

24 Section 31. Subsection (4) of section 633.32, Florida
25 Statutes, is amended to read:

26 633.32 Organization; meetings; quorum; compensation;
27 seal.--

28 (4) The council may adopt a seal for its use
29 containing the words "Firefighters Employment, Standards, and
30 Training Council."

31 Section 32. Subsections (4) and (5) of section 633.33,

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1 Florida Statutes, are amended to read:

2 633.33 Special powers; firefighter training.--The
3 council shall have special powers in connection with the
4 employment and training of firefighters to:

5 (4) Consult and cooperate with any employing agency,
6 university, college, community college, the Florida State Fire
7 College, or other educational institution concerning the
8 employment and safety of firefighters, including, but not
9 limited to, the safety of firefighters while at the scene of a
10 fire and at the scene of any incident related to emergency
11 services to which a firefighter responds,development of
12 firefighter training schools and programs of courses of
13 instruction, including, but not limited to, education and
14 training in the areas of fire science, fire technology, fire
15 administration, and all allied and supporting fields.

16 (5) Make or support studies on any aspect of
17 firefighting employment, education, and training or
18 recruitment.

19

20 (Redesignate subsequent sections.)

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 24, through
26 page 2, line 28, delete those lines

27

28 and insert:

29 creating ss. 633.801, 633.802, 633.803,
30 633.804, 633.805, 633.806, 633.807, 633.808,
31 633.810, 633.812, 633.813, 633.814, 633.815,

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1 633.816, 633.817, 633.818, 633.819, 633.820,
2 633.823, 633.824, and 633.825, F.S. ;
3 designating such sections as the Florida
4 Firefighter Occupational Safety and Health Act ;
5 providing definitions ; providing legislative
6 intent ; authorizing the Division of State Fire
7 Marshal to adopt rules related to firefighter
8 safety inspections ; requiring the division to
9 conduct a study ; requiring firefighter
10 employers to provide safe employment
11 conditions ; authorizing the division to adopt
12 rules that prescribe means for preventing
13 accidents in places of firefighter employment
14 and establish standards for construction,
15 repair, and maintenance ; requiring the division
16 to inspect places of firefighter employment and
17 to develop safety and health programs for those
18 firefighter employers whose employees have a
19 high frequency or severity of work-related
20 injuries ; requiring certain firefighter
21 employers to establish workplace safety
22 committees and to maintain certain records ;
23 providing penalties for firefighter employers
24 who violate provisions of the act ; providing
25 exemptions ; providing for the source of funding
26 of the division ; specifying firefighter
27 employee rights and responsibilities ; providing
28 penalties for firefighter employers who make
29 false statements to the division or to an
30 insurer ; specifying applicability to volunteer
31 firefighters and volunteer fire departments ;

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1 authorizing the division to adopt rules for
2 assuring safe working conditions for all
3 firefighter employees; amending s. 633.31,
4 F.S.; changing the name and membership of the
5 Firefighters Standards and Training Council;
6 amending ss. 383.3362, 633.30, and 633.32,
7 F.S., to conform; amending s. 633.33, F.S.;
8 revising certain powers of the council;
9 providing an effective date.

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