

Bill No. CS/CS/HB 681

Amendment No. Barcode 583920

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Posey moved the following amendment to amendment (764626):

Senate Amendment (with title amendment)

On page 6, line 18, through
page 21, line 1, delete those lines

and insert:

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

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

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

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

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

(2) "Division" means the Division of State Fire

Marshal of the Department of Insurance.

(3) "Firefighter employee" means any person engaged in

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

7 (4) "Firefighter employer" means the state and all
8 political subdivisions thereof, all public and quasi-public
9 corporations therein, and any person carrying on any
10 employment thereof, which employs firefighters or which uses
11 volunteer firefighters, except those appointed under s.
12 590.02(1)(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) The division by rule may adopt procedures for
14 conducting investigations of firefighter employers under ss.
15 633.801-633.825.

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

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

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

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

8 633.808 Division authority.--The division shall:

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

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

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

29 (4) Adopt rules prescribing recordkeeping
30 responsibilities for firefighter employers, which may include
31 rules for maintaining a log and summary of occupational

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1 injuries, diseases, and illnesses and for producing on request
2 a notice of injury and firefighter employee accident
3 investigation records, and rules prescribing a retention
4 schedule for such records.

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

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

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

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

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

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

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

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

27 (2) The division shall adopt rules:

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

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1 specifying the frequency of meetings.

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

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

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

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

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

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

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

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

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1 Section 17. Effective July 1, 2001, section 633.813,
2 Florida Statutes, is created to read:

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

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

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

30 (1) The division shall cooperate with the Federal
31 Government so that duplicate inspections will be avoided yet

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1 assure safe places of firefighter employment for the citizens
2 of this state.

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

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

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

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

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

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

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1 complies with subsection (2) and recertifies that fact to the
2 division.

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

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

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

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

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

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

29 633.817 Refusal to admit; penalty.--The division and
30 its authorized representatives may enter and inspect any place
31 of firefighter employment at any reasonable time for the

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1 purpose of investigating compliance with ss. 633.801-633.825
2 and conducting inspections for the proper enforcement of ss.
3 633.801-633.825. A firefighter employer who refuses to admit
4 any member of the division or its authorized representative to
5 any place of employment or to allow investigation and
6 inspection pursuant to this section commits a misdemeanor of
7 the second degree, punishable as provided in s. 775.082 or s.
8 775.083.

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

11 633.818 Firefighter employee rights and
12 responsibilities.--

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

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

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

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

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

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1 (3) Neither pay, position, seniority, nor other
2 benefit may be lost for exercising any right under, or for
3 seeking compliance with any requirement of, ss.
4 633.801-633.825.

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

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

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

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

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

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

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

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

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

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

18 633.825 Workplace safety.--

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

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

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

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1 Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

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

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

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

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

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1 special district shall be exempt from the requirements of 29
2 C.F.R. s. 1910.134(g)(4). Nevertheless, each year thereafter
3 the division shall review each such county, municipality, or
4 special district to determine if such county, municipality, or
5 special district has the ability to implement such provision
6 without adding additional personnel to its firefighting staff
7 or expending significant additional funds. If the division
8 determines that any county, municipality, or special district
9 has the ability to implement such provision without adding
10 additional personnel to its firefighting staff or expending
11 significant additional funds, the division shall require such
12 county, municipality, or special district to implement such
13 provision. Such requirement by the division under this
14 paragraph constitutes final agency action subject to chapter
15 120.

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

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

25 Section 28. Paragraph (c) of subsection (3) of section
26 383.3362, Florida Statutes, is amended to read:

27 383.3362 Sudden Infant Death Syndrome.--

28 (3) TRAINING.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 Section 32. Subsections (4) and (5) of section 633.33,
2 Florida Statutes, are amended to read:

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

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

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

20
21 (Redesignate subsequent sections.)

22
23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 22, line 3, through
27 page 23, line 7, delete those lines

28
29 and insert:

30 creating ss. 633.801, 633.802, 633.803,
31 633.804, 633.805, 633.806, 633.807, 633.808,

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1 633.810, 633.812, 633.813, 633.814, 633.815,
2 633.816, 633.817, 633.818, 633.819, 633.820,
3 633.823, 633.824, and 633.825, F.S. ;
4 designating such sections as the Florida
5 Firefighter Occupational Safety and Health Act;
6 providing definitions; providing legislative
7 intent; authorizing the Division of State Fire
8 Marshal to adopt rules related to firefighter
9 safety inspections; requiring the division to
10 conduct a study; requiring firefighter
11 employers to provide safe employment
12 conditions; authorizing the division to adopt
13 rules that prescribe means for preventing
14 accidents in places of firefighter employment
15 and establish standards for construction,
16 repair, and maintenance; requiring the division
17 to inspect places of firefighter employment and
18 to develop safety and health programs for those
19 firefighter employers whose employees have a
20 high frequency or severity of work-related
21 injuries; requiring certain firefighter
22 employers to establish workplace safety
23 committees and to maintain certain records;
24 providing penalties for firefighter employers
25 who violate provisions of the act; providing
26 exemptions; providing for the source of funding
27 of the division; specifying firefighter
28 employee rights and responsibilities; providing
29 penalties for firefighter employers who make
30 false statements to the division or to an
31 insurer; specifying applicability to volunteer

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

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