

By the Council for Smarter Government and Representatives  
Bense, Benson, Jennings, Greenstein, Wiles, Weissman, Wishner,  
Sobel, Flanagan, Hogan, Mayfield, Clarke, Kallinger, Spratt,  
Fiorentino and Cantens

1                                   A bill to be entitled  
2           An act relating to firefighter employment  
3           safety; creating ss. 633.801, 633.802, 633.803,  
4           633.804, 633.805, 633.806, 633.807, 633.808,  
5           633.809, 633.810, 633.811, 633.812, 633.813,  
6           633.814, 633.815, 633.816, 633.817, 633.818,  
7           633.819, 633.820, and 633.821, F.S.; providing  
8           a short title; providing definitions; providing  
9           legislative intent; authorizing the Division of  
10          State Fire Marshal of the Department of  
11          Insurance to adopt rules related to firefighter  
12          safety inspections; requiring the division to  
13          conduct a study of firefighter occupational  
14          diseases; authorizing representatives of the  
15          division to enter and inspect any place of  
16          firefighter employment; requiring firefighter  
17          employers to provide safe employment  
18          conditions; authorizing the division to adopt  
19          rules that prescribe means for preventing  
20          accidents in places of firefighter employment  
21          and establish standards for construction,  
22          repair, and maintenance; requiring the division  
23          to inspect places of firefighter employment and  
24          to develop safety and health programs for those  
25          firefighter employers whose employees have a  
26          high frequency or severity of work-related  
27          injuries; requiring certain firefighter  
28          employers to establish workplace safety  
29          committees and to maintain certain records;  
30          providing penalties for firefighter employers  
31          who violate provisions of the act; providing

1 exemptions; providing a penalty for the failure  
2 to implement a safety and health program and  
3 cancellations; providing for expenses of  
4 administration; providing penalties for refusal  
5 to admit division; specifying firefighter  
6 employee rights and responsibilities; providing  
7 division remedies for failure to comply;  
8 providing penalties for firefighter employers  
9 who make false statements to the division or to  
10 an insurer; providing criminal penalties for  
11 false, malicious, or fraudulent statements and  
12 representatives; specifying applicability to  
13 volunteer firefighters and fire departments;  
14 providing for workplace safety and to authorize  
15 the division to adopt rules including federal  
16 standards for assuring safe working conditions  
17 for all firefighter employees; amending s.  
18 633.31, F.S.; changing the name of and  
19 expanding and diversifying the Firefighters  
20 Standards and Training Council; amending s.  
21 633.33, F.S.; providing additional duties of  
22 the council; amending ss. 383.3362, 633.330,  
23 and 633.32, F.S.; conforming language;  
24 providing a declaration of important state  
25 interest; providing an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Sections 633.801, 633.802, 633.803,  
30 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810,  
31 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817,

1 633.818, 633.819, 633.820, and 633.821, Florida Statutes, are  
2 created to read:

3 633.801 Short title.--Sections 633.801-633.821 may be  
4 cited as the "Florida Firefighters Occupational Safety and  
5 Health Act."

6 633.802 Definitions.--Unless the context clearly  
7 requires otherwise, the following definitions shall apply to  
8 ss. 633.801-633.821:

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

10 (2) "Division" means the Division of State Fire  
11 Marshal of the department.

12 (3) "Firefighter employee" means any person engaged in  
13 any employment, public or private, as a firefighter under any  
14 appointment or contract of hire or apprenticeship, express or  
15 implied, oral or written, whether lawfully or unlawfully  
16 employed, responding to or assisting with fire or medical  
17 emergencies, whether or not the firefighter is on duty, except  
18 those appointed under s. 590.02(1)(d).

19 (4) "Firefighter employer" means the state and all  
20 political subdivisions of this state, all public and  
21 quasi-public corporations in this state, and every person  
22 carrying on any employment for this state, political  
23 subdivisions of this state, and public and quasi-public  
24 corporations in this state, which employs firefighters, except  
25 those appointed under s. 590.02(1)(d).

26 (5) "Firefighter employment" or "employment" means any  
27 service performed by a firefighter employee for the  
28 firefighter employer.

29 (6) "Firefighter place of employment" or "place of  
30 employment" means the physical location at which the  
31 firefighter is employed.

1           633.803 Legislative intent.--It is the intent of the  
2 Legislature to enhance firefighter occupational safety and  
3 health in the state through the implementation and maintenance  
4 of policies, procedures, practices, rules, and standards that  
5 reduce the incidence of firefighter employee accidents,  
6 firefighter occupational diseases, and firefighter fatalities  
7 compensable under chapter 440 or otherwise. The Legislature  
8 further intends that the division develop a means by which the  
9 division can identify individual firefighter employers with a  
10 high frequency or severity of work-related injuries, conduct  
11 safety inspections of those firefighter employers, and assist  
12 those firefighter employers in the development and  
13 implementation of firefighter employee safety and health  
14 programs. In addition, it is the intent of the Legislature  
15 that the division administer the provisions of ss.  
16 633.801-633.821; provide assistance to firefighter employers,  
17 firefighter employees, and insurers; and enforce the policies,  
18 rules, and standards set forth in ss. 633.801-633.821.

19           633.804 Safety inspections and consultations;  
20 rules.--The division shall adopt rules governing the manner,  
21 means, and frequency of firefighter employer and firefighter  
22 employee safety inspections and consultations by all insurers  
23 and self-insurers.

24           633.805 Division to make study of firefighter  
25 occupational diseases.--The division shall make a continuous  
26 study of firefighter occupational diseases and the ways and  
27 means for their control and prevention and shall adopt rules  
28 necessary for such control and prevention. For this purpose,  
29 the division is authorized to cooperate with firefighter  
30 employers, firefighter employees, and insurers and with the  
31 Department of Health.

1           633.806 Investigations by the division; refusal to  
2 admit; penalty.--

3           (1) The division shall make studies and investigations  
4 with respect to safety provisions and the causes of  
5 firefighter injuries in firefighter places of employment and  
6 shall make such recommendations to the Legislature and  
7 firefighter employers and insurers as the division considers  
8 proper as to the best means of preventing firefighter  
9 injuries. In making such studies and investigations, the  
10 division may cooperate with any agency of the United States  
11 charged with the duty of enforcing any law securing safety  
12 against injury in any place of firefighter employment covered  
13 by ss. 633.801-633.821 or any agency or department of the  
14 state engaged in enforcing any law to ensure safety for  
15 firefighter employees.

16           (2) The division by rule may adopt procedures for  
17 conducting investigations of firefighter employers under ss.  
18 633.801-633.821.

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

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

5 633.808 Division authority.--The division shall:

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

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

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

26 (4) Adopt rules prescribing recordkeeping  
27 responsibilities for firefighter employers, which may include  
28 maintaining a log and summary of occupational injuries,  
29 diseases, and illnesses, for producing on request a notice of  
30 injury and firefighter employee accident investigation

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1 records, and prescribing a retention schedule for such  
2 records.  
3 633.809 Firefighter employers whose firefighter  
4 employees have a high frequency of work-related injuries.--The  
5 division shall develop a means by which the division may  
6 identify individual firefighter employers whose firefighter  
7 employees have a high frequency or severity of work-related  
8 injuries. The division shall carry out safety inspections of  
9 the facilities and operations of those firefighter employers  
10 in order to assist them in reducing the frequency and severity  
11 of work-related injuries. The division shall develop safety  
12 and health programs for those firefighter employers. Insurers  
13 shall distribute such safety and health programs to the  
14 firefighter employers so identified by the division. Those  
15 firefighter employers identified by the division as having a  
16 high frequency or severity of work-related injuries shall  
17 implement a safety and health program developed by the  
18 division. The division shall carry out safety inspections of  
19 those firefighter employers so identified to ensure compliance  
20 with the safety and health program and to assist such  
21 firefighter employers in reducing the number of work-related  
22 injuries. The division may not assess penalties as the result  
23 of such inspections, except as provided by s. 633.813. Copies  
24 of any report made as the result of such an inspection shall  
25 be provided to the firefighter employer and its insurer.  
26 Firefighter employers may submit their own safety and health  
27 programs to the division for approval in lieu of using the  
28 safety and health program developed by the division. The  
29 division shall promptly review the program submitted and  
30 approve or disapprove the program within 60 days or such  
31 program shall be deemed approved. Upon approval by the

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

7 633.810 Workplace safety committees and safety  
8 coordinators.--

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

11 (a) Each firefighter employer of 20 or more  
12 firefighter employees shall establish and administer a  
13 workplace safety committee in accordance with rules adopted  
14 under this section.

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

22 (2) The division shall adopt rules:

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

28 (b) Requiring firefighter employers to make adequate  
29 records of each meeting and to file and to maintain the  
30 records subject to inspection by the division.

31



1           (c) Prescribing the duties and functions of the  
2 workplace safety committee and workplace safety coordinator,  
3 which include, but are not limited to:

4           1. Establishing procedures for workplace safety  
5 inspections by the committee.

6           2. Establishing procedures for investigating all  
7 workplace accidents, safety-related incidents, illnesses, and  
8 deaths.

9           3. Evaluating accident prevention and illness  
10 prevention programs.

11           4. Prescribing guidelines for the training of safety  
12 committee members.

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

25           (4) Firefighter employees shall be compensated their  
26 regular hourly wage while engaged in workplace safety  
27 committee or workplace safety coordinator training, meetings,  
28 or other duties prescribed under this section.

29           633.811 Firefighter employer penalties.--If any  
30 firefighter employer violates or fails or refuses to comply  
31 with ss. 633.801-633.821, or with any rule adopted by the

1 division under such sections in accordance with chapter 120  
2 for the prevention of injuries, accidents, or occupational  
3 diseases or with any lawful order of the division in  
4 connection with ss. 633.801-633.821, or fails or refuses to  
5 furnish or adopt any safety device, safeguard, or other means  
6 of protection prescribed by division rule under ss.  
7 633.801-633.821 for the prevention of accidents or  
8 occupational diseases, the division may assess against the  
9 firefighter employer a civil penalty of not less than \$100 nor  
10 more than \$5,000 for each day the violation, omission,  
11 failure, or refusal continues after the firefighter employer  
12 has been given written notice of such violation, omission,  
13 failure, or refusal. The total penalty for each violation may  
14 not exceed \$50,000. The division shall adopt rules requiring  
15 penalties commensurate with the frequency or severity of  
16 safety violations. A hearing shall be held in the county in  
17 which the violation, omission, failure, or refusal is alleged  
18 to have occurred, unless otherwise agreed to by the  
19 firefighter employer and authorized by the division. All  
20 penalties assessed and collected under this section shall be  
21 deposited in the Insurance Commissioner's Regulatory Trust  
22 Fund.

23 633.812 Division cooperation with Federal Government;  
24 exemption from requirements for private firefighter  
25 employers.--

26 (1) The division shall cooperate with the Federal  
27 Government so that duplicate inspections will be avoided while  
28 at the same time ensuring safe firefighter places of  
29 employment for the citizens of this state.

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31

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

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

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

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

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

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

1           (4) This section shall not restrict the division's  
2 performance of any duties pursuant to a written contract  
3 between the division and the federal Occupational Safety and  
4 Health Administration.

5           633.813 Failure to implement a safety and health  
6 program; cancellations.--If a firefighter employer that is  
7 found by the division to have a high frequency or severity of  
8 work-related injuries fails to implement a safety and health  
9 program, the insurer or self-insurer's fund that is providing  
10 coverage for the firefighter employer may cancel the contract  
11 for insurance with the firefighter employer. In the  
12 alternative, the insurer or fund may terminate any discount or  
13 deviation granted to the firefighter employer for the  
14 remainder of the term of the policy. If the contract is  
15 canceled or the discount or deviation is terminated, the  
16 insurer shall make such reports as are required by law.

17           633.814 Expenses of administration.--The amounts that  
18 are needed to administer ss. 633.801-633.821 shall be  
19 disbursed from the Insurance Commissioner's Regulatory Trust  
20 Fund.

21           633.815 Refusal to admit; penalty.--The division and  
22 authorized representatives of the division may enter and  
23 inspect any firefighter place of employment at any reasonable  
24 time for the purpose of investigating compliance with ss.  
25 633.801-633.821 and conducting inspections for the proper  
26 enforcement of ss. 633.801-633.821. A firefighter employer  
27 who refuses to admit any member of the division or authorized  
28 representative of the division to any place of employment or  
29 to allow investigation and inspection pursuant to this section  
30 commits a misdemeanor of the second degree, punishable as  
31 provided in s. 775.082 or s. 775.083.

1           633.816 Firefighter employee rights and  
2 responsibilities.--

3           (1) Each firefighter employee of a firefighter  
4 employer covered under ss. 633.801-633.821 shall comply with  
5 rules adopted by the division and with reasonable workplace  
6 safety and health standards, rules, policies, procedures, and  
7 work practices established by the firefighter employer and the  
8 workplace safety committee. A firefighter employee who  
9 knowingly fails to comply with this subsection may be  
10 disciplined or discharged by the firefighter employer.

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

15           (a) The firefighter employee has testified or is about  
16 to testify, on her or his own behalf or on behalf of others,  
17 in any proceeding instituted under ss. 633.801-633.821;

18           (b) The firefighter employee has exercised any other  
19 right afforded under ss. 633.801-633.821; or

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

22           (3) No pay, position, seniority, or other benefit may  
23 be lost for exercising any right under, or for seeking  
24 compliance with any requirement of, ss. 633.801-633.821.

25           633.817 Compliance.--Failure of a firefighter employer  
26 or an insurer to comply with ss. 633.801-633.821, or with any  
27 rules adopted under ss. 633.801-633.821, constitutes grounds  
28 for the division to seek remedies, including injunctive  
29 relief, by making appropriate filings with the circuit court.

30           633.818 False statements to insurers.--A firefighter  
31 employer who knowingly and willfully falsifies or conceals a

1 material fact; makes a false, fictitious, or fraudulent  
2 statement or representation; or makes or uses any false  
3 document knowing the document to contain any false,  
4 fictitious, or fraudulent entry or statement to an insurer of  
5 workers' compensation insurance under ss. 633.801-633.821  
6 commits a misdemeanor of the second degree, punishable as  
7 provided in s. 775.082 or s. 775.083.  
8       633.819 Matters within jurisdiction of the division;  
9 false, fictitious, or fraudulent acts, statements, and  
10 representations prohibited; penalty; statute of  
11 limitations.--A person may not, in any matter within the  
12 jurisdiction of the division, knowingly and willfully falsify  
13 or conceal a material fact; make any false, fictitious, or  
14 fraudulent statement or representation; or make or use any  
15 false document, knowing the same to contain any false,  
16 fictitious, or fraudulent statement or entry. A person who  
17 violates this section commits a misdemeanor of the second  
18 degree, punishable as provided in s. 775.082 or s. 775.083.  
19 The statute of limitations for prosecution of an act committed  
20 in violation of this section is 5 years after the date the act  
21 was committed or, if not discovered within 30 days after the  
22 act was committed, 5 years after the date the act was  
23 discovered.  
24       633.820 Volunteer firefighters.--Sections  
25 633.803-633.821 apply to volunteer firefighters and volunteer  
26 fire departments.  
27       633.821 Workplace safety.--  
28       (1) The division shall assist in making the  
29 firefighter place of employment a safer place to work and  
30 decreasing the frequency and severity of on-the-job injuries  
31 in such workplace.

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

12       (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the  
13 two individuals located outside the immediately dangerous to  
14 life and health atmosphere may be assigned to an additional  
15 role, such as incident commander, pumper operator, engineer,  
16 or driver, so long as such individual is able to immediately  
17 perform assistance or rescue activities without jeopardizing  
18 the safety or health of any firefighter working at an  
19 incident. Also with respect to 29 C.F.R. s. 1910.134(g)(4):

20       (a) Each county, municipality, and special district  
21 shall implement such provision by April 1, 2002, except as  
22 provided in paragraphs (b) and (c).

23       (b) If any county, municipality, or special district  
24 is unable to implement such provision by April 1, 2002,  
25 without adding additional personnel to its firefighting staff  
26 or expending significant additional funds, such county,  
27 municipality, or special district shall have an additional 6  
28 months within which to implement such provision. Such county,  
29 municipality, or special district shall notify the division  
30 that the 6-month extension to implement such provision is in  
31 effect in such county, municipality, or special district

1 within 30 days after its decision to extend the time for the  
2 additional 6 months. The decision to extend the time for  
3 implementation shall be made prior to April 1, 2002.

4 (c) If, after the extension granted in paragraph (b),  
5 the county, municipality, or special district, after having  
6 worked with and cooperated fully with the division and the  
7 Firefighters Employment, Standards, and Training Council, is  
8 still unable to implement such provisions without adding  
9 additional personnel to its firefighting staff or expending  
10 significant additional funds, such municipality, county, or  
11 special district shall be exempt from the requirements of 29  
12 C.F.R. s. 1910.134(g)(4). Nevertheless, each year thereafter  
13 the division shall review each such county, municipality, or  
14 special district to determine if such county, municipality, or  
15 special district has the ability to implement such provision  
16 without adding additional personnel to its firefighting staff  
17 or expending significant additional funds. If the division  
18 determines that any county, municipality, or special district  
19 has the ability to implement such provision without adding  
20 additional personnel to its firefighting staff or expending  
21 significant additional funds, the division shall require such  
22 county, municipality, or special district to implement such  
23 provision. Such requirement by the division under this  
24 paragraph constitutes final agency action subject to chapter  
25 120.

26 (4) The provisions of chapter 440 that pertain to  
27 workplace safety apply to the division.

28 (5) The division may adopt any rule necessary to  
29 implement, interpret, and make specific the provisions of this  
30 section, provided the division may not adopt by rule any other  
31 standard or standards of the Occupational Safety and Health



1 Administration or the National Fire Protection Association  
2 relating solely to ss. 633.801-633.821 and firefighter  
3 employment safety without specific legislative authority.

4 Section 2. Section 633.31, Florida Statutes, is  
5 amended to read:

6 633.31 Firefighters Employment, Standards, and  
7 Training Council.--

8 (1) There is created within the Department of  
9 Insurance a Firefighters Employment, Standards, and Training  
10 Council of 13 ~~nine~~ members ~~appointed by the State Fire~~  
11 Marshal. Two members shall be fire chiefs appointed by the  
12 Florida Fire Chiefs Association, two members shall be  
13 firefighters, who are not officers, appointed by the Florida  
14 Professional Firefighters Association, two members shall be  
15 firefighter officers, who are not fire chiefs, appointed by  
16 the State Fire Marshal, one member appointed by the Florida  
17 League of Cities, one member appointed by the Florida  
18 Association of Counties, one member appointed by the Florida  
19 Association of Special Districts, one member appointed by the  
20 Florida Fire Marshal's Association, and one member appointed  
21 by the State Fire Marshal, and one member shall be a director  
22 or instructor of a state-certified firefighting training  
23 facility appointed by the State Fire Marshal. To be eligible  
24 for appointment as a fire chief member, firefighter officer  
25 member, firefighter member, or a director or instructor of a  
26 state-certified firefighting facility, a person shall have had  
27 at least 4 years' experience in the firefighting profession.  
28 The remaining member, who shall be appointed by the State Fire  
29 Marshal, ~~two members~~ shall not be a member or representative  
30 members of the firefighting profession or of any local  
31 government. Members shall serve only as long as they continue

1 to meet the criteria under which they were appointed, or  
2 unless a member has failed to appear at three consecutive and  
3 properly noticed meetings unless excused by the chair.

4       (2) ~~Initially, the State Fire Marshal shall appoint~~  
5 ~~three members for terms of 4 years, two members for terms of 3~~  
6 ~~years, two members for terms of 2 years, and two members for~~  
7 ~~terms of 1 year. Thereafter, Members shall be appointed for~~  
8 4-year terms and in no event shall a member serve more than  
9 two consecutive terms. Any vacancy shall be filled in the  
10 manner of the original appointment for the remaining time of  
11 the term.

12       (3) The State Fire Marshal, in making her or his  
13 appointments, shall take into consideration representation by  
14 geography, population, and other relevant factors, in order  
15 that the membership on the council will be apportioned to give  
16 representation to the state at large rather than to a  
17 particular area.

18       (4) Membership on the council shall not disqualify a  
19 member from holding any other public office or being employed  
20 by a public entity, except that no member of the Legislature  
21 shall serve on the council.

22       Section 3. Subsections (4) and (5) of section 633.33,  
23 Florida Statutes, are amended to read:

24       633.33 Special powers; firefighter training.--The  
25 council shall have special powers in connection with the  
26 employment and training of firefighters to:

27       (4) Consult and cooperate with any employing agency,  
28 university, college, community college, the Florida State Fire  
29 College, or other educational institution concerning the  
30 employment and safety of firefighters, including, but not  
31 limited to, the safety of firefighters while at the scene of a

1 fire or the scene of an incident related to the provision of  
2 emergency services to which a firefighter responds, and the  
3 development of firefighter training schools and programs of  
4 courses of instruction, including, but not limited to,  
5 education and training in the areas of firefighter employment,  
6 fire science, fire technology, fire administration, and all  
7 allied and supporting fields.

8 (5) Make or support studies on any aspect of  
9 firefighting employment, education, and training or  
10 recruitment.

11 Section 4. Paragraph (c) of subsection (3) of section  
12 383.3362, Florida Statutes, is amended to read:

13 383.3362 Sudden Infant Death Syndrome.--

14 (3) TRAINING.--

15 (c) The Department of Health, in consultation with the  
16 Emergency Medical Services Advisory Council, the Firefighters  
17 Employment, Standards, and Training Council, and the Criminal  
18 Justice Standards and Training Commission, shall develop and  
19 adopt, by rule, curriculum that, at a minimum, includes  
20 training in the nature of SIDS, standard procedures to be  
21 followed by law enforcement agencies in investigating cases  
22 involving sudden deaths of infants, and training in responding  
23 appropriately to the parents or caretakers who have requested  
24 assistance.

25 Section 5. Subsection (4) of section 633.30, Florida  
26 Statutes, is amended to read:

27 633.30 Standards for firefighting; definitions.--As  
28 used in this chapter:

29 (4) "Council" means the Firefighters Employment,  
30 Standards, and Training Council.

31

1           Section 6. Subsection (4) of section 633.32, Florida  
2 Statutes, is amended to read:  
3           633.32 Organization; meetings; quorum; compensation;  
4 seal.--  
5           (4) The council may adopt a seal for its use  
6 containing the words "Firefighters Employment, Standards, and  
7 Training Council."  
8           Section 7. The Legislature determines and declares  
9 that this act fulfills an important state interest.  
10          Section 8. This act shall take effect upon becoming a  
11 law.  
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