

By Senator Posey

15-229-02

See HB 135

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A bill to be entitled
An act relating to firefighter employment
safety; creating ss. 633.801, 633.802, 633.803,
633.804, 633.805, 633.806, 633.807, 633.808,
633.809, 633.810, 633.811, 633.812, 633.813,
633.814, 633.815, 633.816, 633.817, 633.818,
633.819, 633.820, and 633.821, F.S.; providing
a short title; providing definitions; providing
legislative intent; authorizing the Division of
State Fire Marshal of the Department of
Insurance to adopt rules related to firefighter
safety inspections; requiring the division to
conduct a study of firefighter occupational
diseases; authorizing representatives of the
division to enter and inspect any place of
firefighter employment; requiring firefighter
employers to provide safe employment
conditions; authorizing the division to adopt
rules that prescribe means for preventing
accidents in places of firefighter employment
and establish standards for construction,
repair, and maintenance; requiring the division
to inspect places of firefighter employment and
to develop safety and health programs for those
firefighter employers whose employees have a
high frequency or severity of work-related
injuries; requiring certain firefighter
employers to establish workplace safety
committees and to maintain certain records;
providing penalties for firefighter employers
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 representations; specifying applicability to
13 volunteer firefighters and fire departments;
14 providing for workplace safety and authorizing
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.; revising cross-references, to
24 conform; providing a declaration of important
25 state 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.

18 (4) "Firefighter employer" means the state and all
19 political subdivisions of this state, all public and
20 quasi-public corporations in this state, and every person
21 carrying on any employment for this state, political
22 subdivisions of this state, and public and quasi-public
23 corporations in this state, which employs firefighters.

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

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

30 633.803 Legislative intent.--It is the intent of the
31 Legislature to enhance firefighter occupational safety and

1 health in the state through the implementation and maintenance
2 of policies, procedures, practices, rules, and standards that
3 reduce the incidence of firefighter employee accidents,
4 firefighter occupational diseases, and firefighter fatalities
5 compensable under chapter 440 or otherwise. The Legislature
6 further intends that the division develop a means by which the
7 division can identify individual firefighter employers with a
8 high frequency or severity of work-related injuries, conduct
9 safety inspections of those firefighter employers, and assist
10 those firefighter employers in the development and
11 implementation of firefighter employee safety and health
12 programs. In addition, it is the intent of the Legislature
13 that the division administer the provisions of ss.
14 633.801-633.821; provide assistance to firefighter employers,
15 firefighter employees, and insurers; and enforce the policies,
16 rules, and standards set forth in ss. 633.801-633.821.
17 633.804 Safety inspections and consultations;
18 rules.--The division shall adopt rules governing the manner,
19 means, and frequency of firefighter employer and firefighter
20 employee safety inspections and consultations by all insurers
21 and self-insurers.
22 633.805 Division to make study of firefighter
23 occupational diseases, etc.--The division shall make a
24 continuous study of firefighter occupational diseases and the
25 ways and means for their control and prevention and shall make
26 and enforce necessary regulations for such control. For this
27 purpose, the division is authorized to cooperate with
28 firefighter employers, firefighter employees, and insurers and
29 with the Department of Health.
30 633.806 Investigations by the division; refusal to
31 admit; penalty.--

1 (1) The division shall make studies and investigations
2 with respect to safety provisions and the causes of
3 firefighter injuries in firefighter places of employment and
4 shall make such recommendations to the Legislature and
5 firefighter employers and insurers as the division considers
6 proper as to the best means of preventing firefighter
7 injuries. In making such studies and investigations, the
8 division may:

9 (a) Cooperate with any agency of the United States
10 charged with the duty of enforcing any law securing safety
11 against injury in any place of firefighter employment covered
12 by ss. 633.801-633.821 or any agency or department of the
13 state engaged in enforcing any law to ensure safety for
14 firefighter employees.

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

17 (2) The division by rule may adopt procedures for
18 conducting investigations of firefighter employers under ss.
19 633.801-633.821.

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

1 employees, including, but not limited to, conditions and
2 methods of sanitation and hygiene. Safety devices and
3 safeguards required to be furnished by the firefighter
4 employer by this section or by the division under authority of
5 this section shall not include personal apparel and protective
6 devices that replace personal apparel normally worn by
7 firefighter employees during regular working hours.

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 firefighter
12 place of 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 firefighter places of 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 firefighter places of employment as shall
23 render them safe. Such rules and standards shall be adopted
24 in 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

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

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

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

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

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

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

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

23 (2) The division shall adopt rules:

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

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

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 investigating all workplace
7 accidents, safety-related incidents, illnesses, and deaths.

8 3. Evaluating accident-prevention and
9 illness-prevention programs.

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

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

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

28 633.811 Firefighter employer penalties.--If any
29 firefighter employer violates or fails or refuses to comply
30 with ss. 633.801-633.821, or with any rule adopted by the
31 division under these sections in accordance with chapter 120

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

22 633.812 Division cooperation with Federal Government;
23 exemption from division requirements.--

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

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

31

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

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

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

16 (d) The private firefighter employer provides the
17 division with a written statement that certifies compliance
18 with this subsection.

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

27 (4) This section shall not restrict the division from
28 performing any duties pursuant to a written contract between
29 the division and the federal Occupational Safety and Health
30 Administration.

31

1 633.813 Failure to implement a safety and health
2 program; cancellations.--If a firefighter employer that is
3 found by the division to have a high frequency or severity of
4 work-related injuries fails to implement a safety and health
5 program, the insurer or self-insurer's fund that is providing
6 coverage for the firefighter employer may cancel the contract
7 for insurance with the firefighter employer. In the
8 alternative, the insurer or fund may terminate any discount or
9 deviation granted to the firefighter employer for the
10 remainder of the term of the policy. If the contract is
11 canceled or the discount or deviation is terminated, the
12 insurer shall make such reports as are required by law.

13 633.814 Expenses of administration.--The amounts that
14 are needed to administer ss. 633.801-633.821 shall be
15 disbursed from the Insurance Commissioner's Regulatory Trust
16 Fund.

17 633.815 Refusal to admit; penalty.--The division and
18 authorized representatives of the division may enter and
19 inspect any place of firefighter employment at any reasonable
20 time for the purpose of investigating compliance with ss.
21 633.801-633.821 and conducting inspections for the proper
22 enforcement of ss. 633.801-633.821. A firefighter employer
23 who refuses to admit any member of the division or authorized
24 representative of the division to any place of employment or
25 to allow investigation and inspection pursuant to this section
26 commits a misdemeanor of the second degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 633.816 Firefighter employee rights and
29 responsibilities.--

30 (1) Each firefighter employee of a firefighter
31 employer covered under ss. 633.801-633.821 shall comply with

1 rules adopted by the division and with reasonable workplace
2 safety and health standards, rules, policies, procedures, and
3 work practices established by the firefighter employer and the
4 workplace safety committee. A firefighter employee who
5 knowingly fails to comply with this subsection may be
6 disciplined or discharged by the firefighter employer.

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

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

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

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

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

21 633.817 Compliance.--Failure of a firefighter employer
22 or an insurer to comply with ss. 633.801-633.821, or with any
23 rules adopted under s. 633.801-633.821, constitutes grounds
24 for the division to seek remedies, including, but not limited
25 to, injunctive relief, for compliance by making appropriate
26 filings with the circuit court.

27 633.818 False statements to insurers.--A firefighter
28 employer who knowingly and willfully falsifies or conceals a
29 material fact; makes a false, fictitious, or fraudulent
30 statement or representation; or makes or uses any false
31 document knowing the document to contain any false,

1 fictitious, or fraudulent entry or statement to an insurer of
2 workers' compensation insurance under ss. 633.801-633.821
3 commits a misdemeanor of the second degree, punishable as
4 provided in s. 775.082 or s. 775.083.

5 633.819 Matters within jurisdiction of the division;
6 false, fictitious, or fraudulent acts, statements, and
7 representations prohibited; penalty; statute of
8 limitations.--A person may not, in any matter within the
9 jurisdiction of the division, knowingly and willfully falsify
10 or conceal a material fact; make any false, fictitious, or
11 fraudulent statement or representation; or make or use any
12 false document, knowing the same to contain any false,
13 fictitious, or fraudulent statement or entry. A person who
14 violates this section commits a misdemeanor of the second
15 degree, punishable as provided in s. 775.082 or s. 775.083.
16 The statute of limitations for prosecution of an act committed
17 in violation of this section is 5 years after the date the act
18 was committed or, if not discovered within 30 days after the
19 act was committed, 5 years after the date the act was
20 discovered.

21 633.820 Volunteer firefighters.--Sections
22 633.803-633.821 apply to volunteer firefighters and volunteer
23 fire departments.

24 633.821 Workplace safety.--

25 (1) The division shall assist in making the workplace
26 of a firefighter place of employment a safer place to work and
27 decreasing the frequency and severity of on-the-job injuries
28 in such workplace.

29 (2) The division shall have the authority to adopt
30 rules for the purpose of ensuring safe working conditions for
31 all firefighter employees by authorizing the enforcement of

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

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

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

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

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

23 (4) The provisions of chapter 440 which pertain to
24 workplace safety apply to the division.

25 (5) The division may adopt any rule necessary to
26 implement, interpret, and make specific the provisions of this
27 section; however, the division may not adopt by rule any other
28 standard or standards of the Occupational Safety and Health
29 Administration or the National Fire Protection Association
30 relating solely to ss. 633.801-633.821 and firefighter
31 employment safety without specific legislative authority.

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

3 633.31 Firefighters Employment, Standards, and
4 Training Council.--

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

1 unless a member has failed to appear at three consecutive and
2 properly noticed meetings unless excused by the chair.

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

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

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

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

23 633.33 Special powers; firefighter training.--The
24 council shall have special powers in connection with the
25 employment and training of firefighters to:

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

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

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

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

12 383.3362 Sudden Infant Death Syndrome.--

13 (3) TRAINING.--

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

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

26 633.30 Standards for firefighting; definitions.--As
27 used in this chapter:

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

30 Section 6. Subsection (4) of section 633.32, Florida
31 Statutes, is amended to read:

1 633.32 Organization; meetings; quorum; compensation;
2 seal.--

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

6 Section 7. For purposes of s. 18, Art. VII of the
7 State Constitution, the Legislature determines that the
8 provisions of this act fulfill an important state interest by:

9 (1) Enhancing firefighter occupational safety and
10 health in this state through the implementation and
11 maintenance of policies, procedures, practices, rules, and
12 standards that reduce the incidence of firefighter employee
13 accidents, firefighter occupational diseases, and firefighter
14 fatalities compensable under the Workers' Compensation Law or
15 otherwise.

16 (2) Establishing procedures for identifying individual
17 firefighter employers whose employees have a high frequency or
18 severity of work-related injuries, conducting safety
19 inspections of those employers, facilities, and operations,
20 and assisting those employers in the development and
21 implementation of firefighter employee safety and health
22 programs.

23 (3) Providing assistance to firefighter employers,
24 firefighter employees, and insurers, and providing for
25 enforcing the policies, rules, and standards set forth in this
26 act.

27 Section 8. This act shall take effect upon becoming a
28 law.

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LEGISLATIVE SUMMARY

Creates the Florida Firefighters Occupational Safety and Health Act. Provides powers, duties, and responsibilities of the Division of State Fire Marshal of the Department of Insurance relating to firefighter safety inspections, firefighter occupational diseases, entry and inspection of places of firefighter employment, prevention of accidents in places of firefighter employment, and establishment of construction, repair, and maintenance standards. Requires firefighter employers to provide safe employment conditions, establish workplace safety committees, and maintain records. Specifies firefighter employee rights and responsibilities. Provides for enforcement and civil and criminal penalties. Specifies application to volunteer firefighters and fire departments. Revises provisions relating to the Firefighters Employment, Standards, and Training Council. (See bill for details.)