

By the Committee on Banking and Insurance; and Senators Posey and Smith

311-1899-02

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 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 for legislative
25 determination of important state interest;
26 providing an effective date.

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

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30 Section 1. Sections 633.801, 633.802, 633.803,
31 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810,

1 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817,
2 633.818, 633.819, 633.820, and 633.821, Florida Statutes, are
3 created to read:

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

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

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

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

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

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

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

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1 (6) "Firefighter place of employment" or "place of
2 employment" means the physical location at which the
3 firefighter is employed.

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

19 633.801-633.821; provide assistance to firefighter employers,
20 firefighter employees, and insurers; and enforce the policies,
21 rules, and standards set forth in ss. 633.801-633.821.

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

27 633.805 Division to make study of firefighter
28 occupational diseases.--The division shall make a continuous
29 study of firefighter occupational diseases and the ways and
30 means for their control and prevention and shall adopt rules
31 necessary for such control and prevention. For this purpose,

1 the division is authorized to cooperate with firefighter
2 employers, firefighter employees, and insurers and with the
3 Department of Health.

4 633.806 Investigations by the division; refusal to
5 admit; penalty.--

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

19 (2) The division by rule may adopt procedures for
20 conducting investigations of firefighter employers under ss.
21 633.801-633.821.

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

1 health, and safety of firefighter employees, including
2 conditions and methods of sanitation and hygiene. Safety
3 devices and safeguards required to be furnished by the
4 firefighter employer by this section or by the division under
5 authority of this section shall not include personal apparel
6 and protective devices that replace personal apparel normally
7 worn by 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 maintaining a log and summary of occupational injuries,

1 diseases, and illnesses, rules for producing on request a
2 notice of injury and firefighter employee accident
3 investigation records, and rules prescribing a retention
4 schedule 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 within 60 days, or such
2 program shall be deemed approved. Upon approval by the
3 division, the program shall be implemented by the firefighter
4 employer. If the program is not approved or if a program is
5 not submitted, the firefighter employer shall implement the
6 program developed by the division. The division shall adopt
7 rules setting forth the criteria for safety and health
8 programs, as such rules relate to this section.

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

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

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

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

24 (2) The division shall adopt rules:

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

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

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

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

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

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

14 4. Prescribing guidelines for the training of safety
15 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
21 under a collective bargaining agreement that contains
22 provisions regulating the formation and operation of workplace
23 safety committees that meet or exceed the minimum requirements
24 contained in this section, or firefighter employers who
25 otherwise have existing workplace safety committees that meet
26 or exceed the minimum requirements established by this
27 section, are in compliance with this section.

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

1 633.811 Firefighter employer penalties.--If any
2 firefighter employer violates or fails or refuses to comply
3 with ss. 633.801-633.821, or with any rule adopted by the
4 division under such sections in accordance with chapter 120
5 for the prevention of injuries, accidents, or occupational
6 diseases or with any lawful order of the division in
7 connection with ss. 633.801-633.821, or fails or refuses to
8 furnish or adopt any safety device, safeguard, or other means
9 of protection prescribed by division rule under ss.
10 633.801-633.821 for the prevention of accidents or
11 occupational diseases, the division may assess against the
12 firefighter employer a civil penalty of not less than \$100 nor
13 more than \$5,000 for each day the violation, omission,
14 failure, or refusal continues after the firefighter employer
15 has been given written notice of such violation, omission,
16 failure, or refusal. The total penalty for each violation may
17 not exceed \$50,000. The division shall adopt rules requiring
18 penalties commensurate with the frequency or severity of
19 safety violations. A hearing shall be held in the county in
20 which the violation, omission, failure, or refusal is alleged
21 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.

26 633.812 Division cooperation with Federal Government;
27 exemption from requirements for private firefighter
28 employers.--

29 (1) The division shall cooperate with the Federal
30 Government so that duplicate inspections will be avoided while
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1 at the same time ensuring safe places of firefighter
2 employment for the citizens 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 shall include provisions for a
13 safety committee in the safety program. The safety committee
14 shall include firefighter employee representation and shall
15 meet at least once each calendar quarter. The private
16 firefighter employer shall make adequate records of each
17 meeting and maintain the records subject to inspections under
18 subsection (3). The safety committee shall, if appropriate,
19 make recommendations regarding improvements to the safety
20 program and corrections of hazards affecting workplace safety;
21 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 private firefighter employment for the purpose of
27 verifying the accuracy of the written certification. If the
28 division determines that the private firefighter employer has
29 not complied with the requirements of subsection (2), the
30 private firefighter employer shall be subject to the rules of
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1 the division until the private firefighter employer complies
2 with subsection (2) and recertifies that fact to the division.

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

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

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

23 633.815 Refusal to admit; penalty.--The division and
24 authorized representatives of the division may enter and
25 inspect any place of firefighter employment at any reasonable
26 time for the purpose of investigating compliance with ss.
27 633.801-633.821 and conducting inspections for the proper
28 enforcement of ss. 633.801-633.821. A firefighter employer
29 who refuses to admit any member of the division or authorized
30 representative of the division to any place of employment or
31 to allow investigation and inspection pursuant to this section

1 commits a misdemeanor of the second degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 633.816 Firefighter employee rights and
4 responsibilities.--

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

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

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

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

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

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

27 633.817 Compliance.--Failure of a firefighter employer
28 or an insurer to comply with ss. 633.801-633.821, or with any
29 rules adopted under s. 633.801-633.821, constitutes grounds
30 for the division to seek remedies, including injunctive

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1 relief, for compliance by making appropriate filings with the
2 circuit court.

3 633.818 False statements to insurers.--A firefighter
4 employer who knowingly and willfully falsifies or conceals a
5 material fact; makes a false, fictitious, or fraudulent
6 statement or representation; or makes or uses any false
7 document knowing the document to contain any false,
8 fictitious, or fraudulent entry or statement to an insurer of
9 workers' compensation insurance under ss. 633.801-633.821
10 commits a misdemeanor of the second degree, punishable as
11 provided in s. 775.082 or s. 775.083.

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

28 633.820 Volunteer firefighters.--Sections
29 633.803-633.821 apply to volunteer firefighters and volunteer
30 fire departments.

31 633.821 Workplace safety.--

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

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

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

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

27 (b) If any county, municipality, or special district
28 is unable to implement such provision by April 1, 2002,
29 without adding additional personnel to its firefighting staff
30 or expending significant additional funds, such county,
31 municipality, or special district shall have an additional 6

1 months within which to implement such provision. Such county,
2 municipality, or special district shall notify the division
3 that the 6-month extension to implement such provision is in
4 effect in such county, municipality, or special district
5 within 30 days after its decision to extend the time for the
6 additional 6 months. The decision to extend the time for
7 implementation shall be made prior to April 1, 2002.

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

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

1 (5) The division may adopt any rule necessary to
2 implement, interpret, and make specific the provisions of this
3 section, provided the division may not adopt by rule any other
4 standard or standards of the Occupational Safety and Health
5 Administration or the National Fire Protection Association
6 relating solely to ss. 633.801-633.821 and firefighter
7 employment safety without specific legislative authority.

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

10 633.31 Firefighters Employment, Standards, and
11 Training Council.--

12 (1) There is created within the Department of
13 Insurance a Firefighters Employment, Standards, and Training
14 Council of ~~13~~ nine members ~~appointed by the State Fire~~
15 ~~Marshal.~~ Two members shall be fire chiefs, who shall be
16 appointed by the Florida Fire Chiefs Association; ~~two members~~
17 shall be firefighters who are not officers, who shall be
18 appointed by the Florida Professional Firefighters
19 Association; ~~two members shall be firefighter officers who~~
20 are not fire chiefs, who shall be appointed by the State Fire
21 Marshal; one member shall be a director or instructor of a
22 state-certified firefighting training facility, who shall be
23 appointed by the State Fire Marshal; one member shall be
24 appointed by the Florida League of Cities, one member shall be
25 appointed by the Florida Association of Counties, one member
26 shall be appointed by the Florida Association of Special
27 Districts, one member shall be appointed by the Florida Fire
28 Marshal's Association, and one member shall be appointed by
29 the State Fire Marshal ~~and one member shall be a director or~~
30 ~~instructor of a state-certified firefighting training~~
31 ~~facility.~~ To be eligible for appointment as a fire chief

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

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

20 (3) The State Fire Marshal, in making her or his
21 appointments, shall take into consideration representation by
22 geography, population, and other relevant factors, in order
23 that the membership on the council will be apportioned to give
24 representation to the state at large rather than to a
25 particular area.

26 (4) Membership on the council shall not disqualify a
27 member from holding any other public office or being employed
28 by a public entity, except that no member of the Legislature
29 shall serve on the council.

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

1 633.33 Special powers; firefighter training.--The
2 council shall have special powers in connection with the
3 employment and training of firefighters to:

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

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

19 Section 4. Paragraph (c) of subsection (3) of section
20 383.3362, Florida Statutes, is amended to read:

21 383.3362 Sudden Infant Death Syndrome.--

22 (3) TRAINING.--

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

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

5 633.30 Standards for firefighting; definitions.--As
6 used in this chapter:

7 (4) "Council" means the Firefighters Employment,
8 Standards, and Training Council.

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

11 633.32 Organization; meetings; quorum; compensation;
12 seal.--

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

16 Section 7. The Legislature determines and declares
17 that this act fulfills an important state interest.

18 Section 8. This act shall take effect upon becoming a
19 law.

20

21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 1408

24

24 The Committee Substitute provides the following changes:

- 25 1. Revises the definitions of firefighter employee and
26 firefighter employer to exclude individuals appointed as
27 forestry firefighters by the Division of Forestry of the
28 Department of Agriculture and Consumer Services; and
29 2. Requires the division to approve or disapprove within 60
30 days any safety and health program submitted to the
31 division by a firefighter employer, to be used, in lieu
of using the program developed by the division.

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31