

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Banking and Insurance

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BILL: SB 244

INTRODUCER: Senator Dean

SUBJECT: Volunteer Firefighting

DATE: March 20, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Knudson	BI	<b>Pre-meeting</b>
2.			CA	
3.			FP	

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**I. Summary:**

SB 244 makes changes to the definition of a volunteer firefighter in chapter 633, F.S., to allow for an exemption from all licensure requirements and regulations for volunteer firefighters who operate out of a volunteer fire department that is located within a municipality with a population of less than 12,000 or a county with a population of less than 175,000.

**II. Present Situation:**

**Division of the State Fire Marshal (State Fire Marshal)**

State law on fire prevention and control is provided in ch. 633, F.S. Section 633.104, F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal.<sup>1</sup> Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College. Additionally, the State Fire Marshal adopts by rule the Florida Fire Prevention Code, which contains or references all firesafety laws and rules regarding public and private buildings.<sup>2</sup>

The Division of the State Fire Marshal (Division) consists of the following four bureaus: the Bureau of Fire and Arson Investigations, the Bureau of Fire Standards and Training, the Bureau of Forensic Fire and Explosive Analysis, and the Bureau of Fire Prevention. The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 6,000 students per year. The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than

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<sup>1</sup> The head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of the State Fire Marshal is located within the DFS.

<sup>2</sup> s. 633.202(1), F.S.

14,000 state-owned buildings and facilities. Over 1.8 million fire and emergency reports are collected every year. These reports are entered into a database to form the basis for the State Fire Marshal's annual report.<sup>3</sup>

### **National Fire Protection Association (NFPA)**

The National Fire Protection Association (NFPA) is an international nonprofit organization whose mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. Membership of the NFPA includes more than 70,000 individuals from nearly 100 nations. NFPA is the world's leading advocate of fire prevention and an authoritative source on public safety. NFPA publishes 300 codes and standards that are designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installation in the United States, as well as many other countries. Its more than 200 technical code and standard-development committees are comprised of over 6,000 volunteer seats. Volunteers vote on proposals and revisions in a process that is accredited by the American National Standards Institute (ANSI).<sup>4</sup>

### **Firefighters Employment, Standards, and Training Council (Council)**

The Council is housed at the Department of Financial Services and consists of 13 members. Two members are fire chiefs appointed by the Florida Fire Chiefs Association, two members are firefighters who are not officers, appointed by the Florida Professional Firefighters Association; two members are firefighter officers who are not fire chiefs, appointed by the State Fire Marshal; one member is appointed by the Florida League of Cities; one member appointed by the Florida Association of Counties; one member appointed by the Florida Association of Special Districts; one member appointed by the Florida Fire Marshal's Association; one member appointed by the State Fire Marshal; and one member is a director or instructor of a state-certified firefighting training facility appointed by the State Fire Marshal. To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person shall have had at least 4 years' experience in the firefighting profession. The remaining member, who is appointed by the State Fire Marshal, may not be a member or representative of the firefighting profession or of any local government. Members serve only as long as they continue to meet the criteria under which they were appointed, or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the chair.<sup>5</sup> Members are appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancies are filled in the manner of the original appointment for the remaining time of the term.<sup>6</sup> The council has special powers in connection with the employment and training of firefighters as it:

- Recommends for adoption by the division, uniform minimum standards for the employment and training of firefighters and training of volunteer firefighters.

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<sup>3</sup> State Fire Marshal website: <http://www.myfloridacfo.com/sfm/> (Last visited March 14, 2015).

<sup>4</sup> <http://www.nfpa.org/about-nfpa/nfpa-overview> (Last visited March 18, 2015).

<sup>5</sup> s. 633.402(1), F.S.

<sup>6</sup> s. 633.402(2), F.S.

- Recommends for adoption by the division, minimum curriculum requirements for schools operated by or for any fire service provider for the specific purpose of training firefighter trainees, firefighters, and volunteer firefighters.
- Recommends for adoption by the division, on matters relating to the funding, general operation, and administration of the Bureau of Fire Standards and Training (Florida State Fire College), including, but not limited to, all standards, training, curriculum, and the issuance of any certificate of competency required by this chapter.
- Makes or supports studies on any aspect of firefighting employment, education, and training or recruitment.

### **Curriculum Requirements for Volunteer Firefighters<sup>7</sup>**

Volunteer Firefighter training consists of Part I of the State of Florida Minimum Standards Course as required by ch. 633, F.S., and Florida Administrative Codes 69A-37 and 69A-62. A significant portion of this training can be completed through both on-line and practical skill courses. The on-line courses can be taken in lieu of the traditional classroom lecture and satisfies most of the required academic objectives. The following academic components make up the Part I Minimum Standards Curriculum:

- Firefighter I Curriculum – consists of classroom and live fire based core training.
- National Incident Management System - focuses on the history, features, principles and organizational structure of Incident Command.
- Wildland Firefighter Training— curriculum and field exercises that address the basic skills required of all wildland firefighters who must understand the behavior and factors that affect the spread of wildfires.
- EMS First Responder - curriculum that is an introduction to basic life support and emergency care.

Volunteer Firefighters who have successfully completed the Firefighter Part I training are able to operate in the exclusionary or hot zone<sup>8</sup> and in an Immediately Dangerous to Life or Health environment.

### **Support Personnel**

Other volunteers who do not seek the level of training needed for a Volunteer Firefighters Certificate of Completion may still be members of a Volunteer Fire Department. These volunteers are known as Support Personnel. Support Personnel respond with volunteer firefighters and are part of the Volunteer Fire Department roster. Support Personnel serve a critical role in supporting any emergency response as long as they are always in a safe zone and are performing duties for which they have been “trained commensurate to duty.” They can perform all activities that a fire service provider (Volunteer Fire Department) has trained an individual to perform safely outside the hot zone of an emergency scene, including pulling hoses, opening and closing fire hydrants, driving and operating apparatus, carrying tools, carrying or

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<sup>7</sup> Guidelines for the Firefighter Part I Certificate of Completion Program (Volunteer Firefighter), Division of the State Fire Marshal, the Florida State Fire College, Revision 1.7, October 2012.

<sup>8</sup> s. 633.102(17), F.S., “Hot zone” means the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.

moving equipment, directing traffic, manning a resource pool, or similar activities. “Trained commensurate to duty” means that the person must have documented training in the specific task assigned or a combination of skills required to accomplish any series of tasks which may be assigned to that individual, given a set of conditions or circumstances that the individual may undertake. Anticipated special circumstances such as hazardous materials operations, technical rescue, and similar conditions or circumstances require additional training.

### **Application**

After a candidate has completed the required coursework for a Volunteer Firefighter Certificate of Completion they can apply for such certification from the Division provided that they meet all of the following statutory requirements:<sup>9</sup>

- Be a high school graduate or the equivalent as determined by the division.
- Be at least 18 years of age.
- Not have been convicted of a misdemeanor relating to the certification or to perjury or false statements, or a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof or under the law of any other country, or dishonorably discharged from any of the Armed Forces of the United States. “Convicted” means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, in any federal or state court or a court in any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.
- Submit a set of fingerprints to the division with a current processing fee. The fingerprints will be forwarded to the Department of Law Enforcement for state processing and forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing.
- Have a good moral character as determined by investigation under procedure established by the division.
- Be in good physical condition as determined by a medical examination given by a physician, surgeon, or physician assistant licensed to practice in the state pursuant to ch. 458, F.S.; an osteopathic physician, surgeon, or physician assistant licensed to practice in the state pursuant to ch. 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the state pursuant to chapter 464, F.S. Such examination may include, but need not be limited to, the National Fire Protection Association Standard 1582. A medical examination evidencing good physical condition shall be submitted to the division, on a form as provided by rule, before an individual is eligible for admission into a course under s. 633.408, F.S.
- Be a nonuser of tobacco or tobacco products for at least 1 year immediately preceding application, as evidenced by the sworn affidavit of the applicant.
- Pay an application fee.

### **III. Effect of Proposed Changes:**

The bill changes the definition of volunteer firefighter in ch. 633, F.S., to allow for an exemption from all licensure requirements and regulations for volunteer firefighters who operate out of a volunteer fire department that is located within a municipality with a population of less than

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<sup>9</sup> s. 633.412, F.S.

12,000 or a county with a population of less than 175,000. Additionally, the bill exempts such volunteer fire departments from all rules and regulations, including regulations on safety.

According to the Department of Financial Services, this bill could allow for unlicensed and unregulated firefighters and fire departments in 261 out of 410 cities where populations are under 12,000, and 41 out of the 67 counties where populations are less than 175,000. Additionally, the changes in the bill would allow 134 out of 222 volunteer fire departments currently operating in the state to be exempt from all rules and regulations, including regulations on safety.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Untrained volunteer firefighters could put themselves and the general public at risk without having learned the proper training and techniques of firefighting.

This could have negative effects on property insurance rates in areas with exempt fire departments.

C. Government Sector Impact:

This bill could allow some counties and cities that currently pay for fire services to switch to an unregulated volunteer force to save money.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 633.10 of the Florida Statutes.

This bill creates section 633.103 of the Florida Statutes.

This bill reenacts section 627.4107 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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