

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.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1084

INTRODUCER: Banking and Insurance Committee and Senator Stargel

SUBJECT: Firefighters

DATE: April 14, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Peacock</u>	<u>Ferrin</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1084 allows a firefighter or volunteer firefighter to apply for a Lifetime Firefighter designation if he or she:

- Has at least 20 years of service;
- Has been employed with a fire service provider and is in good standing with their last most recent fire service provider;
- Has not been convicted of a felony under s. 633.412 (2), F.S.; and
- Is recorded on a fire service provider roster in the Division of the State Fire Marshal's online electronic database; or
- Was previously certified as a firefighter or volunteer firefighter in this state.

Firefighters receiving such designation must still maintain all requirements for licensure in order to engage in firefighting activities.

The Division of State Fire Marshall is authorized to investigate complaints concerning a Lifetime Firefighter and to adopt rules.

The bill takes effect on July 1, 2017.

II. Present Situation:

State law on fire prevention and control is provided in ch. 633, F.S. Section 633.104, F.S., which designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Department of Financial Services (DFS), Division of the State Fire Marshal (Division).¹ 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.²

The Division consists of the two bureaus: the Bureau of Fire Standards and Training (BFST), and the Bureau of Fire Prevention.³ The BFST utilizes a database within the Fire College Department of Insurance Continuing Education (FCDICE) to support the training, certification, and re-certification of approximately 100,000 various certificates held by Florida firefighters, instructors, and inspectors.⁴ The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities.⁵ 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.⁶

Firefighters Employment, Standards, and Training Council

The Firefighters Employment, Standards, and Training Council (Council) is housed at the DFS and consists of 13 members.⁷ Two are fire chiefs appointed by the Florida Fire Chiefs Association; two are firefighters, who are not officers, appointed by the Florida Professional Firefighters Association; two are firefighter officers, who are not fire chiefs, appointed by the State Fire Marshal; one individual is appointed by the Florida League of Cities; one individual is appointed by the Florida Association of Counties; one individual is appointed by the Florida Association of Special Districts; one individual is appointed by the Florida Fire Marshals' and Inspectors' Association; one employee of the Florida Forest Service of the Department of Agriculture and Consumer Services is appointed by the director of the Florida Forest Service; one individual is appointed by the State Fire Marshal; one director or instructor of a state-certified firefighting training facility is appointed by the State Fire Marshal; and the remaining member who must be appointed by the State Fire Marshal, may not be a member or representative of the firefighting profession or of any local government.

¹ The head of the (DFS is the Chief Financial Officer. The Division of the State Fire Marshal is located within the DFS.

² Section 633.202(1), F.S.

³ See <http://www.fldfs.com/Division/sfm/> (last visited on April 12, 2017).

⁴ Email from Kimberly Renspie, Cabinet and Legislative Affairs Analyst, Department of Financial Services (April 13, 2017) (Copy on file with the Senate Governmental Oversight and Accountability Committee).

⁵ Division of State Fire Marshal, *About the Florida State Fire Marshal*, <http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (last viewed March 28, 2017).

⁶ *Id.*

⁷ Section 633.404(1), F.S.

The Council has special powers in connection with the employment and training of firefighters as it:⁸

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

Firefighter Certificate of Compliance (FCOC)⁹ is issued by the Division to an individual who does all of the following:¹⁰

- Satisfactorily completes the Minimum Standards Course or has satisfactorily completed training for firefighters in another state which has been determined by the Division to be at least the equivalent of the training required for the Minimum Standards Course;
- Passes the Minimum Standards Course examination within 12 months after completing the required courses; and
- Meets the character and fitness requirements in s. 633.412, F.S.¹¹

“Certification” or “certified” is defined as the act of holding a current and valid certificate and that meets the requirements for renewal of certification.¹² A “fire service provider” is defined as a municipality or county, the state, the division, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.¹³

In order for a firefighter to retain/renew his or her FCOC, every 4 years he or she must:¹⁴

- Be active as a firefighter;

⁸ Section 633.404(9), F.S.

⁹ Section 633.408(1)(a), F.S.

¹⁰ Section 633.408(4), F.S.

¹¹ In accordance with s. 633.412, F.S., an applicant for firefighter must: be a high school graduate or the equivalent, 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 crime punishable by imprisonment of 1 year or more, have a good moral character, be in good physical condition as determined by a medical examination, and be a nonuser of tobacco products for at least 1 year preceding application.

¹² Section 633.426(1)(b), F.S.

¹³ Section 633.102(13), F.S.

¹⁴ Section 633.414(1), F.S.

- Maintain a current and valid fire service instructor certificate, instruct at least 40 hours during the 4-year period, and provide proof of such instruction to the Division, which proof must be registered in an electronic database designated by the Division;
- Within 6 months before the 4-year period expires, successfully complete a Firefighter Retention Refresher Course consisting of a minimum of 40 hours of training to be prescribed by rule; and
- Within 6 months before the 4-year period expires, successfully retake and pass the Minimum Standards Course examination pursuant to s. 633.408, F.S.

Curriculum Requirements for Volunteer Firefighters¹⁵

Volunteer firefighter training consists of Part I of the State of Florida Minimum Standards Course as required by ch. 633, F.S., and Chapters 69A-37 (Firefighters Standards and Training) and 69A-62 (Firefighter Employment Standards), F.A.C. 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:¹⁶

- 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 zone¹⁷ and in an Immediately Dangerous to Life or Health environment.¹⁸

Pursuant to s. 633.414 (2), F.S., volunteer firefighters can retain their Volunteer Firefighter Certificate of Completion by:

- Serving as a volunteer firefighter; or
- Completing a 40-hour refresher course.

III. Effect of Proposed Changes:

Section 1 allows a firefighter or volunteer firefighter to apply for a Lifetime Firefighter designation if he or she:

¹⁵ Guidelines for the Firefighter Part I Certificate of Completion Program (Volunteer Firefighter), Division of the State Fire Marshal, The Bureau of Fire Standards and Training at the Florida State Fire College, Revision 2.1, March 2017. *See* http://www.fldfs.com/division/sfm/bfst/REV_2_1_Guidelines_FF1.pdf.

¹⁶ *Id.*

¹⁷ Section 633.102(17), F.S., defines the term “Hot zone” as the area immediately around an incident where serious threat of harm exists, which includes the collapse zone for a structure fire.

¹⁸ *See supra* note 15.

- Has at least 20 years of service;
- Has been employed with a fire service provider as defined in s. 633.102(13), F.S., and is in good standing with his or her most recent fire service provider;
- Has not been convicted of a felony under s. 633.412 (2), F.S.; and
- Is recorded on a fire service provider roster in the Division's online electronic database or was previously certified as a firefighter or volunteer firefighter in this state.

A firefighter may have his or her Firefighter Certificate of Compliance or a Volunteer Firefighter Certificate of Completion placed into a Lifetime Firefighter designation by applying to the Division at the time required to renew the certificate. The application must be made on a form prescribed by the Division.

A Lifetime Firefighter may not engage in firefighting activities with a fire department unless he or she holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division under s. 633.408, F.S.

After the Division approves a currently employed firefighter's Lifetime Firefighter designation, the Division shall, after the firefighter's 4-year period pursuant to s. 633.414, F.S., issue in its online electronic database the Lifetime Firefighter designation upon the end of such period.

If a firefighter's Firefighter Certificate of Compliance or Volunteer Firefighter Certificate of Completion is current upon the approval of a Lifetime Firefighter designation and he or she applies to renew such certification within the first 4 years after the date of such approval, he or she must successfully complete the Minimum Standards Course Examination for a firefighter or a volunteer firefighter task book for a volunteer firefighter, and meet all requirements in s. 633.412, F.S.

If a firefighter's Firefighter Certificate of Compliance or Volunteer Firefighter Certificate of Completion has expired upon receiving the Lifetime Firefighter designation and he or she desires to perform firefighting services within the first 4 years after the date of approval of the Lifetime Firefighter designation, the firefighter must successfully complete the Minimum Standards Course Examination for a firefighter or a volunteer firefighter task book for a volunteer firefighter, and meet all requirements in s. 633.412, F.S.

This bill also authorizes the Division to investigate any report, complaint, or felony conviction concerning a Lifetime Firefighter pursuant to s. 633.412 or s. 633.426, F.S.

The bill authorizes the Division to adopt rules pursuant to its authority under s. 633.104(1), F.S., to implement this section.

Section 2 provides an effective date of July 1, 2017.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties or municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue or reduce the percentage of state tax shared with counties or municipalities.

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:

None.

C. Government Sector Impact:

The DFS may incur minimal costs for the implantation of the Lifetime Firefighter Designation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 633.414 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on April 3, 2017:

The CS establishes the Lifetime Firefighter designation while maintaining recipients of such designation engaging in firefighting activities must still complete all requirements for licensure under ch. 633, F.S.

- B. **Amendments:**

None.

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