

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 Banking and Insurance

BILL: SB 1084

INTRODUCER: Senator Stargel

SUBJECT: Firefighter Certifications

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Knudson	BI	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 1084 allows firefighters to be exempt from educational requirements for certification if:

- They attest to having completed at least 20 years of service;
- They have been employed with a fire service provider and appear on the fire service provider's roster as recorded in the division's online electronic database;
- They have been in good standing in a firefighter pension plan or have been determined to have a disability in the line of duty; and
- They have not been convicted of a felony under s. 633.412 (2), F.S.

The bill also allows volunteer firefighters to be exempt from educational requirements for certification if:

- They attest to having completed at least 20 years of service having volunteered with a fire service provider;
- They attest to having been determined to have a disability in the line of duty, and
- They have not been convicted of a felony under s. 633.412 (2), F.S.

This bill gives the Division of State Fire Marshal the authority to investigate reports or complaints of a felony conviction for a firefighter or volunteer firefighter seeking an exemption from renewal or retention requirements in the same manner as the investigative procedures provided in s. 633.426, F.S.

II. Present Situation:

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.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 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 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.³

Firefighters Employment, Standards, and Training Council

The Firefighters Employment, Standards, and Training Council (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 is appointed by the Florida Association of Counties; one member is appointed by the Florida Association of Special Districts; one member is appointed by the Florida Fire Marshal's Association; one member is 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.

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.
- 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.

¹ 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.

² s. 633.202(1), F.S.

³ Division of State Fire Marshal, *About the Florida State Fire Marshal*, <http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (last viewed March 28, 2017).

- Makes or supports studies on any aspect of firefighting employment, education, and training or recruitment.

Curriculum Requirements for Firefighters

Firefighter Certificate of Compliance (FCOC)⁴ is issued by the division to an individual who does all of the following:⁵

- 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.

“Certification” or “certified” is defined as the act of holding a current and valid certificate.⁶ 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.⁷

In order for a firefighter to retain/renew his or her FCOC, every 4 years he or she must:⁸

- Be active as a firefighter;
- 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.

Curriculum Requirements for Volunteer Firefighters⁹

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:

⁴ Section 633.408(1)(a), F.S.

⁵ Section 633.408(4), F.S.

⁶ Section 633.426(1)(b), F.S.

⁷ Section 633.102(13), F.S.

⁸ Section 633.414(1), F.S.

⁹ 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.

- 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 zone¹⁰ and in an Immediately Dangerous to Life or Health environment.

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:

The bill exempts firefighters holding a current Firefighter Certificate of Compliance from the retention requirements in s. 633.414 (1), F.S., if:

- They attest to having completed at least 20 years of service;
- They have been employed with a fire service provider and appear on the fire service provider's roster as recorded in the division's online electronic database;
- They have been in good standing in a firefighter pension plan or have been determined to have a disability in the line of duty; and
- They have not been convicted of a felony under s. 633.412 (2), F.S.

The bill also exempts a volunteer firefighter who holds a current Volunteer Firefighter Certificate of Completion from the retention requirements in s. 633.412 (2), F.S., if:

- They attest to having completed at least 20 years of service having volunteered with a fire service provider,
- They attest to have been determined to have a disability in the line of duty, and
- They have not been convicted of a felony under s. 633.412 (2), F.S.

This bill also gives the Division of State Fire Marshal the authority to investigate reports or complaints of a felony conviction for a firefighter or volunteer firefighter seeking an exemption from renewal or retention requirements in the same manner as the investigative procedures provided in s. 633.426, F.S.

¹⁰ 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.

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:

Firefighters who meet the exemption criteria in the bill will no longer be required to complete additional training as a condition of maintaining certification.

C. Government Sector Impact:

The DFS estimates the bill would allow an estimated 1,000 plus individuals to retain their Certificate of Compliance/Completion without any formal validation of their skills and training. The division estimates this number would grow to over 10,000 individuals over the next 10 years.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 633.414 of the Florida Statutes.

¹¹ Department of Financial Services, *Senate Bill 1084 Analysis* (March 8, 2017) (on file with the Committee on Banking and Insurance)

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.

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