

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 465 Firefighter Emeritus

SPONSOR(S): Government Accountability Committee; Local, Federal & Veterans Affairs Subcommittee; Raburn

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1084

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	14 Y, 0 N, As CS	Renner	Miller
2) Government Accountability Committee	23 Y, 0 N, As CS	Renner	Williamson

SUMMARY ANALYSIS

The Chief Financial Officer is designated as the State Fire Marshal, operating through the Division of State Fire Marshal (division), and tasked with regulating fire service providers. The division is responsible for establishing a Minimum Standards Course as the training and educational curriculum required in order for a firefighter to obtain a Firefighter Certificate of Compliance (FCOC) or for a volunteer firefighter to obtain a Certificate of Completion.

The bill creates a Lifetime Firefighter designation for firefighters and volunteer firefighters. Specifically, the bill:

- Provides that a firefighter or volunteer firefighter who has been employed by a fire service provider, is recorded on the fire service provider's roster in the division's electronic database, or who was previously certified as a firefighter or volunteer firefighter may apply for the designation if the individual has at least 20 years of service and is in good standing with his or her most recent fire service provider and has not been convicted of a felony or had another type of disqualifying event;
- Specifies the firefighter or volunteer firefighter can have his or her Certificate of Compliance or Certificate of Completion placed in the Lifetime Firefighter designation at the time the person is required to renew the Certificate of Compliance or Completion;
- Requires the division to issue the Lifetime Firefighter designation in its online electronic database after a firefighter's four-year period;
- Specifies that if a firefighter's FCOC or Volunteer Firefighter Certificate of Completion is current upon the approval of a Lifetime Firefighter designation, and he or she applies to renew the certification within the first four years after the date of approval, he or she must successfully complete the Minimum Standards Course examination for firefighters and the requisite course examinations for volunteer firefighters;
- Provides that if the FCOC or Volunteer Firefighter Certificate of Completion has expired upon the Lifetime Firefighter designation, and he or she wants to perform firefighting services, the person must complete the Minimum Standards Course examination for firefighters and the requisite course examinations for volunteer firefighters;
- Requires the Lifetime Firefighter designation to be revoked for certain reasons and authorizes the division to investigate and take necessary actions; and
- Authorizes the division to adopt rules.

The bill will have an insignificant negative fiscal impact on the Department of Financial Services expenditures for contracted resources to implement it. The bill does not appear to have a fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Chapter 633, F.S., governs state law on fire prevention and control. The Chief Financial Officer is designated as the State Fire Marshal, operating through the Division of 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.

Curriculum Requirements for Firefighters

A person applying for certification as a firefighter must:

- Be a high school graduate or the equivalent and 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 one year or more, or be dishonorably discharged from the Armed Forces of the United States;
- Submit a set of fingerprints to the division with a current processing fee;
- Have a good moral character;
- Be in good physical condition;
- Be a nonuser of tobacco or tobacco products for at least one year immediately preceding application.²

The division is responsible for establishing a Minimum Standards Course as the training and educational curriculum required in order for a firefighter to obtain a Firefighter Certificate of Compliance (FCOC).³ A FCOC is issued by the division to an individual who does all of the following:

- 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.⁴

“Certification” or “certified” is defined as the act of holding a current and valid certificate.⁵ 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.⁶

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

- Be active as a firefighter;

¹ Section 633.104, F.S.

² Section 633.412, F.S.

³ Section 633.408(1)(a), F.S.

⁴ Section 633.408(4), F.S.

⁵ Section 633.426(1)(b), F.S.

⁶ Section 633.102(13), 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.⁷

Curriculum Requirements for Volunteer Firefighters

The division must establish the courses and course examinations required to receive the Volunteer Firefighter Certificate of Completion.⁸ The training for a volunteer firefighter requires completion of Part I of the Minimum Standards Course.⁹ The Part I training curriculum is 206 hours of training and the following academic components:

- Firefighter I Curriculum – consisting of classroom and live fire based core training.
- National Incident Management System – focusing on the history, features, principles and organizational structure of the incident command.
- Wildland Firefighter Training – consisting of 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 – consisting of curriculum that is an introduction to basic life support and emergency care.¹⁰

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.

Effect of Proposed Changes

The bill creates a Lifetime Firefighter designation for firefighters. A firefighter or volunteer firefighter may apply for the 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 his or her most recent fire service provider;
- Has no conviction or other disqualifying event under s. 633.412(2), F.S.;
- Complies with the fingerprint requirements under s. 633.412(3), F.S.;
- 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 is authorized to have his or her FCOC or a Volunteer Firefighter Certificate of Completion placed into the Lifetime Firefighter designation by applying to the division at the time required to renew the certificate. Application must be made on a form prescribed by the division.

An individual who holds the Lifetime Firefighter designation is not authorized to engage in firefighting activities unless he or she holds a current and valid FCOC or Special Certificate of Compliance issued by the division.

⁷ Section 633.414(1), F.S.

⁸ Section 633.408(1)(b), F.S.

⁹ As required by ch. 633, F.S., and Rules 69A-37 and 69A-62, F.A.C.

¹⁰ The Florida State Fire College, Division of the State Fire Marshal, *Guidelines for the Firefighter Part I Certificate of Completion Program (Volunteer Firefighter)*, Revision 2.1 (March 2017)

http://www.myfloridacfo.com/division/sfm/bfst/REV_2_1_Guidelines_FF1.pdf (last visited March 21, 2017).

After the division approves a currently employed firefighter's Lifetime Firefighter designation, the division will issue the designation in its online electronic database upon the end of each four-year period.

If a firefighter applies to renew his or her current FCOC or a Volunteer Firefighter Certificate of Completion within the first four years after the date of approval of the Lifetime Firefighter designation, then he or she must successfully complete the Minimum Standards Course examination for a firefighter or the requisite course examinations for a volunteer firefighter, and meet all requirements in s. 633.412, F.S..

If a firefighter's FCOC or Volunteer Firefighter Certificate of Completion has expired upon the Lifetime Firefighter designation and he or she wishes to perform firefighter services, then the firefighter must successfully complete the Minimum Standards Course examination for a firefighter, or the requisite course examinations for a volunteer firefighter, and meet all requirements in s. 633.412, F.S.

The bill requires the Lifetime Firefighter designation to be revoked if the person is convicted of a misdemeanor relating to perjury or false statement, convicted of a felony or a crime punishable by one year of imprisonment or more under the laws of the United States or any other country, or dishonorably discharged from any of the United States Armed Forces. The bill authorizes the division to investigate and take action as necessary to enforce this requirement.

Lastly, the bill authorizes the division to adopt rules pursuant to its authority in s. 633.104(1), F.S., to administer the provisions of the bill.

B. SECTION DIRECTORY:

Section 1 Creates s. 633.415, F.S., providing for a Lifetime Firefighter designation.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to the Department of Financial Services, it is estimated that approximately \$4,000 in contracted resources (40 contract development hours at \$100.00 per hour) will be required to implement the bill.¹¹ Additionally, the department estimates that about 18,000 individuals currently qualify for the Lifetime Firefighter classification and roughly 1,200 more would be eligible per year going forward.¹²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹¹ Email correspondence between staff and the department on April 19, 2017.

¹² Department of Financial Services 2017 agency analysis for HB 465, p. 3. On file with Local, Federal & Veterans Affairs Subcommittee staff.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the division to adopt rules pursuant to its authority in s. 633.104(1), F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 21, 2017, the Local, Federal & Veterans Affairs Subcommittee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Expanded the Firefighter Emeritus designation to include volunteer firefighters;
- Specified the firefighter or volunteer firefighter must be in good standing with his or her most recent fire service provider in order to receive the designation;
- Removed the fee for the designation;
- Specified the firefighter or volunteer firefighter can have his or her Certificate of Compliance or Completion placed into the Firefighter Emeritus designation at the time the person is required to renew the Certificate of Compliance or Completion.
- Provided for the division to issue the Firefighter Emeritus designation in its online electronic database at the end of each four-year period;
- Specified that if a firefighter's Certificate of Compliance or Completion is current upon the approval of a Firefighter Emeritus designation, and he or she applies to renew the certification within the first four years after the date of approval, he or she must successfully complete the Minimum Standards course examination;
- Provided that if the Firefighter Certificate of Compliance or Completion is expired upon the Firefighter Emeritus designation, and he or she wants to perform firefighting services, the person must complete the Minimum Standards Course and course examination; and
- Authorized the division to adopt rules pursuant to its authority in s. 633.104(1), F.S.

On April 19, 2017, the Government Accountability Committee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Changed the designation from Firefighter Emeritus to Lifetime Firefighter;
- Provided that a firefighter or volunteer firefighter cannot be convicted of a felony or any other disqualifying event when applying for the designation and must comply with fingerprint provisions in s. 633.412(3), F.S.;

- Provided that if a volunteer firefighter wants to renew his or her certification within the first four years after the date of approval of the Lifetime Firefighter designation, he or she must successfully complete the requisite course examinations;
- Provided that if a volunteer firefighter's certification has expired upon receiving the Lifetime Firefighter designation, and he or she wishes to perform firefighting services within the first four years after the approval of the Lifetime Firefighter designation, he or she must successfully complete the requisite course examinations; and
- Required the designation to be revoked in certain instances and authorized the division to investigate felony convictions and disqualifying events.

This analysis is drafted to the committee substitute as passed by the Government Accountability Committee.