

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 309 Fire Safety

**SPONSOR(S):** Oversight, Transparency & Administration Subcommittee, Antone and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 394

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	10 Y, 0 N, As CS	Moore	Harrington
2) Government Operations & Technology Appropriations Subcommittee	11 Y, 0 N	Helpling	Topp
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Chief Financial Officer is designated by law as the State Fire Marshal, operating through the Division of State Fire Marshal (division). 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.

The division is required to establish courses and course examinations to provide the training required to obtain a Firefighter Certificate of Compliance, a Special Certificate of Compliance, and a Volunteer Firefighter Certificate. The division is also responsible for assisting in making a firefighter's place of employment a safer place to work and decreasing the frequency and severity of on-the-job injuries.

The bill requires the division to establish, by rule, courses to provide training for career and volunteer firefighters related to cancer and mental health risks within the fire service. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. The training must include cancer and mental health awareness, prevention, mitigation, and treatment as well as lifestyle, environmental, inherited, and occupational risks and must emphasize appropriate behavior, attitude, and cultural changes within the fire service. The bill requires certified firefighters to have such training available to them.

The bill also authorizes the division to adopt rules for providing education and training related to cancer and mental health risks within the fire service.

The bill may have an insignificant negative fiscal impact on the Department of Financial Services.

The bill has an effective date of July 1, 2018

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### State Fire Marshal

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).<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.

##### Qualifications and 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; and
- Be a nonuser of tobacco or tobacco products for at least one year immediately preceding application.<sup>2</sup>

The division is responsible for establishing a Minimum Standards Course and course examination to provide the training required to obtain a Firefighter Certificate of Compliance.<sup>3</sup> The division must issue a Firefighter Certificate of Compliance 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 that 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
- Possesses the qualifications described above for certification as a firefighter.<sup>4</sup>

In addition, the division is required to establish a course and a course examination to provide training required to obtain a Special Certificate of Compliance.<sup>5</sup> A Special Certificate of Compliance only authorizes an individual to serve as an administrative and command head of a fire service provider.<sup>6</sup> The division must issue a Special Certificate of Compliance to an individual who does all of the following:

- Satisfactorily completes the course established by the division;
- Passes the course examination established by the division; and
- Possesses the qualifications described above for certification as a firefighter.

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<sup>1</sup> Section 633.104, F.S.

<sup>2</sup> Section 633.412, F.S.

<sup>3</sup> Section 633.408(1)(a), F.S.

<sup>4</sup> Section 633.408(4), F.S.

<sup>5</sup> Section 633.408(1)(b), F.S.

<sup>6</sup> Section 633.408(6)(b), F.S. The term “fire service provider” means 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. Section 633.102(13), F.S.

The division is also required to establish a course to provide training required to obtain a Volunteer Firefighter Certificate of Completion.<sup>7</sup> The division must issue a Volunteer Firefighter Certificate of Completion to any individual who satisfactorily completes the course. The training for a volunteer firefighter requires completion of Part I of the Minimum Standards Course.

#### Workplace Safety

The division is responsible for assisting in making a firefighter employee's<sup>8</sup> place of employment a safer place to work and decreasing the frequency and severity of on-the-job injuries. In carrying out these duties, the division is authorized to adopt rules for the purpose of ensuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, by assisting and encouraging firefighter employers<sup>9</sup> to maintain safe working conditions, and by providing for education and training in the field of safety.<sup>10</sup>

#### **Effect of the Bill**

The bill requires the division to establish, by rule, courses to provide training for career and volunteer firefighters related to cancer and mental health risks within the fire service. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. The training must include cancer and mental health awareness, prevention, mitigation, and treatment as well as lifestyle, environmental, inherited, and occupational risks and must emphasize appropriate behavior, attitude, and cultural changes within the fire service. The bill requires certified firefighters to have such training available to them.

The bill authorizes the division to adopt rules for providing education and training related to cancer and mental health risks within the fire service.

#### **B. SECTION DIRECTORY:**

Section 1. amends s. 633.408, F.S., relating to firefighter and volunteer firefighter training and certification.

Section 2. amends s. 633.508, F.S., relating to workplace safety.

Section 3. provides an effective date of July 1, 2018.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>7</sup> Section 633.408(1)(b), F.S.

<sup>8</sup> The term "firefighter employee" means a firefighter, volunteer firefighter, or individual providing support services who is engaged in any employment, public or private, under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, responding to or assisting with fire or medical emergencies, regardless of whether on duty, except those appointed under s. 590.02(1)(d). Section 633.504(1), F.S.

<sup>9</sup> The term "firefighter employer" means the state and all political subdivisions of the state; all public and quasi-public corporations in the state; and a person carrying on any employment for the state, political subdivisions of the state, and public and quasi-public corporations in the state that employs firefighter employees, except those appointed under s. 590.02(1)(d). Section 633.504(2), F.S.

<sup>10</sup> Section 633.508(1) and (2), F.S.

2. Expenditures:

The bill may have an indeterminate, but insignificant negative fiscal impact on the Department of Financial Services' Division of State Fire Marshal to modify the current curriculum for firefighter and volunteer firefighter training and certification. According to the division, this will result in either an increase in the number of hours to complete the training or the removal of other subject materials from the curriculum. The changes in training will also require the state's certification examinations to be adjusted to address the new topics taught during training.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the division to establish, by rule, courses to provide training for career and volunteer firefighters related to cancer and mental health risks within the fire service. The bill also authorizes the division to adopt rules for providing education and training related to cancer and mental health risks within the fire service.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 30, 2018, the Oversight, Transparency & Administration Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment removed a provision from the bill that required a firefighter to be a nonuser of tobacco or tobacco products during his or her career in the fire service.

This analysis is drafted to the committee substitute as approved by the Oversight, Transparency & Administration Subcommittee.