

**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 Governmental Oversight and Accountability

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BILL: CS/SB 394

INTRODUCER: Governmental Oversight and Accountability and Senator Bracy

SUBJECT: Fire Safety

DATE: January 24, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	Fav/CS
2.			HP	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 394 requires the Division of the State Fire Marshal (Division) to establish courses providing training related to cancer and mental health as a part of firefighter and volunteer firefighter training and certification and specifies the Division's authority to adopt rules for training related to cancer and mental health risks within the fire service.

The bill provides an effective date of July 1, 2018.

**II. Present Situation:**

**Division of the State Fire Marshal**

State law on fire prevention and control is provided in ch. 633, F.S., Section 633.104(1), F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division).<sup>1</sup> Pursuant to this authority, the State Fire Marshal:

- Regulates, educates or trains, and certifies fire service personnel;<sup>2</sup>
- Investigates the causes of fires;<sup>3</sup>

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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. See s. 20.121, F.S.

<sup>2</sup> Section 633.128(1), F.S. Also see Ch. 633, Part IV: Fire Standards and Training, F.S.

<sup>3</sup> Sections 633.104(2)(e), and 633.112, F.S.

- Enforces arson laws;<sup>4</sup>
- Regulates the installation and maintenance of fire equipment;<sup>5</sup>
- Conducts firesafety inspections of state buildings;<sup>6</sup>
- Develops firesafety standards;<sup>7</sup>
- Provides facilities for the analysis of fire debris;<sup>8</sup> and
- Operates the Florida State Fire College.<sup>9</sup>

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>10</sup>

The Division consists of the two bureaus: the Bureau of Fire Standards and Training (BFST), and the Bureau of Fire Prevention.<sup>11</sup> The Florida Fire College, part of the BFST, trains over 6,000 students per year.<sup>12</sup> 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.<sup>13</sup>

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

The Firefighters Employment, Standards, and Training Council (council) is housed within the DFS and consists of 14 members.<sup>14</sup> The council is authorized to make recommendations for adoption by the Division on:

- Uniform minimum standards for the employment and training of firefighters and training of volunteer firefighters.
- Minimum curriculum requirements for schools operated by or for any fire service provider<sup>15</sup> for the specific purpose of training firefighter trainees, firefighters, and volunteer firefighters.
- 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 ch. 633, F.S.<sup>16</sup>

<sup>4</sup> Section 633.104(2)(e), F.S.

<sup>5</sup> Section 633.104(2)(b), F.S. *Also see* s. 633.104(2)(c), F.S., and Ch. 633, Part III: Fire Protection and Suppression, F.S.

<sup>6</sup> Section 633.218, F.S.

<sup>7</sup> Ch. 633, Part II: Fire Safety and Prevention, F.S.

<sup>8</sup> Section 633.432, F.S.

<sup>9</sup> Section 633.128(1)(h)–(q), F.S. *Also see* ss. 633.428–633.434, F.S.

<sup>10</sup> Section 633.202(1), F.S.

<sup>11</sup> See <https://www.myfloridacfo.com/Division/sfm/> (last visited on Jan. 17, 2018).

<sup>12</sup> See Division of State Fire Marshal, *About the Florida State Fire Marshal*, <http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (last visited on Jan. 17, 2018).

<sup>13</sup> *Id.*

<sup>14</sup> Section 633.402(1), F.S.

<sup>15</sup> Section 633.102(13), F.S., defines “fire service provider” 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.

<sup>16</sup> Section 633.402(9), F.S.

The council may also make or support studies on any aspect of firefighting employment, education, and training or recruitment.<sup>17</sup>

### **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 as determined by a medical examination; and
- Be a nonuser of tobacco or tobacco products for at least one year immediately preceding application.<sup>18</sup>

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).<sup>19</sup> 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.<sup>20</sup>

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;
- 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.<sup>21</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> Section 633.412, F.S.

<sup>19</sup> Section 633.408(1)(a), F.S.

<sup>20</sup> Section 633.408(4), F.S.

<sup>21</sup> Section 633.414(1), F.S.

## Curriculum Requirements for Volunteer Firefighters

Volunteer firefighter training consists of Part I of the 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., to obtain a Volunteer Firefighter Certificate of Completion.<sup>22</sup> 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 Part I Minimum Standards Course is 206 hours of training and the following academic components:<sup>23</sup>

- 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>24</sup> and in an Immediately Dangerous to Life or Health environment.<sup>25</sup> In order for volunteer firefighters to retain their Volunteer Firefighter Certificate of Completion, every 4 years they must serve as a volunteer firefighter or complete a 40-hour refresher course.<sup>26</sup>

## Special Certificate of Compliance

A Special Certificate of Compliance issued by the Division authorizes an individual to serve as an administrative and command head of a fire service provider.<sup>27</sup> In order to obtain a Special Certificate of Compliance, an individual must do all of the following:

- Satisfactorily complete Part I of the Minimum Standards Course;
- Pass the Minimum Standards Course examination; and
- Meet the character and fitness requirements in s. 633.412, F.S.<sup>28</sup>

## III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 633.408(1), F.S., to require 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.

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<sup>22</sup> 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. Available at [http://www.fldfs.com/division/sfm/bfst/REV\\_2\\_1\\_Guidelines\\_FF1.pdf](http://www.fldfs.com/division/sfm/bfst/REV_2_1_Guidelines_FF1.pdf) (last visited Jan. 17, 2018).

<sup>23</sup> *Id.*

<sup>24</sup> 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.

<sup>25</sup> *See supra* note 23.

<sup>26</sup> Section 633.414(2), F.S.

<sup>27</sup> Section 633.408(6), F.S.

<sup>28</sup> *Id.*

This training is a requirement for obtaining a Firefighter Certificate of Compliance, Volunteer Firefighter Certificate of Completion, or Special Certificate of Compliance. The training must include cancer and mental health awareness, prevention, mitigation, and treatment. The training must specifically include lifestyle, environmental, inherited, and occupational risks, and emphasize appropriate behavior, attitude, and cultural changes within the fire service. Certified firefighters must have such training made available to them.

**Section 2** of the bill amends s. 633.508(2), F.S., to authorize the Division to adopt rules for providing education and training in the field of safety related to cancer and mental health risks within the fire service.

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

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

Indeterminate.

##### **C. Government Sector Impact:**

The Division's BFST will be required to modify the current curriculum for firefighter and volunteer firefighter training and certification.<sup>29</sup> This will result in either an increase in the number of hours to complete or other subject matters being removed. Changes in the

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<sup>29</sup> Department of Financial Services, *Senate Bill 394 Analysis* (Oct. 9, 2017) (copy on file with the Senate Governmental and Accountability Committee).

training will have an impact upon the state's certification examinations as these must be adjusted to address the new topics taught during training.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 633.408 and 633.508 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 Governmental Oversight and Accountability on January 23, 2018:**

The Committee Substitute deletes provisions of original bill that would have revised qualifications for firefighter certification to require firefighter to be a nonuser of tobacco or tobacco products during his or her career in the fire service.

- B. **Amendments:**

None.