

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 Rules

BILL: CS/SB 394

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Bracy

SUBJECT: Fire Safety

DATE: February 21, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>Caldwell</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	<u>Favorable</u>
3.	<u>Peacock</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 394 amends requirements related to firefighter and volunteer firefighter training and certification to require the Division of the State Fire Marshall (division) within the Department of Financial Services (DFS) to establish in rule training courses for career and volunteer firefighters related to cancer and mental health risks within the fire service. The bill requires that the training be a requirement in order to obtain certain certificates related to firefighting and specifies what must be included in the training.

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

II. Present Situation:

Division of the State Fire Marshal

Chapter 633, F.S., provides state law on fire prevention and control. Section 633.104(1), F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the division.¹ Pursuant to this authority, the State Fire Marshal:

- Regulates, educates or trains, and certifies fire service personnel;²

¹ The head of the DFS is the Chief Financial Officer. The Division of the State Fire Marshal is located within the DFS. See s. 20.121, F.S.

² Section 633.128(1), F.S. Also see ch. 633, part IV: Fire Standards and Training, F.S.

- Investigates the causes of fires;³
- Enforces arson laws;⁴
- Regulates the installation and maintenance of fire equipment;⁵
- Conducts firesafety inspections of state buildings;⁶
- Develops firesafety standards;⁷
- Provides facilities for the analysis of fire debris;⁸ and
- Operates the Florida State Fire College.⁹

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.¹⁰

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

Firefighters Employment, Standards, and Training Council

The Firefighters Employment, Standards, and Training Council (council) is housed within the DFS and consists of 14 members.¹⁴ 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 provider¹⁵ 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

³ Sections 633.104(2)(e), and 633.112, F.S.

⁴ Section 633.104(2)(e), F.S.

⁵ 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.

⁶ Section 633.218, F.S.

⁷ Chapter 633, part II: Fire Safety and Prevention, F.S.

⁸ Section 633.432, F.S.

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

¹⁰ Section 633.202(1), F.S.

¹¹ *See* <https://www.myfloridacfo.com/Division/sfm/> (last visited on Jan. 31, 2018).

¹² *See* Division of State Fire Marshal, *About the Florida State Fire Marshal*, <http://www.myfloridacfo.com/division/sfm/AbouttheStateFireMarshal.htm> (last visited on Jan. 31, 2018).

¹³ *Id.*

¹⁴ Section 633.402(1), F.S.

¹⁵ 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.

standards, training, curriculum, and the issuance of any certificate of competency required by ch. 633, F.S.¹⁶

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

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, a felony, 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.¹⁸

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).¹⁹ 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.²⁰

In order for a firefighter to retain or renew his or her FCOC, every four 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 four-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 six months before the four-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 six months before the four-year period expires, successfully retake and pass the Minimum Standards Course examination.²¹

¹⁶ Section 633.402(9), F.S.

¹⁷ *Id.*

¹⁸ Section 633.412, F.S.

¹⁹ Section 633.408(1)(a), F.S.

²⁰ Section 633.408(4), F.S.

²¹ Section 633.414(1), F.S.

Curriculum Requirements for Volunteer Firefighters

To obtain a Volunteer Firefighter Certificate of Completion, a volunteer firefighter must take of Part I of the Minimum Standards Course as required by ch. 633, F.S., and chs. 69A-37 (Firefighters Standards and Training) and 69A-62 (Firefighter Employment Standards), F.A.C.²² A significant portion of this training can be completed through 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 as well as the following academic components:²³

- 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.

A volunteer firefighter who has successfully completed the Firefighter Part I training may operate in the exclusionary or hot zone²⁴ and in an Immediately Dangerous to Life or Health environment.²⁵ In order for volunteer firefighters to retain their Volunteer Firefighter Certificate of Completion, every four years they must serve as a volunteer firefighter or complete a 40-hour refresher course.²⁶

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.²⁷ 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.²⁸

Cancer and Mental Health in Firefighting

In addition to the dangers of fighting fires, firefighters incur long term risks to their physical and mental well-being in the form of an increased cancer risk and increased mental health issues due

²² Guidelines for the Firefighter Part I Certificate of Completion Program (Volunteer Firefighter), Division of State Fire Marshal, *The Bureau of Fire Standards and Training at the Florida State Fire College* (Revision 2.1, March 2017) available at https://myfloridacfo.com/division/sfm/bfst/Training/REV_2_1_Guidelines_FF1.pdf (last visited Jan. 21, 2018).

²³ *Id.*

²⁴ 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.

²⁵ *See supra* note 23.

²⁶ Section 633.414(2), F.S.

²⁷ Section 633.408(6), F.S.

²⁸ *Id.*

to stress. The National Fire Protection Association warns of a growing body of research and data showing the contributions that job-related exposures have in chronic illnesses, such as cancer and heart disease for firefighters. The National Institute for Occupational Safety and Health recently undertook two large studies focused on firefighter cancer and concluded that firefighters face a 9 percent increase in cancer diagnoses, and a 14 percent increase in cancer-related deaths, compared to the general population in the U.S.²⁹

Additionally, the International Association of Firefighters states that:

Traditionally, medical and physical fitness have been prioritized above emotional or behavioral fitness in the Fire Service. However, it is clear from the aftermath of 9/11, Hurricane Katrina, and other disasters that these priorities are now changing. With each passing year, research shows that fire personnel who balance physical, behavioral and emotional fitness have the best outcomes, whether one is looking at adjustment to becoming a fire fighter, ratings of career satisfaction, family well-being, or adjustment to retirement.

There is growing concern about behavioral health issues and the significant impact on wellness. The stresses faced by fire fighters, paramedics and EMTs throughout the course of their careers – incidents involving children, violence, inherent dangers of firefighting, and other potentially traumatic events – can have a cumulative impact on their mental health and well-being.³⁰

III. Effect of Proposed Changes:

Section 1 amends s. 633.408, F.S., to require the division to establish in rule training courses for career and volunteer firefighters related to cancer and mental health risks within the fire service. The training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Compliance, or a Special Certificate of Compliance and must be made available to certified firefighters. The bill specifies that the training must:

- Include cancer and mental health awareness, prevention, mitigation, and treatment;
- Include lifestyle, environmental, inherited, and occupational risks; and
- Emphasize appropriate behavior, attitude, and cultural changes within the fire service.

Section 2 amends s. 633.508, F.S., to conform rulemaking authority for the division to include the new training requirement.

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

²⁹ National Fire Protection Association, *Firefighters and Cancer* <https://www.nfpa.org/News-and-Research/Resources/Emergency-Responders/Health-and-Wellness/Firefighters-and-cancer> (last visited Feb. 2, 2018).

³⁰ IAFF Firefighters, *IAFF Behavioral Health Program* <http://client.prod.iaff.org/#page=behavioralhealth> (last visited Feb. 2, 2018).

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:

None.

C. Government Sector Impact:

CS/SB 394 may have an indeterminate negative fiscal impact on the division because it will require the division to adjust its training courses and exams to accommodate the training required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 633.408 and 633.508.

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 the 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.

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