

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1380

SPONSOR: Health, Aging and Long-Term Care Committee and Senator Meek

SUBJECT: Training Requirements/Terrorism Response

DATE: February 5, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HC	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes the substitution of up to 8 hours of terrorism response training for a like number of hours of training required for recertification of emergency medical technicians and paramedics, and certification of firefighters. For purposes of the continued employment or appointment of law enforcement and correctional officers, the bill authorizes the Criminal Justice Standards and Training Commission to adopt up to 8 hours of continuing training or education in training to respond to terrorism.

This bill substantially amends sections 401.2715, 633.35 and 943.135, Florida Statutes.

II. Present Situation:

Domestic Security/Counter-Terrorism

During the 2001 Special Session “C”, the Legislature enacted chapter 2001-365, Laws of Florida, to direct the Department of Law Enforcement to coordinate and direct the law enforcement, initial emergency, and other initial responses to acts of terrorism within or affecting this state. The Department of Law Enforcement must work closely with the Division of Emergency Management; other federal, state, and local law enforcement agencies; fire and rescue agencies; first-responder agencies; and others involved in preparation against and responses to such terrorism. The Department of Law Enforcement must designate a Chief of Domestic Security Initiatives. The legislation established the duties and responsibilities of the chief, which include, but are not limited to, coordinating the department’s ongoing assessment of Florida’s vulnerability to, and ability to detect and respond to, acts of terrorism; conducting specified security assessments; making recommendations for minimum security standards,

funding and training requirements and other security matters; and developing best practices for safety and security.

Chapter 2001-365, L.O.F., also required the Department of Law Enforcement to establish a regional domestic security task force in each of the department's operational regions to serve in an advisory capacity to the Chief of Domestic Security Initiatives. Goals and objectives of each task force include, but are not limited to, coordinating efforts, training, and the collection and dissemination of investigative and intelligence information relevant to countering terrorism; identifying appropriate equipment and training needs, curricula, and materials relevant to responding to acts of terrorism or incidents involving real or hoax weapons of mass destruction; and ensuring that there are appropriate investigations and responses to hate-driven acts against ethnic groups that may have been targeted as a result of acts of terrorism.

Chapter 2001-356, Laws of Florida, provides a definition of the term "terrorism," for purposes of the Florida Criminal Code, to mean an activity that involves a violent act or an act dangerous to human life which is a violation of the criminal laws of Florida or of the United States; or involves a violation of s. 815.06, F.S., providing criminal offenses against computer users; and is intended to intimidate, injure, or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Emergency Medical Technicians and Paramedics

Part III, ch. 401, F.S., provides for the regulation of emergency medical technicians (EMTs) and paramedics by the Department of Health. Section 401.27(2), F.S., requires the Department of Health to adopt by rule, educational and training criteria and examinations for certification and recertification of EMTs and paramedics. An applicant for certification or recertification as an EMT or paramedic must: (1) have completed an appropriate training course that is equivalent to the most recent EMT basic or paramedic training course of the United States Department of Transportation, as approved by the Department of Health; (2) certify under oath that he or she is not addicted to alcohol or any controlled substance, and that he or she is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties; and (3) within 1 year after course completion have passed an examination developed by or required by the department and hold current American Heart Association cardiopulmonary resuscitation certification for the appropriate level or its equivalent.¹

Section 401.27(6), F.S., requires the Department of Health to establish by rule, a procedure for biennial renewal certification of EMTs and paramedics. Such rules must require a United States Department of Transportation refresher training program of at least 30 hours as approved by the department for EMTs². The rules must also provide that the refresher course requirement may be

¹ Section 401.27(4), F.S.

² Section 401.27(4)(e), F.S., requires each certified EMT or paramedic to renew his or her certification with a cardiopulmonary resuscitation CPR course appropriate to his or her level of certification. According to the Department of Health, an EMT or paramedic may take 4 to 16 hours of CPR training to maintain this certification, in addition to the required 30 hours of recertification training.

satisfied by passing a challenge examination. Section 381.0034(1), F.S., requires 2 hours of training on HIV/AIDS.

Section 401.2715, F.S., requires the Department of Health to establish by rule criteria for all EMT and paramedic recertification training. The rules must provide that all recertification training equals at least 30 hours, includes the performance parameters for adult and pediatric emergency medical clinical care, and is documented through a system of record keeping. Any individual, institution, school, corporation, or governmental entity may conduct EMT or paramedic recertification training after paying a nonrefundable fee to be deposited in the Emergency Medical Services Trust Fund with specified exemptions. To be eligible for recertification as provided in s. 401.27, F.S., certified EMTs and paramedics must provide proof of completion of training conducted pursuant to this section. The department must accept the written affirmation of a licensed basic life support service, advanced life support service, or air ambulance service or a department-approved educational program's medical director as documentation that the certificateholder has completed a minimum of 30 hours of recertification training.

Firefighters

Chapter 633, F.S., specifies requirements for fire prevention and control by the Division of State Fire Marshall (division) of the Department of Insurance. Section 633.35, F.S., requires the division to establish a firefighter training program of not less than 360 hours, administered by division-approved agencies and institutions for the purpose of providing basic employment training for firefighters. Section 633.352, F.S., provides that any certified firefighter who has not been active as a firefighter, or as a volunteer firefighter with an organized fire department, for a period of 3 years must retake the practical portion of the minimum standards state examination in order to maintain his or her certification as a firefighter with an exemption for state-certified instructors. The 3-year period begins on the date the certificate of compliance is issued or upon termination of service with an organized fire department.³

Section 633.42, F.S., provides that nothing may be construed to preclude an employing agency from establishing qualifications and standards for hiring, training, or promoting firefighters that exceed the minimum set by the Department of Insurance. Pursuant to s. 633.45, F.S., the division must establish uniform minimum standards for the employment and training of firefighters and establish minimum curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters.

Firefighters may receive training to respond to hazardous materials and such training must be consistent with the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, 29 CFR 1910.120 and other state and local standards.⁴

³ Section 633.352, F.S., limits the required examination to the practical portion of the examination as specified in rule 4A-37.056(6)(b), Florida Administrative Code.

⁴ The final Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, 29 CFR 1910.120, was published in the Federal Register on March 6, 1989 and became effective March 6, 1990. The standard applies to employers who have employees engaged in, among other activities, emergency response to releases, or potential releases, of hazardous substances, regardless of location, unless the employer can demonstrate that the operation does not involve employee

Ongoing training of firefighters is largely influenced by Insurance Services Organizations' ratings. Insurance Services Organizations provide community ratings for fire safety for purposes of insurance.

Law Enforcement Officers or Correctional Officers

Section 943.13, F.S., provides training requirements for any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer, including any person employed as a correctional officer by a private entity under contract with the Department of Corrections, county commission, or the Correctional Privatization Commission. Any person who holds employment as a law enforcement officer or correctional officer must complete a basic recruit training program for the applicable criminal justice discipline which is approved by the Criminal Justice Standards and Training Commission (commission). Any applicant who has completed a comparable basic recruit training program in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government is exempt from completing the commission-approved basic recruit training program.

Section 943.135, F.S., requires the commission to adopt, by rule, a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Officers must obtain 40 hours of training every 4 years. The section also provides a procedure for reactivation of the certification of an officer who is not in compliance with the continuing training requirements.

III. Effect of Proposed Changes:

Section 1. Amends s. 401.2715, F.S., relating to EMT and paramedic recertification training, to provide that any certified emergency medical technician or certified paramedic may, as a condition of recertification, complete up to 8 hours of training to respond to terrorism, as defined in s. 775.30, F.S., and such hours completed may be substituted on an hour-for-hour basis for any other areas of training required for recertification. The Department of Health is authorized to adopt rules necessary to administer this subsection.

Section 2. Amends s. 633.35, F.S., relating to firefighter training requirements, to provide that any firefighter may, as a condition of certification, complete up to 8 hours of training to respond to terrorism, as defined in s. 775.30, F.S., and such hours completed may be substituted on an hour-for-hour basis for any other areas of training required for certification. The Division of the State Fire Marshall is authorized to adopt rules necessary to administer this subsection.

Section 3. Amends s. 943.135, F.S., relating to law enforcement or correctional officer continuing training or education requirements for continued employment or appointment, to provide that such training may consist of up to 8 hours of training to respond to terrorism as defined in s. 775.30, F.S.

exposure or the reasonable possibility for employee exposure to safety or health hazards. NFPA Standards 471 and 472 also provide additional guidance for emergency equipment and personal protective equipment use.

Section 4. Provides an effective date of July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that an EMT, paramedic, or firefighter, may complete training to respond to terrorism, they may be able to substitute up to eight hours of such training for other training required for certification or recertification, as appropriate, under the bill, in his or her profession.

C. Government Sector Impact:

The Department of Health, the Division of the State Fire Marshall and the Criminal Justice Standards and Training Commission may adopt rules to implement the provisions of the bill to allow the substitution of terrorism response training for specified professional training. To the extent that each agency does so, they may incur costs associated with rulemaking.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
