



DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal
Bureau of Fire Standards & Training

Legal Issues for the Safety Officer

Title: Master Syllabus

Date: October 2017

Course Title	Legal Issues for the Safety Officer
Course Number	BFST or ATPC 7529 (Old Number RN7529)
Prerequisite(s)	
Revision Date	October 2, 2017
College Credit Recommendation	This course does not carry college credits.
Continuing Education Units (CEU's)	Instructor I, II and III, and Firesafety Inspector I
Class Days/Time	If held on the Florida State Fire College Campus – 40 hours (0800-1700 hrs.), also 5 additional hours of out of class work may be required.
Instructional Supervisor	Name: Francis J. Ennist Email: Frank.ennist@myfloridacfo.com
Program Specialist	
Course Description	This 45 hour course will provide information and materials so that the student can identify and use statutes and rules of the Florida Firefighter OSHA, explain the basic legal system and areas that impact the safety officer, be able to conduct an investigation, discuss litigation trends, and explain the consequences of unsafe acts.
Student Learning Outcomes	After the successful completion of this course, the student will be able to do the following: 1. Identify and use Florida Statutes and rules of FFOSHA. 2. Explain the basic legal system concepts. 3. Conduct an investigation. 4. Discuss litigation trends. 5. Explain the consequences of unsafe acts.
Textbook used by BFST	Student manual, Florida State Fire College.
Required Materials	Student handout; current copy of 69A-62; 69A-62 Assessment Checklists; IAFF Investigation Manual; case studies; and Florida Statute 633 Safety Section.
Method of Instruction	Classroom.
Grading	Passing 70%
Certification(s)	One of three required courses in the Safety Officer series. RN4807 COURAGE TO BE SAFE

	BFST or ATPC6741 BFST or ATPC 7529	FLORIDA HEALTH & SAFETY OFFICER LEGAL ISSUES FOR SAFETY OFFICERS
Attendance Policy	You are required to attend all sessions of the course and complete all pre-course assignments. Failure to appear in class for a scheduled activity will be considered an absence. Students are allowed to miss 10% of the class and still receive credit. There are no makeup sessions.	
Academic Integrity	Academic integrity is crucial to the learning community and indicates respect for the college, the instructor, the course, your classmates and yourself. Any violation of this trust, including but not limited to cheating, plagiarism, collusion, or using or having any content of an un-administered test, will result in immediate dismissal from the course. Under Florida Statute 633, any student dismissed for academic dishonesty can be refused acceptance for any course administered by FSFC.	
	Health and Safety Officer	
	Training Provider Message	The Bureau will accept courses taught by an approved instructor, and are: delivered within the State of Florida by any provider whose course is registered in the Florida Department of Education Statewide Course Numbering System when submitted on the institutions' official transcript; or delivered by the United States Fire Administration - National Fire Academy (NFA) when submitted on the official transcript of the NFA; or delivered by any regionally accredited university or college when submitted on the institutions' transcript; or delivered by other academic providers whose FESHE course is registered with the United States Fire Administration (NFA); or determined by the Division to be equivalent to the Statewide Course Numbering System (SCNS) or Fire and Emergency Services Higher Education (FESHE) program courses.
	Instructor Message	Only courses delivered by qualified instructors will be accepted by the Bureau. Qualified instructors are: Instructors with requisite faculty credentials for the academic institution that is registered in the Florida Department of Education Statewide Course Numbering System to teach the course; or Instructors with requisite faculty credentials as determined by the United States Fire Administration-National Fire Academy; or Instructors with requisite faculty credentials as determined by the respective regionally accredited university or college; or instructors who hold an active Single Course Exemption Certification issued by the Division; or Instructors who hold an active Safety Officer Certificate of Competency issued by the Division and an active Instructor I certification issued by the Division; or instructors who hold an active Fire Officer Certification

	<p>issued by the Division and an active Instructor I Certification issued by the Division, and have completed the courses entitled ¿Florida Incident Safety Officer,¿ ¿Legal Issued for Safety Officers,¿ and ¿Florida Health and Safety Officer.¿ This instructor qualification expires on December 31, 2015.</p> <p>Pre-Certification Message This Health and Safety Officer Certificate of Completion is an advanced training and certification program. The applicant shall have completed the prerequisite course entitled "Courage to be Safe". Qualified applicants can obtain this certification by successfully completing the two courses "Legal Issues for Safety Officers", and "Florida Health and Safety Officer". The applicant must submit an application and completed form DFS-K4-2138, "Health and Safety Officer Task Book". There is no certification exam.</p> <p>Qualification Description Safety Officer</p> <p>Training Provider Message The Bureau will accept courses taught by an approved instructor, and are: delivered within the State of Florida by any provider whose course is registered in the Florida Department of Education Statewide Course Numbering System when submitted on the institutions' official transcript; or delivered by the United States Fire Administration - National Fire Academy (NFA) when submitted on the official transcript of the NFA; or delivered by any regionally accredited university or college when submitted on the institutions' transcript; or delivered by other academic providers whose FESHE course is registered with the United States Fire Administration (NFA); or determined by the Division to be equivalent to the Statewide Course Numbering System (SCNS) or Fire and Emergency Services Higher Education (FESHE) program courses.</p> <p>Instructor Message Only courses delivered by qualified instructors will be accepted by the Bureau. Qualified instructors are: Instructors with requisite faculty credentials for the academic institution that is registered in the Florida Department of Education Statewide Course Numbering System to teach the course; or Instructors with requisite faculty credentials as determined by the United States Fire Administration-National Fire Academy; or Instructors with requisite faculty credentials as determined by the respective regionally accredited university or college; or instructors who hold an active Single Course Exemption Certification issued by the Division; or Instructors who hold an active Safety Officer Certificate of Competency issued by the Division and an active Instructor I certification issued by the Division; or instructors who hold an active</p>
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	<p>Fire Officer Certification issued by the Division and an active Instructor I Certification issued by the Division, and have completed the courses entitled ¿Florida Incident Safety Officer,¿ ¿Legal Issued for Safety Officers,¿ and ¿Florida Health and Safety Officer.¿ This instructor qualification expires on December 31, 2015.</p> <p>Pre-Certification Message</p> <p>This is an advanced training and certification program designed for individuals holding both the Safety Officer Certificate of Completion issued by the Division and the Health and Safety Officer Certificate of Completion issued by the Division. Applicants must submit the Application for Safety Officer Certificate of Competency with all supporting documentation and fees and pass the Safety Officer state examination with a score of 70% or higher. When taking a state exam, please ensure that your personal profile matches the identification that you plan to produce at Pearsonvue.</p>
<i>Students with Disabilities</i>	Any student who has a permanent or temporary disability that may require a reasonable accommodation to participate in the course must present documentation of the disability and requested accommodation no later than the beginning of the course.
<i>Emergency Evacuation Policy</i>	<p>Occupants of buildings on the Florida State Fire College campus are required to evacuate and assemble outside when a fire alarm is activated or an announcement is made. Please be aware of the following policies regarding evacuation.</p> <ul style="list-style-type: none"> • Familiarize yourself with all exit doors of the classroom and the building. • Remember that the nearest exit door may not be the one you used when you entered the building. • If you require assistance to evacuate, inform the instructor on the first day of class. • In the event of an evacuation, follow the guidance of the instructor. • Do not re-enter a building unless you are given instructions by Florida State Fire College personnel to do so.
<i>Requesting Emergency Care</i>	Any request for emergency care should be initiated by calling “911” from any phone on campus of the Florida State Fire College. Phones are located in each classroom. Additionally, in the event of any emergency, immediately contact an instructor or staff member.
<i>Critical Event Procedures</i>	<p>Severe Weather – there is a lightning detection system on campus which has an audible 15 second blast of an air horn. If you are outside, please follow your instructor or move to the closest permanent building. Once the threat is over, there will be three 5 second blasts of the signal.</p> <p>Security – During the daytime, security is handled by full time faculty and staff. There are security guards on duty in the evenings and weekends. Please comply with the requests made of security officers. Failure to do so can result in removal from campus.</p>

	Student Badges – You will be issued a badge to be worn anytime you are on campus.
Enabling Objectives	<p>Given information from discussion and reading materials, the student will perform the following objectives to a written test accuracy of at least 70% and meet the applicable job performance requirements of NFPA 1002 (2014).</p> <p><u>Florida Firefighters Occupational Safety and Health Act</u></p> <ol style="list-style-type: none"> 1. Define firefighter employee, firefighter employers, firefighter employment, firefighter place of employment. 2. Explain the intent of the act. 3. Describe the process for safety inspections and consultations. 4. Identify the requirement for the student of firefighter occupational diseases. 5. Discuss the purpose of investigations and the requirements. 6. Discuss fire departments responsibilities in terms of safety. 7. Identify the authorities of the State Fire Marshal in terms of fire department safety, training, records, and firefighter injuries. 8. Explain when a safety committee or safety coordinator is required. 9. Discuss committee function rules. 10. Describe penalties that can be issued. 11. Discuss exemptions for fire brigades. 12. Describe consequences for not implementing a Safety & Health program. 13. Discuss the authority for SFM to enter the fire department at any reasonable time for inspection or investigation and consequence of refusal. 14. Explain firefighter’s rights and responsibilities. 15. Explain consequence of failure to follow FFOSHA. 16. Discuss consequences of false statements to insurers and SFM. 17. Discuss act as it applies to volunteer firefighters. 18. Describe workplace safety. 19. Identify why rules are adopted. 20. Discuss adopted NFPA standards. 21. Discuss Florida’s two-in two-out rule. 22. Discuss live fire training requirements. 23. Discuss administrative code 69A and its impact on safety. 24. Discuss safety committee duties and functions. <p><u>Legal Issues</u></p> <ol style="list-style-type: none"> 1. Identify when Fire Departments are not covered by sovereign immunity. 2. Describe the differences between criminal, civil, statutory and case law. 3. Describe the difference between federal and state statutes. 4. Explain what is meant by beyond a reasonable doubt in criminal cases. 5. Identify the elements of a crime. 6. Describe the four mental states in relation to a crime.

	<ol style="list-style-type: none"> 7. Discuss the differences between civil infractions, felonies, and misdemeanors. 8. Identify criminal offenses which members or FDs may be charged with. 9. Identify torts that FDs and FFs may be involved in. 10. Identify cases where FDs have been charged with negligence. 11. Define tort. 12. Define negligence and the elements of negligence. 13. Define Respondeat Superior and what it means for fire departments. 14. Define gross negligence and recklessness. 15. Describe preventative measures that fire departments can use to minimize legal concerns. <p><u>Investigation</u></p> <ol style="list-style-type: none"> 1. Describe the goal of conducting an investigation. 2. Identify and describe the four steps of investigation. 3. Describe investigator qualities. 4. Explain the difference between direct and indirect information. 5. Discuss factors that affect witness testimony. 6. Discuss various interviewing techniques. 7. Describe the affect of other agendas on an investigation. 8. Discuss presumptive under FL Statute 112. 9. Define presumption and disability. 10. Discuss when firefighters are and are not covered under presumptive. <p><u>Standard Operating Procedures/Guidelines</u></p> <ol style="list-style-type: none"> 1. Given a SOP/SOG, critique and improve the document to eliminate vagueness that can create potential for safety failures. 2. Create a clear and well-understood SOP/SOG focused on safety for a routine fire/EMS function within their department. 3. Analyze a case study from a live fire training incident and apply NFPA 1403 as implemented by the Florida SFM. 4. Analyze a case study and apply the accident chain to develop strategies to prevent reoccurrence. 5. Identify the significant legal issues in a major fatality report. <p><u>Case Studies</u></p> <ol style="list-style-type: none"> 1. Identify what occurred and why it is an issue. 2. Describe methods to avoid an incident. 3. Discuss safety issues that are present. 4. Identify the chain of events. 5. Analyze for causation factors. 6. Discuss methods to prevent an incident from occurring in the future.
<i>Practical Applications</i>	<p><u>The following activities are an integral part of the class.</u></p> <ol style="list-style-type: none"> 1. Students take defensive and opposition sides of a case involving the issuing of improperly fitting gear to new hires. 2. Each student will conduct a 69A-62 assessment of their fire department and submit a written report addressing the top ten

	<p>compliance issues and how to correct them, including potential obstacles to overcome (verbal summary to presented on final class day).</p> <ol style="list-style-type: none">3. Have students conduct mock interviews and ask for written statements as part of an investigation.4. Students will review SOPs, identify problem areas and recommend suggestions to correct.5. Students will create an SOP on a fire department/EMS safety issue.
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Title: Plan of Instruction
Date: September 2017

Textbook and Reading Assignments

The Legal Issues for Safety Officers is taught using the student handbook developed by the Bureau of Fire Standards and Training. The course will cover all the materials in the handbook.

For students to receive credit for this class, all objectives and activities listed on the course syllabus and plan of instruction must be presented. Lesson plans and PowerPoint's have been developed for this course by the Bureau.

This class is part of the safety officer certification series and is designed to be 40 hours of classroom time with additional homework, reading assignments, and research projects covered outside of the classroom to meet the 45-hour requirement.

Supplemental Required Material

Day 1

FL Administrative Code 69A-62.001 to 69A-62.044

FL Administrative Code 69A-62.050

FL Statute 633.502 to 633.536

FL Self-Assessment Document from SFM Website (see link below)

<http://www.myfloridacfo.com/division/sfm/bfst/Safety/documents/69A-62GuidanceforRegulatoryCompliance.pdf>

NFIRS 5.0 Module 5 PowerPoint

Day 2

Case of fire departments being sued for various reasons (failure to train, failure to do duty, etc.)

Additional case studies for negligence cases

Chapter 3

Video: Gordon Graham's Risk Management

<https://www.youtube.com/watch?v=DYyMCeTT25E>

Chapter 4 (can be obtained from FL SFM website under BFST Safety Section)

Model Firefighter Employer Safety Program for Fire Service, Bureau of Fire Standards & Training, Division of State Fire Marshal.

Guidance for Regulator Compliance, Bureau of Fire Standards & Training, Division of State Fire Marshal.

Chapter 5

Videos

Post Incident Stress

Firefighter Suicide

Miami Cancer

Activities

Day 1

Activity I:

Students will review the presented case study in the Student Handbook regarding issuing of gear that did not properly fit, and then the firefighter receiving an injury. Divide the class in half and have one group defend and one group oppose the Company Officer.

Activity II:

Assign the Course Project. Each student is responsible for conducted a self-inspection of their department. The student will write a paper identifying the main areas of concern and how to address those areas, and present his/her findings to the class on the final day.

NOTE: Directions are in student handbook.

Activity III:

Have students pull the FFIRST Module V Casualty Report for their department (assigned in HSO, so students may already have). This information will be used to write a SOP/SOG for their department.

Day 2

Activity I:

Have students research and find an example of a fire department being sued and identify what the suit is about.

Activity II:

Provide students with various case studies of fire departments and officers being sued. Each student will give a synopsis of what occurred and how they would prevent it from happening in their department.

Activity III (Is It Negligence?):

Have additional case studies involving negligence. Depending on size of class, have individuals review case study, or break into small groups. Have students decide if case is one of negligence by answering:

- What there an act or omission?

THE BUREAU OF FIRE STANDARDS & TRAINING

AT
The Florida State Fire College

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- Was there a legal duty to act?
- Were there damages to the plaintiff?
- Was there a breach of the standard of care?

Day 3

Activity I (Conduct an Investigation)

Break students into groups of 2 and provide them each with a case study. Have students review the case(s), then each will complete the following steps:

- Develop a list of who you would want to interview.
- Develop a list of questions that you would ask each individual.
- Develop a list of resources that you would want to see (i.e., duty roster, run sheet, maintenance records, SOPs, etc.)
- Conduct an interview and document (Note: two-person activity – take turns being interviewer and interviewee)

Each group should be prepared to present one of the 2 cases providing information on bullets 1 to 3.

Activity II:

Prepare students for court case on Friday. Hand out the case and identify key personnel (judge, defense attorney, prosecuting attorney, firefighters on the two teams, instructor-in-charge, safety officer, fire department chief, fire department training officer, jury members, etc. Make sure you have a role for each student to participate.

Since this is a live fire training case, the instructor should be able to provide guidance on NFPA 1403 and Florida's requirements.

Time will be given on Thursday afternoon for the attorneys to interview the personnel, and the mock trial will be held on Friday.

Day 4

Activity I:

Provide students with various SOPs/SOGs and have them identify positive areas and areas that need improvement. Have students suggest ways to improve the SOP/SOG.

Activity II:

Have students use their FFIRS reports to identify a potential risk. Based on the risks, have students create an SOP to reduce the risks; Students will present the SOP/SOG to the class orally.

NOTE: If there is difficulty obtaining this information, the instructor should have topics

to distribute to students to develop a SOP/SOG.

Day 5:

Students will present their Self-Inspection findings with their top concerns and how they can address them in their department. Presentation time limits should be based on number of students, but should not be less than 10 minutes.

Students will participate in the Mock Court Trial.

Students will complete final exam and any required paperwork.

Grading Rubrics for Activities/Presentations

The activities listed on the syllabus must be evaluated consistently. **The below rubrics are to be used when evaluating the activities/presentations.**

Individual Presentation Rubric

The instructor will use this rubric to evaluate each individual’s presentation. Students can look at this rubric so they may understand what they are being graded on.

Trait	Criteria				Points
	1	2	3	4	
Introduction Did the presentation provide key issues to be discussed?	Does not adequately convey topic. Does not describe subtopics to be reviewed.	Conveys topic, but not key question(s). Describes subtopics to be reviewed.	Conveys topic and key question(s). Clearly delineates subtopics to be reviewed.	Strong introduction of topic’s key question(s), terms. Clearly delineates subtopics to be reviewed.	_____
Content Did the presentation have valuable material?	Presentation contained little to no valuable material.	Presentation had moments where valuable material was present but as a whole content was lacking.	Presentation had a good amount of material and benefited the class.	Presentation had an exceptional amount of valuable material and was extremely beneficial to the class.	_____
Organization Was the	The presentation	There were minimal signs of	The presentation	The presentation	

presentation well organized and easy to follow?	lacked organization and had little evidence of preparation. Time was 3 minutes less or more than allowed.	organization or preparation. Time was 2 minutes less or more than allowed.	had organizing ideas but could have been much stronger with better preparation. Time was within one minute of allowed time.	was well organized, well prepared and easy to follow. Time was within established time allowed.	_____
Presentation Did the presenter speak clearly? Was the audience engaged? Was it obvious material had been rehearsed?	Presenter was unconfident and demonstrated little evidence of planning prior to presentation.	Presenter was not consistent with the level of confidence/ preparedness they showed the classroom but had some strong moments.	Presenter was occasionally confident with presentation, however, the presentation was not as engaging as it could have been for the class.	Presenter was very confident in delivery and did an excellent job of engaging the class. Preparation is very evident.	_____
Conclusion Were key points and conclusions reviewed? Was key concepts stressed on how to avoid the incident in the future?	Does not summarize evidence with outcome of case. Does not discuss the impact of researched material on topic.	Review of key conclusions. Some integration with outcome of case. Discusses impact of researched material on topic.	Strong review of key conclusions. Strong integration with outcome of case. Discusses impact of researched material on topic.	Strong review of key conclusions. Strong integration with outcome of case. Insightful discussion of impact of the researched material on topic.	_____

TOTAL POINTS: _____