

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 Governmental Oversight and Accountability

BILL: CS/SB 1202

INTRODUCER: Governmental Oversight and Accountability Committee and Senator McClain

SUBJECT: Benefits for Firefighters Injured During Training Exercises

DATE: March 26, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1202 provides that a firefighter, his or her spouse, and his or her dependent children can become eligible for family health insurance premium payments due to an injury which occurs during an official training exercise in which the firefighter became totally and permanently disabled.

The state and local governments will likely have to spend money to meet the new benefits established in this bill. The magnitude of this impact has not been determined at this time.

The bill takes effect July 1, 2025.

II. Present Situation:

Firesafety Enforcement

State law on fire prevention and control designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of State Fire Marshal (Division) within the Department of Financial Services.¹ The Division is comprised of two bureaus: the Bureau of Fire Prevention (BFP) and the Bureau of Fire Standards and Training (BFST).² The BFP reviews

¹ Section 633.104, F.S.; see s. 633.102(5) (providing the definition of division).

² Department of Financial Services, Division of the State Fire Marshal, *What We Do*, <https://www.myfloridacfo.com/division/sfm/> (last visited Mar. 21, 2025).

fire/life safety inspections and construction plans for all state-owned buildings, regulates the fireworks and the fire sprinkler industries, inspects and licenses boilers, and certifies suppression industry workers.³

The State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC), which contains all fire safety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such fire safety laws and rules. The State Fire Marshal adopts a new edition of the FFPC every three years.⁴

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the FFPC as the minimum fire prevention code, which operates uniformly among local government and in conjunction with the Florida Building Code.⁵ These local enforcing authorities may adopt more stringent firesafety standards, subject to certain requirements in s. 633.208, F.S., but may not enact firesafety ordinances which conflict with ch. 633, F.S., or any other state law.⁶

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and the rules prescribed by the State Fire Marshal within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.⁷ Each county, municipality, and special district with firesafety enforcement responsibilities is also required to employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.⁸

Benefits Available under Chapter 112, F.S.

Chapter 112, F.S., provides death benefits for law enforcement officers, correctional officers, correctional probation officers, firefighters, instructional staff and school administrators under specified circumstances.⁹ As required by article X, section 31 of the State Constitution, payments are provided to a deceased's beneficiary, or next of kin if no beneficiary is designated, in the event of such a firefighter's death while engaged in the performance of official duties.¹⁰

Supplemental death benefits, other than direct payment, which are available to law enforcement, correctional officers, correctional probation officers, firefighters, and instructional staff and school administrators who are killed in the line of duty include the following:

³ *Id.*

⁴ Section 633.202(1), F.S.

⁵ Sections 633.108 and 633.208, F.S.

⁶ Section 633.214(4), F.S. The State Fire Marshal maintains a list of local amendments to the FFPC. This information is available at State Fire Marshal, Bureau of Fire Prevention, *Local Amendments to the Florida Fire Prevention Code*, MyFloridaCFO, <https://myfloridacfo.com/division/sfm/bfp/local-amendments> (last visited March 21, 2025).

⁷ Section 633.118, F.S.

⁸ Section 633.216(1), F.S.

⁹ For definitions of these terms, see ss. 112.19(1) and 112.1915(1)(b), F.S.

¹⁰ Section 112.191(2)(a)-(d), F.S. See s. 112.191(1)(b) for the relevant definition of firefighter.

- Funeral and burial expenses (full-time law enforcement, correctional, or correctional probation officer employed by a state agency under specified circumstances;¹¹ and instructional staff and school administrator employed by school district);¹²
- Surviving family health insurance premiums payment by political subdivision of the state and local school district (full-time law enforcement officer or correctional officer;¹³ full-time firefighter;¹⁴ and instructional staff and school administrator);¹⁵
- *Family health insurance premium payments* for catastrophic injury (full-time law enforcement, correctional, correctional probation officer,¹⁶ or firefighter¹⁷ employed by state or a political subdivision of state); and
- Educational expenses of surviving spouse and children (law enforcement, correctional, or correctional probation officer;¹⁸ firefighter;¹⁹ and instructional staff or school administrator).²⁰

Health Insurance Premium Benefits

In certain circumstances an employer may be required to pay for a firefighter's and their family's health insurance premiums.²¹ In order for a firefighter, spouse, and dependent children to be eligible for family health insurance premium payments, the injury must have occurred as either the result of the firefighter's response to what is reasonably believed to have been an emergency involving the protection of life or property or an unlawful act perpetrated by another person. The coverage extends to the injured employee's spouse and dependent children until the child reaches the age of majority or 25 if the child continues to be dependent for support.

III. Effect of Proposed Changes:

Section 1 amends s. 112.191, F.S., to provide that, in addition to the existing ways a firefighter and his or her spouse and dependent children can become eligible for family health insurance premium payments, they are also eligible for such benefits if due to an injury which occurs during an official training exercise the firefighter became totally and permanently disabled.

¹¹ Section 112.19(2)(f), F.S.

¹² Section 112.1915(3)(b), F.S.

¹³ Section 112.19(2)(g), F.S.

¹⁴ Section 112.191(2)(f), F.S.

¹⁵ Section 112.1915(3)(c), F.S.

¹⁶ Section 112.19(2)(h), F.S.

¹⁷ Section 112.191(2)(g), F.S.

¹⁸ Section 112.19(3), F.S.

¹⁹ Section 112.191(3), F.S.

²⁰ Section 112.1915(3)(d), F.S. (surviving children only, not spouse).

²¹ Section 112.191(2)(g), F.S., this paragraph.

While the bill does not define the term totally and permanently disabled, other statutory provisions define it generally to mean a person certified by two unrelated physicians to be totally and permanently disabled.²²

The bill contains no indication that it is intended to be retroactive in effect. Thus, the bill will have prospective application and should apply only to those injured on or after July 1, 2025.

Section 2 makes a legislative declaration that the bill fulfills an important state interest.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments may be required to pay for additional health insurance premiums. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest (included in section 2 of the bill) and be approved by a two-thirds vote of the membership of each house.

The bill may be excepted from the mandates provision because the expenditure is required to comply with a law that that applies to “all persons similarly situated” including state, counties, municipalities, and fire control districts. Such an exception also requires a legislative finding that the bill fulfills an important state interest (included in section 2 of the bill).

The mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{23,24,25}

The estimated costs for the bill are unknown at this time. If costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. If the mandates provisions apply, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and either apply to “all persons similarly situated” or be approved by a two-thirds vote of the membership of each house.

²² See section 196.012(11), F.S.

²³ FLA. CONST. art. VII, s. 18(d).

²⁴ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 21, 2025).

²⁵ Based on the Florida Demographic Estimating Conference’s February 4, 2025 population forecast for 2025 of 23,332,606. The conference packet is available at: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 21, 2025).

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None identified.

B. Private Sector Impact:

A greater number of firefighters and their families may be eligible for coverage of health insurance premiums.

C. Government Sector Impact:

There will be a state and local impact on employers of firefighters newly required to cover health insurance premiums. The scope of this impact has not been fully studied at this time.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 112.191 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 March 25, 2025:
The committee substitute includes a legislative declaration that the act fulfills an important state interest.

- B. **Amendments:**

None.