

**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 Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/SB 1212

INTRODUCER: Banking and Insurance Committee and Senator DiCeglie and others

SUBJECT: Firefighter Health and Safety

DATE: April 9, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1212 amends the Florida Firefighters Occupational Safety and Health Act (FFOSHA) to expand several protections for firefighters. Specifically, the bill:

- Modifies the FFOSHA's legislative intent to address work schedules, and occupational disease or suicide;
- Amends the requirement that the Division of State Fire Marshal (Division) assist in making the firefighter employee place of employment a safer place of work to include decreasing the frequency and severity of fatalities;
- Requires the Division to adopt rules regarding:
  - Firefighting gear that does not contain chemical hazards or toxic substances;
  - Limiting work schedules;
  - Establishing a telehealth service that provides access to mental health care and suicide prevention;
  - Mental health best practices; and
  - Expanding the duties and functions of the workplace safety committee and workplace safety coordinator to include evaluating suicide prevention programs;
  - The prevention of fatalities; and
  - Certain notices provided by employers;
- Requires the Division to develop means to identify individual firefighter employers with a high frequency of occupational disease and suicide;
- Requires the Division to conduct safety inspections and make recommendations to assist firefighter employers in reducing the number of occupational disease and suicide;

- Requires each firefighter employer of fewer than 20 firefighter employees with a high frequency or severity of fatalities to establish and administer a workplace safety committee or designate a workplace safety coordinator; and
- Subjects a firefighter employer to penalties for failing or refusing to comply with protections prescribed by Division rule for the prevention of injuries, fatalities, or occupational diseases.

The bill has an indeterminate impact to state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

## II. Present Situation:

### Florida Division of the State Fire Marshal

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.104, F.S., designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division). Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College. 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.

The Division consists of the following two bureaus: Bureau of Fire Prevention and Bureau of Fire Standards and Training. The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 3,000 students per year. The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities.

### Fire Incident Reporting Systems

Each state within the United States (U.S.) has a designated office, often called the “State Fire Marshal’s Office” or similar, which oversees fire safety and prevention efforts within the state. On the federal level, the mission of the U.S. Fire Administration (USFA), an entity of the U.S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA), is to support and strengthen fire and emergency medical services and stakeholders to prepare for, prevent, mitigate and respond to all hazards.<sup>1</sup>

The National Fire Incident Reporting System (NFIRS) is a voluntary reporting standard that fire departments use to uniformly report the range of activities, from fire to emergency medical services to severe weather and natural disasters.<sup>2</sup> The NFIRS is the world’s largest, national, annual database of fire incident reporting which compromises about 70 percent of all fire incidents that occur annually in the U.S.<sup>3</sup>

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<sup>1</sup> Federal Emergency Management Agency (FEMA), United States Fire Administration (USFA), *About*, <https://www.usfa.fema.gov/about/> (last visited March 23, 2025).

<sup>2</sup> FEMA, USFA, *About NFIRS*, <https://www.usfa.fema.gov/nfirs/about/> (last visited March 23, 2025).

<sup>3</sup> *Id.*

In Florida, the Department of Financial Services (DFS), Division of State Fire Marshal (Division), in consultation with various state agencies,<sup>4</sup> manages the Florida Fire Incident Reporting System (FFIRS) in conjunction with the NFIRS.<sup>5</sup> When submitting fire incident reports to the NFIRS, reporting states are subject to the NFIRS annual deadlines but may revise, correct and resubmit previous year's data until the current year's reporting deadline.<sup>6</sup> Three hundred and eighty-eight Florida fire departments are currently registered with the NFIRS, with 330 fire departments reporting data in 2022.<sup>7</sup>

### ***National Fire Incident Reporting Statistics***

In 2023, 22,695 local fire departments in the U.S. responded to an estimated 33.1 million incidents. These report incidents included 1.3 million fires, resulting in 3,670 civilian deaths, 93 firefighter deaths and 13,350 persons injured.<sup>8,9</sup> In 2025, the NFIRS reported 18 firefighter fatalities across the U.S.<sup>10</sup>

### ***Florida Fire Incident Reporting Statistics***

There are currently 1,876 fire departments in Florida.<sup>11</sup> In 2024, Florida reported 122 fire fatalities, 15,172 structure fires, 9,122 vehicle fires, and 27,153 other fires.<sup>12</sup> The Division has reported 26 fire fatalities and over 2,500 fire incidents in 2025.<sup>13</sup> Reports for fire related injuries in 2024 have not been identified on the Division's website;<sup>14</sup> however, in 2022, Florida reported an average of 8.9 injuries per 1,000 fires which is above the national average of 6.4 injuries per 1,000 fires.<sup>15</sup>

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<sup>4</sup> Section 633.115(1)(b), F.S. (2012) The Division of Fire Marshal (Division) in consultation with the Florida Forestry Service of the Department of Agriculture and Consumer Services and the State Surgeon General of the Department of Health, in order to coordinate data, ensure accuracy of the data, and limit duplication of efforts in data collection, analysis and reporting.

<sup>5</sup> Section 633.115, F.S. and Ch. 69A-66, F.A.C.

<sup>6</sup> FEMA, USFA, *NFIRS Reporting Guidelines*, <https://www.usfa.fema.gov/nfirs/guidelines/> (last visited March 23, 2025).

<sup>7</sup> FEMA, USFA, *Florida Fire Loss and Fire Department Profile*, <https://www.usfa.fema.gov/statistics/states/florida.html> (last visited March 24, 2025).

<sup>8</sup> Shelby Hall, *Fire loss in the United States* (Nov. 1, 2024), National Fire Protection Association, <https://www.nfpa.org/education-and-research/research/nfpa-research/fire-statistical-reports/fire-loss-in-the-united-states>

<sup>9</sup> FEMA, USFA, *About*, <https://www.usfa.fema.gov/about/> (last visited March 23, 2025).

<sup>10</sup> FEMA, USFA, *Firefighter Fatalities in the United States*, <https://apps.usfa.fema.gov/firefighter-fatalities> (last visited March 23, 2025). This data includes U.S. firefighter fatalities from January 5, 2025, to March 10, 2025.

<sup>11</sup> Florida Department of Environmental Protection, *Geospatial Open Data, Critical and Emergency Facilities*, <https://geodata.dep.state.fl.us/datasets/FDEP::critical-community-and-emergency-facilities/explore?layer=13&showTable=true> (last visited March 24, 2025).

<sup>12</sup> Department of Financial Services (DFS), Division of State Fire Marshal, Florida Fire Incident Reporting Section, *Florida Fires Interactive Data Portal, Here is what has happened in Florida in 2024*, <https://ffirs-fldsfm.hub.arcgis.com/> (last visited March 22, 2025).

<sup>13</sup> The DFS, Division of State Fire Marshal, Florida Fire Incident Reporting Section, *Fire Fatalities*, <https://ffirs-fldsfm.hub.arcgis.com/> (last visited March 24, 2025).

<sup>14</sup> The DFS, Division of State Fire Marshal, Florida Fire Incident Reporting Section, *Incident Series*, <https://ffirs-fldsfm.hub.arcgis.com/> (last visited March 22, 2025).

<sup>15</sup> FEMA, USFA, *Florida Fire Loss and Fire Department Profile*, <https://www.usfa.fema.gov/statistics/states/florida.html> (last visited March 22, 2025).

## Federal Occupational Safety and Health Administration (OSHA)

Section 18 of the OSHA Act of 1970 requires any state that assumes responsibility for development and enforcement of occupational safety and health standards for which a Federal standard has been promulgated to submit a State Plan that must include standards that are “at least as effective” as the protections provided for in the Federal OSHA program. There are 22 State Plans<sup>16</sup> covering both private sector and state and local government workers, and seven State Plans<sup>17</sup> covering only state and local government workers.<sup>18</sup> Florida follows Federal OSHA standards and does not have an approved State Plan.<sup>19</sup> Only private-sector firefighters in Florida are covered by Federal OSHA standards. When Federal OSHA standards apply and a state does not have an approved State Plan, state regulations cover public-sector firefighters and supplement protections for private-sector firefighters as long as they are not preempted due to a conflict with Federal OSHA standards.<sup>20</sup>

Several applicable Federal OSHA standards for private firefighters include:

- Fire brigades regulations which provide safety protections for general firefighter operations, focusing on structural fire response, training, and equipment standards.<sup>21</sup>
- Respiratory protection requirements address firefighter safety by requiring the use of Self-Contained Breathing Apparatus (SCBA) in oxygen-deficient, toxic, or smoke-filled environments, and testing equipment, training, and maintenance of equipment to prevent inhalation of harmful contaminants.<sup>22</sup>
- Personal protective equipment (PPE) standards require employers to provide and ensure the proper use of PPE that is free from hazards that could cause injury or illness.<sup>23</sup>
- Hazardous waste operations and emergency response protocols protect firefighters by requiring proper training, PPE, and safety procedures when responding to hazardous materials incidents, ensuring their health and safety during exposure to toxic substances, chemical spills, and emergency cleanups.<sup>24</sup>
- Hazard communication regulations require that the hazards of all chemicals are classified, and that employers and employees are notified of information concerning the classified hazards.<sup>25</sup>
- Bloodborne pathogen regulations protect firefighters by requiring exposure control plans, personal protective equipment, proper handling of contaminated materials, Hepatitis B

<sup>16</sup> The 22 states with approved State Plans covering private and government sector are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.

<sup>17</sup> The seven states with State Plans covering government sector only are: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and Virgin Islands,

<sup>18</sup> U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), *State Plans*, <https://www.osha.gov/stateplans> (last visited March 21, 2025).

<sup>19</sup> *Id.*

<sup>20</sup> *See Gade v. National Solid Wastes Management Association*, 505 U.S. 88 (1992) (holding that OSHA preempts state occupational safety and health regulations addressing issues for which federal standards exist, unless the state has an OSHA-approved State Plan).

<sup>21</sup> 29 CFR 1910.156

<sup>22</sup> 29 CFR 1910.134

<sup>23</sup> 29 CFR 1910.132

<sup>24</sup> 29 CFR 1910.120

<sup>25</sup> 29 CFR 1910.1200

vaccinations, and post-exposure medical evaluations to reduce the risk of infection from bloodborne diseases.<sup>26</sup>

- Occupational noise exposure provisions protect firefighters by establishing limits on noise exposure, requiring hearing conservation programs, and mandating the use of hearing protection to prevent long-term hearing loss from sirens, alarms, and firefighting equipment.<sup>27</sup>

### **Florida Firefighters Occupational Safety and Health Act (FFOSHA or act)**

The FFOSHA was established in 2002.<sup>28</sup> Section 633.506, F.S., provides the legislative intent of the FFOSHA is:

- To enhance firefighter occupational safety and health through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter employee occupational diseases, and firefighter employee fatalities compensable under ch. 440, F.S., or otherwise;
- For the Division to develop a means by which the Division can identify individual firefighter employers with a high frequency or severity of work-related injuries, conduct safety inspections of those firefighter employers, and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs; and
- For the Division to administer and enforce the FFOSHA; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards of the FFOSHA.<sup>29</sup>

### ***Definitions***

The FFOSHA defines “firefighter employee” as “a firefighter, volunteer firefighter, or individual providing support services who is engaged in any employment, *public or private [emphasis added]*, under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, responding to or assisting with fire or medical emergencies, regardless of whether on duty, except those appointed under s. 590.02(1)(d), F.S.,” relating to, amongst others, firefighter rotorcraft pilots.<sup>30</sup> This definition suggests that public and private firefighter employees are subject to the provisions of the FFOSHA.

The FFOSHA defines “firefighter employer” as “the state and all political subdivisions of this state, all public and *quasi-public corporations [emphasis added]* in this state, and a person carrying on any employment for this state, political subdivisions of the state, and public and quasi-public corporations in this state which employs firefighter employees, except those appointed under s. 590.02(1)(d), F.S.”<sup>31</sup> “Quasi-public corporation” is not defined in the FFOSHA. However, Black’s Law Dictionary (12<sup>th</sup> ed. 2024) defines the term as “a for-profit

<sup>26</sup> 29 CFR 1910.1030

<sup>27</sup> 29 CFR 1910.95

<sup>28</sup> Ch. 2002-404, L.O.F. See also ch. 633, F.S.

<sup>29</sup> Section 633.506, F.S.

<sup>30</sup> Section 633.504(1), F.S.

<sup>31</sup> Section 633.504(2), F.S.

corporation providing an essential public service” such as an electric company or other utility.<sup>32</sup> This definition suggests that the FFOSHA applies to private firefighter employers.

### ***Workplace Safety***

The FFOSHA requires the Division to assist in making the firefighter employee place of employment<sup>33</sup> a safer place to work and decreasing the frequency and severity of on-the-job injuries in such workplace.<sup>34</sup> The Division is given broad rule making authority to adopt rules for several reasons, such as to ensure safe working conditions,<sup>35</sup> to implement the section on workplace safety,<sup>36</sup> and to provide for live fire training that meets certain requirements that all firefighter employees must complete.<sup>37</sup> The FFOSHA also requires the DFS, amongst other things, to investigate and prescribe by rule what safety devices, safeguards, and other means of protection must be adopted for the prevention of accidents and injuries in every firefighter employee place of employment or at any fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighter employees engaged in interior firefighting, and the prevention of occupational disease.<sup>38</sup>

The Division is required to adopt rules to establish employers’ cancer prevention best practices related to personal protective equipment, decontamination, fire suppression equipment, and fire stations.<sup>39</sup>

### ***High Frequency of Work-related Injuries***

The Division must develop a method to identify individual firefighter employers with a high frequency of firefighter employee work-related injuries. The Division must conduct safety inspections of such firefighter employers to ensure compliance with the FFOSHA and the Division's rules and make recommendations, and to assist such firefighter employers in reducing the number of work-related injuries. The Division is prohibited from assessing penalties because of such inspections. The firefighter employer and its insurer must be provided with a copy of any report made as a result of the inspection. The firefighter employer must submit a plan to correct any noncompliance issues, and the Division must review and approve or disapprove the plan within 60 days or the plan is deemed approved. Upon approval, the plan must be implemented.<sup>40</sup>

The FFOSHA requires firefighter employers who employ fewer than 20 firefighter employees with a high frequency or high severity of work-related injuries to establish and administer a workplace safety committee or designate a workplace safety coordinator who must establish and

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<sup>32</sup> Black’s Law Dictionary (12<sup>th</sup> ed. 2024), *Definition of Quasi-public Corporation*, available at [CORPORATION | Secondary Sources | FE | Westlaw Edge](#) (last visited Mar. 4, 2025).

<sup>33</sup> Section 633.504(3), F.S., defines “firefighter employment” or “employment” as any service performed by a firefighter employee for the firefighter employer. Section 633.504(4), F.S., defines “firefighter place of employment” or “place of employment” as the physical location at which the firefighter employee is employed or deployed.

<sup>34</sup> Section 633.508(1), F.S.

<sup>35</sup> Section 633.508(2), F.S.

<sup>36</sup> Section 633.508(5), F.S.

<sup>37</sup> Section 633.508(6), F.S.

<sup>38</sup> Section 633.508(7), F.S.

<sup>39</sup> Section 633.520(2), F.S.

<sup>40</sup> Section 633.522(1), F.S.

administer workplace safety activities.<sup>41</sup> The Division is required to adopt rules prescribing the duties and functions of such committee and coordinator which must include, amongst other things, establishing accident prevention and illness prevention programs.<sup>42</sup>

### ***Penalties***

The FFOSHA provides the Division with the discretion to impose penalties against firefighter employers for violating the act for, amongst other things, failing or refusing to furnish or adopt any safety device, safeguard, or other means of protection adopted by Division rule for the prevention of accidents or occupational diseases. Penalties that may be imposed include:

- An administrative cease and desist order;
- An administrative fine of not less than \$100 or more than \$1,000 for each violation and each day a violation is committed; and
- A civil penalty of not less than \$100 nor more than \$5,000 for each day a failure or refusal continues after the firefighter employer has been given written notice of such failure or refusal.<sup>43</sup>

### **III. Effect of Proposed Changes:**

This bill expands several provisions of the Florida Firefighters Occupational Safety and Health Act (FFOSHA) to include protection of firefighters against occupational disease and suicide or fatalities, and to encourage firefighter employers to limit work schedules.

**Section 1** amends s. 633.506, F.S., relating to legislative intent, to provide the Legislature intends:

- To enhance firefighter occupational safety and health through the implementation of work schedules; and
- That the Division of the State Fire Marshal (Division) develop a means by which the Division can identify individual firefighter employers with a high frequency or severity of occupational disease or suicide.

Other technical amendments are made to the legislative intent provided for in FFOSHA.

**Section 2** amends s. 633.508, F.S., relating to workplace safety, to modify the Division's requirement to assist in making the firefighter employee place of employment a safer place of work to include decreasing the frequency and severity of fatalities.

The bill clarifies the Division's authority to adopt rules assisting and encouraging firefighter employers to maintain safe working conditions includes the establishment of a telehealth service that provides access to mental health care and suicide prevention tailored to the unique needs of firefighters. The bill requires the Division to adopt rules:

- Requiring firefighter employers to issue firefighting gear that does not contain chemical hazards or toxic substances if such gear becomes readily available on the commercial market. "Readily available" is defined to mean that more than one manufacturer offers firefighting

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<sup>41</sup> Section 633.522(2), F.S.

<sup>42</sup> Section 633.522(3)(c)3., F.S.

<sup>43</sup> Section 633.526, F.S.

gear that does not contain chemical hazards or toxic substances. Authorizes the Division to recommend a phased approach in adopting rules for replacing firefighter gear that contains chemical hazards or toxic substances;

- Requiring firefighter employers to provide firefighter employees with notice of issued firefighter gear that contains or is manufactured with chemical hazards or toxic substances; and
- Encouraging firefighter employers to limit firefighter employees' work schedules not to exceed 42 hours per workweek.

The DFS's requirement to adopt reasonable rules for the prevention of occupational diseases is expanded to include reasonable rules regarding the prevention of fatalities.

**Section 3** amends s. 633.520, F.S., relating to safety and firefighter employer responsibilities, to require the Division to adopt rules regarding employers' cancer prevention best practices related to education on chemical hazards and toxic substances in protective gear and employers' mental health best practices related to resiliency, stress management, peer support, and access to mental healthcare.

**Section 4** amends s. 633.522, F.S., relating to firefighter employers and high frequency of work-related injuries, corrective plans and workplace safety committees and coordinators, to expand the Division's requirement to develop means to identify individual firefighter employers with a high frequency of work-related injuries to include identification of a high frequency of occupational disease and suicide. The Division's requirement to conduct safety inspections and make recommendations based on current safety and health practices to assist firefighter employers in reducing the number of work-related injuries is expanded to include making recommendations to assist in reducing the number of occupational disease and suicide. Each firefighter employer of fewer than 20 firefighter employees with a high frequency or severity of fatalities, in addition to work-related injuries required under current law, must establish and administer a workplace safety committee or designate a workplace safety coordinator who must establish and administer workplace safety activities. The bill expands the duties and functions of the workplace safety committee and workplace safety coordinator to include suicide prevention programs, in addition to evaluating accident prevention and illness prevention programs as required under current law.

**Section 5** amends s. 633.526, F.S., relating to firefighter employer penalties. The bill expands the Division's authority to impose any penalties provided for in current law (e.g., cease and desist order, administrative fine, or civil penalty) against any firefighter employer who fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by Division rule for the prevention of injuries or fatalities, in addition to the prevention of accidents and occupational diseases provided for under current law.

**Section 6** of the bill provides an effective date of July 1, 2025.



#### IV. Constitutional Issues:

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

Article VII, s. 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, the Division is required to adopt rules that require firefighter employers, including public firefighter employers, to issue gear that does not contain chemical hazards or toxic substances when such gear is readily available. 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 and be approved by a two-thirds vote of the membership of each house.

However, 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.<sup>44,45,46</sup>

If costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. 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 and be approved by a two-thirds vote of the membership of each house.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

##### E. Other Constitutional Issues:

Provisions of the bill may conflict with the “home rule” of the Florida Constitution which provides “[m]unicipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render

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<sup>44</sup> FLA. CONST. art. VII, s. 18(d).

<sup>45</sup> 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), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited March 21, 2025).

<sup>46</sup> Florida Economic and Demographic Research, Florida Demographic Estimating Conference, *Tables, Conference Packet* (February 4, 2025). Florida Resident Population forecast for April 1, 2025, is 23,332,606. [https://edr.state.fl.us/content/conferences/population/ConferenceResults\\_Tables.pdf](https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf) (last visited March 21, 2025).

municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.<sup>47</sup>

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have a negative indeterminate impact to local and state revenues and expenditures. The bill authorizes the Department of Financial Services (DFS) to adopt new or amend current rules. The DFS will need to create new procedures to identify, inspect or investigate, and determine the proper level of fines and sanctions authorized under the bill. In addition, the Division of State Fire Marshal (Division) is required to create a procedure for what would be classified as an occupational illness or injury and what would constitute a job-related suicide. The bill also mandates the adoption and regulation of new rules concerning a local workweek, requiring certain firefighter gear and establishing a requirement for notification of toxic substances in firefighting gear.<sup>48</sup> Any expenditures related to rulemaking can be absorbed within existing resources.

Currently the Division conducts investigations and makes recommendations surrounding workplace injuries and fatalities within the operations of a fire service provider, as well monitors data collected by other agencies and the fire service provider. These responsibilities are currently covered by one Safety Program Manager, two Compliance Officers, and five Other Personal Service (OPS) Safety Field Representatives. The DFS does not indicate the need for additional staff to implement provisions of the bill. The Division would need to amend cancer prevention best practices and monitor employers with high level suicide using existing research and resources for existing first responder mental health funding.

The DFS reports the bill, as it relates to the purchase of chemical and toxin free firefighting gear for each firefighter, is unknown.<sup>49</sup> In the event that chemical and toxin free firefighting gear becomes “readily available,” the impact to local and state firefighting agencies may be considerable. The impact is indeterminate. Depending on whether the Division recommends a phased approach in adopting rules for the replacement of firefighting gear that contain chemical hazards or toxic substances, the financial impact could be borne over several fiscal years.

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<sup>47</sup> Art. VIII, s. 2(b), Fla. Const.

<sup>48</sup> The DFS, *Senate Bill 1212 Legislative Bill Analysis for SB 1212* (March 17, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

<sup>49</sup> *Id.*

The Division manages the Florida Firefighter Assistance Grant Program<sup>50</sup> (Program) which provides volunteer fire departments and combination fire departments with financial assistance for training, personal protection gear, self-contained breath apparatus, safety related equipment and tools, wildland fire fighting and urban interface protective clothing and equipment, and cost share subsidy for Assistance to Firefighters Grants apparatus awards.<sup>51</sup> These grants are subject to appropriation, but should grant funds be appropriated and subsequently awarded, the cost of replacing such firefighting gear should be reduced by those agencies who meet award guidelines.

The DFS has raised concern that imposing mandatory gear designs may subject the agency to increased litigation due to the unfunded mandate, depending on the cost of the gear.<sup>52</sup>

For Fiscal Year 2025-2026, the Senate General Appropriations Acts, SB 2500,<sup>53</sup> appropriates four million dollars in nonrecurring funds from the General Revenue Fund for the Program. This funding is designated for Florida counties entirely within a fiscally constrained county or rural area of opportunity as defined in ss. 218.67 and 288.0656, F.S. House Bill 5001<sup>54</sup>, House Proposed General Appropriations Act, does not appropriate any additional funds for the Firefighter Assistance Program for Fiscal Year 2025-2026. The additional funding proposed in SB 2500 will be considered in the General Appropriations Act conference process.

## **VI. Technical Deficiencies:**

None.

## **VII. Related Issues:**

The amendments to the Florida Firefighters Occupational Safety and Health Act (FFOSHA) protect public-sector firefighters and private-sector firefighters to the extent that the provisions do not conflict with Federal Occupational Safety and Health Act (OSHA) standards, such as personal protection equipment (PPE) standards<sup>55</sup> that require safe firefighter gear, or hazard communication standards<sup>56</sup> that require notification of toxic substances in PPE. If the provisions conflict with Federal OSHA for private-sector firefighters, then Florida would need to request

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<sup>50</sup> See s. 633.135, F.S. and Rule 69A-37.502, F.A.C.

<sup>51</sup> The DFS, Division, *Florida Firefighter Assistance Grant Program*, <https://www.myfloridacfo.com/division/sfm/volff/ff-grant> (last visited March 24, 2025). See also, FEMA, *Assistance to Firefighter Grants*, <https://www.fema.gov/grants/preparedness/firefighters/assistance-grants> (last visited March 24, 2024). Currently, the total available grant funds for Fiscal Year 2024-2025 is \$1,000,000. Applicants must meet all of the required requirements.

<sup>52</sup> The DFS, *Senate Bill 1212 Legislative Bill Analysis for SB 1212* (March 17, 2025) (on file with the Senate Committee on Banking and Insurance). The DFS analysis notes the cost of the gear is unclear because gear that does not contain chemical hazards and toxic substances is not readily available yet.

<sup>53</sup> SB 2500, *Specific Appropriation 2235*, available at: <https://flsenate.gov/Session/Bill/2025/2500/BillText/Filed/PDF>

<sup>54</sup> HB 5001, available at: <https://flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=HB+5001+As+Introduced.pdf&DocumentType=Bill&BillNumber=5001&Session=2025>

<sup>55</sup> 29 CFR 1910.132 & 1910.156

<sup>56</sup> 29 CFR 1910.1200

approval for a State Plan or risk preemption under *Gade v. National Solid Wastes Management Association*.

The Department of Financial Services (DFS) reports that Rule 69A-62, F.A.C. will need to be amended "...to create new procedures to identify, inspect/investigate, and determine the proper level of fines and sanctions." The bill also requires the DFS to create a procedure for what would be defined as an occupational disease or injury and what would constitute a job-related suicide.<sup>57</sup>

## **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 633.506, 633.508, 633.520, 633.522, and 633.526.

## **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 Banking and Insurance on March 17, 2025:**

- Amends the Florida Firefighters Occupational Safety and Health Act's (FFOSHA) legislative intent to refer to occupational disease, rather than occupational illness;
- Removes the Division of Fire Marshal's (Division) requirement to assist in decreasing the frequency and severity of on-the-job "occupational illnesses" in the firefighter employee place of employment workplace;
- Clarifies the Division's authority to adopt rules to assist and encourage firefighter employers to maintain safe working conditions by specifying this authority includes establishing a telehealth service that provides access to mental health care and suicide prevention for firefighters;
- Requires the Division to adopt rules related to "education on chemical hazards and toxic substances in protective gear";
- Removes the Department of Financial Services' (DFS) requirement to investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of illnesses and fatalities;
- Removes each firefighter employer's requirement to establish and administer a workplace safety committee or designate a workplace safety coordinator for occupational illnesses and modifies such requirement for suicides to fatalities;
- Removes the Division's authority to impose any penalties provided for in current law against any firefighter employer who fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by Division rule for occupational illnesses; and
- Defines "readily available" with respect to when toxic gear must be replaced.

### **B. Amendments:**

None.

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<sup>57</sup> The DFS, *Senate Bill 1212 Legislative Bill Analysis for SB 1212* (March 17, 2025) (on file with the Senate Committee on Banking and Insurance).

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

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