

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 Banking and Insurance

BILL: SB 1212

INTRODUCER: Senator DiCeglie

SUBJECT: Firefighter Health and Safety

DATE: March 14, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

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

- Modifies the FFOSHA’s legislative intent to address work schedules, and occupational illnesses or suicide.
- Amends the Division of State Fire Marshal’s (Division) requirement to assist in making the firefighter employee place of employment a safer place of work to include decreasing the frequency and severity of occupational illnesses and fatalities.
- Requires the Division to adopt rules regarding:
 - Firefighting gear that does not contain chemical hazards or toxic substances,
 - Limiting work schedules,
 - Adopting 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.
- Requires the Department of Financial Services (DFS) to investigate and prescribe rules regarding what safety devices, safeguards, or other means of protection must be adopted to prevent illnesses and fatalities in specified locations.
- Requires the DFS to adopt reasonable rules for the prevention of fatalities.
- Requires the Division to develop means to identify individual firefighter employers with a high frequency of occupational illnesses and suicide.
- Requires the Division to conduct safety inspections and make recommendations to assist firefighter employers in reducing the number of occupational illnesses and suicide.
- Requires each firefighter employer of fewer than 20 firefighter employees with a high frequency or severity of occupational illnesses or suicide to establish and administer a workplace safety committee or designate a workplace safety coordinator.
- Subjects a firefighter employer to penalties for failing or refusing to comply with protections prescribed by Division rule for the prevention of injuries, suicide, or occupational illnesses.

See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Last year, Florida reported 122 fire fatalities, 15,172 structure fires, 9,122 vehicle fires, and 27,153 other fires.¹ Reports for fire related injuries last year have not been identified on the Division's website; 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.²

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 Plans³ covering both private sector and state and local government workers, and seven State Plans⁴ covering only state and local government workers.⁵ Florida follows Federal OSHA standards and does not have an approved State Plan.⁶ 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.⁷

Several applicable Federal OSHA standards for private firefighters include:

- Fire brigades regulations provide safety protections for general firefighter operations, focusing on structural fire response, training, and equipment standards.⁸
- 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.⁹

¹ Division of State Fire Marshal, *Florida Fires Interactive Data Portal*, available at [FFIRS - Florida Fire and EMS Data Analysis](#) (last visited Mar. 3, 2025).

² U.S. Fire Administration, *Florida Fire Loss and Fire Department Profile*, available at [Florida fire loss and fire department profile](#) (last visited Mar. 3, 2025) (hereinafter referred to as "Florida Fire Loss and Fire Department Profile").

³ 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.

⁴ The seven states with State Plans covering government sector only are: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and Virgin Islands,

⁵ OSHA, *State Plans*, available at [State Plans | Occupational Safety and Health Administration](#) (last visited Mar. 4, 2025).

⁶ *Id.*

⁷ 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).

⁸ 29 CFR 1910.156

⁹ 29 CFR 1910.134

- 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.¹⁰
- 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.¹¹
- 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.¹²
- Bloodborne pathogen regulations protect firefighters by requiring exposure control plans, personal protective equipment, proper handling of contaminated materials, Hepatitis B vaccinations, and post-exposure medical evaluations to reduce the risk of infection from bloodborne diseases.¹³
- 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.¹⁴

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.¹⁵ 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.¹⁶

The Division consists of the following two bureaus: Bureau of Fire Prevention and Bureau of Fire Standards and Training.¹⁷ The Florida State Fire College, part of the Bureau of Fire Standards and Training, trains over 3,000 students per year.¹⁸ The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities.¹⁹ There are currently 388 Florida fire departments registered with the National Fire Department Registry.²⁰

¹⁰ 29 CFR 1910.132

¹¹ 29 CFR 1910.120

¹² 29 CFR 1910.1200

¹³ 29 CFR 1910.1030

¹⁴ 29 CFR 1910.95

¹⁵ The head of the DFS is the Chief Financial Officer. Section 633.102(5), F.S., provides the Division of State Fire Marshal is located within the DFS.

¹⁶ Division of State Fire Marshal, *State Fire Marshal*, available at [Florida's State Fire Marshal](#) (last visited Mar. 3, 2025).

¹⁷ *Id.*

¹⁸ Division of State Fire Marshal, *Training*, available at [Training](#) (last visited Mar. 3, 2025).

¹⁹ Division of State Fire Marshal, *Inspections*, available at [Inspections | Bureau of Fire Prevention | Florida's State Fire Marshal](#) (last visited Mar. 3, 2025).

²⁰ Florida Fire Loss and Fire Department Profile.

Florida Firefighters Occupational Safety and Health Act

The FFOSHA was established in 2002,²¹ and 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.
- 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.²²

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, 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.²³ (Emphasis added). 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 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.”²⁴ (Emphasis added). “Quasi-public corporation” is not defined in the FFOSHA. However, Black’s Law Dictionary (12th ed. 2024) defines the term as “a for-profit corporation providing an essential public service” such as an electric company or other utility.²⁵ 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 employment²⁶ a safer place to work and decreasing the frequency and severity of on-the-job

²¹ Ch. 2002-404, L.O.F.

²² Section 633.506, F.S.

²³ Section 633.504(1), F.S.

²⁴ Section 633.504(2), F.S.

²⁵ Black’s Law Dictionary (12th ed. 2024), *Definition of Quasi-public Corporation*, available at [CORPORATION | Secondary Sources | FE | Westlaw Edge](#) (last visited Mar. 4, 2025).

²⁶ 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.

injuries in such workplace.²⁷ The Division is given broad rule making authority to adopt rules for several reasons, such as to ensure safe working conditions,²⁸ to implement the section on workplace safety,²⁹ and to provide for live fire training that meets certain requirements that all firefighter employees must complete.³⁰ 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.³¹

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.³²

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.³³

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 administer workplace safety activities.³⁴ 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.³⁵

Penalties

The FFOSHA provides the Division with the discretion to impose penalties against firefighter employers for violating the FFOSHA 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:

²⁷ Section 633.508(1), F.S.

²⁸ Section 633.508(2), F.S.

²⁹ Section 633.508(5), F.S.

³⁰ Section 633.508(6), F.S.

³¹ Section 633.508(7), F.S.

³² Section 633.520(2), F.S.

³³ Section 633.522(1), F.S.

³⁴ Section 633.522(2), F.S.

³⁵ Section 633.522(3)(c)3., F.S.

- Issue an administrative cease and desist order.
- Assess an administrative fine of not less than \$100 or more than \$1,000 for each violation and each day a violation is committed.
- Assess 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.³⁶

III. Effect of Proposed Changes:

SB 1212 expands several provisions of the FFOSHA to include protection of firefighters against occupational illnesses and suicide or fatalities, and to encourage firefighter employers to limit work schedules.

Section 1 of the bill amends the FFOSHA's legislative intent to provide that the Legislature intends:

- To enhance firefighter occupational safety and health through the implementation of work schedules.
- That the Division develop a means by which the division can identify individual firefighter employers with a high frequency or severity of occupational illnesses or suicide.

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

Section 2 of the bill modifies 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 occupational illnesses and fatalities. The bill requires the Division to adopt rules:

- Requiring firefighter employers to issue firefighting gear that does not contain chemical hazards or toxic substances when such gear becomes readily available on the commercial market.
- Requiring firefighter employers to provide firefighter employees with notice of issued firefighter gear that contains or is manufactured with chemical hazards or toxic substances.
- Encouraging firefighter employers to limit firefighter employees' work schedules not to exceed 42 hours per workweek.

The bill expands the DFS's requirement to investigate and prescribe rules regarding what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents and injuries to include illnesses and fatalities in every firefighter employee place of employment or at any fire scene. 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 of the bill requires the Division to adopt rules regarding employers' mental health best practices related to resiliency, stress management, peer support, and access to mental healthcare.

Section 4 of the bill expands 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 illnesses and suicide. The Division's requirement to conduct

³⁶ Section 633.526, F.S.

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 illnesses and suicide. Each firefighter employer of fewer than 20 firefighter employees with a high frequency or severity of occupational illnesses or suicide, 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.

Section 5 of the bill amends the provision requiring the Division to adopt rules prescribing 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 required under current law. 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, suicide, or occupational illnesses, in addition to the prevention of accidents and occupational diseases provided for under current law.

The amendments to the FFOSHA protect public-sector firefighters and private-sector firefighters to the extent that the provisions do not conflict with Federal OSHA standards, such as PPE standards³⁷ that require safe firefighter gear, or hazard communication standards³⁸ 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 approval for a State Plan or risk preemption under the *Gade v. National Solid Wastes Management Association*.

Section 6 of the bill provides an effective date of 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 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.

³⁷ 29 CFR 1910.132 & 1910.156

³⁸ 29 CFR 1910.1200

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.^{39,40,41}

The Revenue Estimating Conference has not reviewed this bill. 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 municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.”⁴²

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

³⁹ FLA. CONST. art. VII, s. 18(d).

⁴⁰ 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. 7, 2025).

⁴¹ 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. 7, 2025).

⁴² Art. VIII, s. 2(b), Fla. Const.

C. Government Sector Impact:

With respect to local and state fiscal impact, the DFS reports that the bill provides for a “potential unfunded mandate,” and suggests the amount of expenditures is unknown but noted the bill “will require the purchase of chemical and toxin free firefighting gear for each firefighter. Reduced workweek will require additional staffing to ensure safe staffing levels.” The DFS has raised concern that imposing mandatory maximum workweeks and gear designs may subject the agency to increased litigation due to the unfunded mandate.⁴³

The DFS reports that the agency’s current responsibilities are covered by one Safety Program Manager, two Compliance Officers, and five OPS Safety Field Representatives. The DFS anticipates that “[t]he expanded scope and new responsibilities would necessitate additional funding for both Division staffing and IT support.” The DSF summarize expect additional responsibilities to include:

- Defining occupational injuries/diseases based on sound research and gathering information on personal medical information related to suicides.⁴⁴
- Requiring secure data exchange and additional security training for staff.⁴⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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 Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

⁴³ The DFS, *Department of Financial Services (DFS) 2025 Legislative Bill Analysis for SB 1212*, March 6, 2025 (on file with Senate Committee on Banking and Insurance).

⁴⁴ The DFS agency analysis notes that “[S]uicide may require an in-depth criminal investigation outside the scope of the department/division/bureau’s responsibilities.” *Id.*

⁴⁵ *Id.*

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