

**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 Committee on Banking and Insurance

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BILL: SB 1092

INTRODUCER: Senator Bean

SUBJECT: Fire Prevention and Control

DATE: January 14, 2020

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Arnold	Knudson	BI	<b>Pre-meeting</b>
2.			AEG	
3.			AP	

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**I. Summary:**

SB 1092 creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division of the State Fire Marshal (Division) to provide financial assistance to qualifying fire departments to help procure equipment, supplies, and educational training material designed to mitigate exposure to hazardous, cancer-causing chemicals.

The bill authorizes the State Fire Marshal to adopt rules and procedures to administer the program, including for the approval of applications and development of need-based criteria. Needs-based criteria must include, but are not limited to, decontamination equipment and supply needs of the fire department, the financial needs of the fire department, and the level of nonstate matching funds proposed in the application.

The bill requires grant recipients to:

- Provide a minimum 25 percent nonstate matching funds;
- Report their activity to the Division of State Fire Marshal for submission in the Fire and Emergency Incident Information Reporting System;
- Comply with the Florida Firefighters Occupational Safety and Health Act; and
- Comply with any other rule determined by the State Fire Marshal to effectively implement, administer, and manage the program.

The bill takes effect July 1, 2020.

## II. Present Situation:

### Division of the State Fire Marshal

State law on fire prevention and control designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division.<sup>1</sup> Pursuant to this authority, the State Fire Marshal:

- Regulates, trains, and certifies fire service personnel;
- Investigates the causes of fires;
- Enforces arson laws;
- Regulates the installation of fire equipment;
- Conducts firesafety inspections of state property;
- Develops firesafety standards;
- Provides facilities for the analysis of fire debris; and
- Operates the Florida State Fire College.

The Division is comprised of two bureaus: the Bureau of Fire Prevention (BFP) and the Bureau of Fire Standards and Training (BFST).<sup>2</sup> The BFP conducts fire/life safety inspections and construction plans review on all state-owned buildings; regulates the fireworks and the fire sprinkler industries; inspects and licenses boilers; and certifies suppression industry workers.<sup>3</sup> The BFST approves firefighter training curricula; offers fire service training at the Florida State Fire College; and certifies that fire service members meet industry-based standards.<sup>4</sup>

### Florida Fire Prevention Code

The State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC),<sup>5</sup> which contains all firesafety 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 firesafety laws and rules.<sup>6</sup> The State Fire Marshal adopts a new edition of the FFPC every 3 years.<sup>7</sup> The FFPC includes national firesafety and life safety standards set forth by the National Fire Protection Association (NFPA),<sup>8</sup> including the NFPA's Fire Code (1), Life Safety Code (101), and Guide on Alternative Approaches to Life Safety (101A).<sup>9</sup>

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<sup>1</sup> Section 633.104, F.S.

<sup>2</sup> Department of Financial Services, Division of the State Fire Marshal, *What We Do*, <https://www.myfloridacfo.com/division/sfm/> (last visited December 19, 2019).

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

<sup>4</sup> *Id.*

<sup>5</sup> Section 633.202(2), F.S.

<sup>6</sup> Section 633.202(1), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 633.202(2), F.S. Founded in 1896, the NFPA is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical, and related hazards. It has developed over 300 voluntary consensus codes and standards in the areas of fire, electrical, and building safety, which are widely used by state and local officials. National Fire Protection Association, *About NFPA*, <https://www.nfpa.org/about-nfpa> (last visited December 19, 2019).

<sup>9</sup> The NFPA states that the Guide on Alternative Approaches to Life Safety “is intended to be used in conjunction with the NFPA 101: Life Safety Code, not as a substitute.” National Fire Protection Association, *NFPA 101A: A Guides on*

## **Firesafety Enforcement by Local Governments**

State law requires all municipalities, counties, and special districts with firesafety 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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> Each county, municipality, and special district with firesafety enforcement responsibilities is also required to employ or contract with a firesafety inspector (certified by the State Fire Marshal) to conduct all firesafety inspections required by law.<sup>13</sup>

## **Firefighter Assistance Grant Program**

The 2016 Legislature created the Firefighter Assistance Grant Program (FAGP) for the purpose of assisting fire departments in providing firefighter training and procuring necessary firefighter personal protective equipment, self-contained breathing apparatus equipment, and fire engine pumper apparatus equipment.<sup>14</sup> The Division administers FAGP and annually awards grants to volunteer and combination (combination of career and volunteer) fire departments using the annual Florida Fire Service Needs Assessment Survey.<sup>15</sup>

The Legislature appropriated \$229,165 in recurring funds from the Insurance Regulatory Trust Fund to the Department of Financial Services and one full-time equivalent position with associated salary rate of \$50,000 for the purpose of implementing FAGP.<sup>16</sup>

## **Firefighter Cancer Initiative**

The 2015 Legislature appropriated \$965,000 in nonrecurring funds from General Revenue to create the Firefighter Cancer Initiative (FCI) for the purpose of identifying exposures that account for increased cancer risk among firefighters; expanding access to cancer screenings across the state; enabling prevention and earlier detection of the disease; and developing new technology and methods that measure exposure in the field.<sup>17</sup> The University of Miami Sylvester

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*Alternative Approaches to Life Safety*, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=101A> (last visited December 19, 2019).

<sup>10</sup> Sections 633.108 and 633.208, F.S.

<sup>11</sup> Section 633.214(4), F.S. The State Fire Marshal maintains a list of local amendments to the FFPC. This information is available at <https://www.myfloridacfo.com/Division/SFM/bfp/LocalAmendments.htm> (last visited December 19, 2019).

<sup>12</sup> Section 633.118, F.S.

<sup>13</sup> Section 633.216(1), F.S.

<sup>14</sup> CS/CS/CS/HB 651 (2016 Reg. Session).

<sup>15</sup> *Id.*

<sup>16</sup> Chapter 2016-132, s. 30, L.O.F.

<sup>17</sup> Chapter 2015-232, s. 6, L.O.F.

Comprehensive Cancer Center administers FCI in collaboration with the State Fire Marshal.<sup>18</sup> To date, FCI has participation from more than 3,700 firefighters, distributed more than 4,000 post fire on-scene decontamination kits to fire departments, and secured more than \$2 million in external funding.<sup>19</sup>

Each post fire on-scene decontamination kit includes the following tools needed for firefighters to effectively clean their gear after exposure to a fire:

- Flash drive, including education videos and training outline;
- Laminated Field Operation Guide;
- Standard Operating Guideline;
- 5 gallon bucket and leak-proof lid;
- 5 gallon 6 mil clear bags;
- Duct tape;
- Dish soap;
- Short handle scrub brush;
- All-purpose spray bottle;
- Dermal wipes;
- 2 50 foot, 5/8 inch hose lines;
- 2 garden hose nozzles;
- 2 adapters; and
- Collapsible traffic cone.<sup>20</sup>

### **Elevated Mortality Patterns and Cancer Incidence Rates in Firefighters**

Firefighters are at higher risk of developing and dying from cancer than the general population of the United States due to carcinogenic exposure on the job.<sup>21</sup> Recent studies quantifying the relationship between occupational exposures and cancer risk indicate firefighters have a 9 percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general population in the United States.<sup>22</sup> Excess risk has been attributed to several cancer sites, including malignancies of respiratory, digestive, and urinary systems.<sup>23</sup>

Carcinogenic exposure is both airborne (inhaled) and bloodborne (transdermal), and is present both on-scene and in the firehouse, as fire and emergency services stations are the collection

<sup>18</sup> Appropriations Project Request 1549 (2019 Reg. Session),

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=1549\\_v1.pdf&DocumentType=MemberBudgetRequests&Session=2019&BillNumber=4091](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=1549_v1.pdf&DocumentType=MemberBudgetRequests&Session=2019&BillNumber=4091) (last visited December 19, 2019).

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

<sup>20</sup> Press Release, Department of Financial Services, *CFO Jimmy Patronis, Sylvester Comprehensive Cancer Center Deliver more than 4,000 Cancer Exposure Decontamination Kits to Florida Firefighters* (August 2, 2018)

<https://www.myfloridacfo.com/sitePages/newsroom/pressRelease.aspx?id=5071> (last visited December 19, 2019).

<sup>21</sup> See Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago, and Philadelphia (1950-2009) available at [https://www.cdc.gov/niosh/firefighters/pdfs/OEM\\_FF\\_Ca\\_Study\\_10-2013.pdf](https://www.cdc.gov/niosh/firefighters/pdfs/OEM_FF_Ca_Study_10-2013.pdf) (last visited December 19, 2019).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*, see also Exposure-response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago, and Philadelphia (1950-2009) available at [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\)-508.pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015)-508.pdf) (last visited December 19, 2019).

points for contaminated equipment from emergency scenes.<sup>24</sup> Additionally, the increased use of plastics and synthetic materials in modern construction and furnishings has rendered today's house fires more hazardous than house fires of previous generations.<sup>25</sup> By some estimates, firefighters may be exposed to as many 90,000 chemicals in the firefighting environment.<sup>26</sup>

### III. Effect of Proposed Changes:

**Section 1** creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division to provide financial assistance to qualifying fire departments to help procure equipment, supplies, and educational training material designed to mitigate exposure to hazardous, cancer-causing chemicals.

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It further requires grant recipients to:

- Provide a minimum 25 percent nonstate matching funds;
- Report their activity to the Division of State Fire Marshal for submission in the Fire and Emergency Incident Information Reporting System;
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- Comply with any other rule determined by the State Fire Marshal to effectively implement, administer, and manage the program.

**Section 2** provides an effective date of July 1, 2020.

### IV. Constitutional Issues:

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

None.

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

None.

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<sup>24</sup> Federal Emergency Management Agency, US Fire Administration, *Safety and Health Considerations for the Design of Fire and Emergency Medical Services Stations* (May 2018), [https://www.usfa.fema.gov/downloads/pdf/publications/design\\_of\\_fire\\_ems\\_stations.pdf](https://www.usfa.fema.gov/downloads/pdf/publications/design_of_fire_ems_stations.pdf) (last visited December 19, 2019).

<sup>25</sup> *Id.*

<sup>26</sup> Toxic chemicals that may be found in any given firefighting environment include acetaldehyde, acrolein, acrylonitrile, arsenic, benzene, butadiene, coal-tar pitch, carbon monoxide, ethyl benzene, formaldehyde, hydrogen chloride, isocyanates, methyl methacrylate, naphthalene, nickel, polycyclic aromatic hydrocarbons, polybrominated diphenyl ethers, polychlorinated biphenyls, styrene, toluene, toluene diisocyanate, and vinyl chloride.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Financial Services requested \$150,000 in its legislative budget request to create this program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 633.137 of the Florida Statutes.

**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.

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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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