

STORAGE NAME: h1456.inj
DATE: April 15, 1989

HOUSE OF REPRESENTATIVES
INSURANCE COMMITTEE
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1456

RELATING TO: Firefighters/Nonusers of Tobacco

SPONSOR(S): Representatives Ritchie, Shelley & Hafner

EFFECTIVE DATE: Upon becoming law

COMPANION BILL(S): SB 476

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY:

This bill requires all firefighters certified after the effective date of this law be non-users of tobacco products.

A. PRESENT SITUATION:

Under present law there are no statutory restrictions regarding the use of tobacco or tobacco products for firefighters.

B. EFFECT OF PROPOSED CHANGES:

This bill requires that as a condition of certification as a firefighter, an applicant must have refrained from using tobacco or tobacco products for at least one year immediately preceding application.

C. SECTION-BY-SECTION ANALYSIS:

None

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

TIFL 0057088

STANDARD FORM 1/89

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

This bill could reduce the number of firefighter applicants.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

None

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III. LONG RANGE CONSEQUENCES:

HB 1456 comports with the policies set forth in the State Comprehensive Plan by promoting cultivating good health for Florida's citizens (s. 187.201 (6)(a)) and providing incentives to discourage smoking (s. 187.201 (6)(b)11.c.).

IV. COMMENTS:

This bill may raise Constitutional issues. However, in at least one case, Grusendorf v. City of Oklahoma 816 F.2d 539 (10th Cir. 1987), the 10th Circuit Court of Appeals held that the Oklahoma City Fire Department's non-smoking rule, which prohibited fire fighter trainees from smoking on or off duty for one year, had a rational relationship to legitimate state purpose in promoting health and safety, and therefore, did not violate due process clause or asserted liberty and privacy interests.

The mission of the Insurance Committee is to construct insurance laws which will require payment of claims when due, promote the availability of affordable insurance, stabilize insurance rates, protect the solvency of insurance institutions, and expand the ability of companies to profit from wise investments. This bill does not address the specific mission of the Insurance Committee.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Sharon Jacobs

Staff Director:

John Guthrie

John Guthrie

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
