

House votes to ban hiring of firefighters who smoke

By **Bill Cotterell**
Democrat Capitol bureau

The Florida House emphatically voted to ban tobacco use by newly hired firefighters Friday, despite arguments of discrimination and "big brother" governmental intrusion into the personal lives of public employees.

"If we've ever had a bill before us that's a good demonstration of over-regulation from Tallahassee, this is it," said Rep. Randy Mackey, D-Lake City, whose district includes many tobacco growers.

The bill (HB 1456) by Rep. Buzz Ritchie, D-Pensacola, would forbid cities and counties to hire firefighters who smoke. The firefighters' union supports the proposal, which supporters said is already enforced by local ordinance in 18 cities, including Tallahassee.

Ritchie and other supporters said the tobacco ban was justified because state law requires complete medical coverage and pension rights for any firefighter disabled by heart and lung diseases. Since those disabilities are automatically assumed to be caused by smoke inhaled in fighting fires, Ritchie said, the state has a legitimate financial and legal interest in making sure the firefighters are not damaging their hearts and lungs with tobacco smoke — on or off the job.

The ban would not apply to current firefighters, who would not have to quit or be fired. The bill, sent to the Senate in a 76-37 vote, would apply only to employees hired in the future.

Mackey and Rep. Robert Harden, R-Fort Walton Beach, said the uneven application of the ban would lead to lawsuits — when veteran firefighters light up on the job, while rookies are forbidden to smoke even at home after work.

"I don't smoke. It's a dirty habit, a ridiculous habit," Harden said. "But it's inappropriate for us in the

Legislature to dictate to anyone, whether they be firefighters or not, their personal behavior."

Harden said legislators might just as well mandate acceptable limits on body fat, alcohol use or cholesterol levels for government employees, who are insured at public expense.

But Rep. Bob Shelley, D-Pompano Beach, a co-sponsor of the bill, said the public has a right to expect its firefighters to be physically fit. Shelley said that if the government is going to pay lifetime pension benefits and medical bills for a firefighter disabled by a heart attack, high blood pressure, lung cancer or emphysema, the public has an interest in eliminating smoking as a leading cause of those diseases.

"The regulation is for the health and safety of not only the firefighter, but the public," said

Shelley. "We don't want them showing up at a fire wheezing and out of shape. It's a fiscally responsible proposal."

Rep. Frank Stone, R-Casselberry, said city and county governments are successfully curbing smoking in their fire houses. He said there was no need for a statewide ban.

"Why does Big Brother, the state, have to get involved?" asked Stone.

Rep. Roy Campbell, D-East Palatka, a physician, said the state has as much interest in banning smoking by firefighters as it did in regulating asbestos removal from public buildings.

"This is a way we can have a healthier work force and — read my lips — without any new taxes," Campbell said. "Smoking is a major problem, and we're subsidizing it already in more ways than one."