

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 65 Firefighter Death Benefits  
**SPONSOR(S):** Governmental Affairs Policy Committee, Soto and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 202

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Governmental Affairs Policy Committee	10 Y, 0 N, As CS	Haug	Williamson
2)	Military & Local Affairs Policy Committee			
3)	Policy Council			
4)	Economic Development & Community Affairs Policy Council			
5)				

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**SUMMARY ANALYSIS**

This bill revises firefighter death benefits and expands the activities that qualify firefighters to receive death benefits to include training sessions. An additional death benefit is authorized when a firefighter is injured by an unlawful and intentional act of another in the performance of his or her duties and dies as the result of such injury. Both benefit payments are adjusted to the Consumer Price Index.

The fiscal impact to local governments is not known due to the infrequency of deaths associated with training activities.

The bill applies to deaths of firefighters occurring on or after November 1, 2007.

The bill is effective upon becoming a law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Current law provides for a \$50,000 death benefit payment when a firefighter is accidentally killed in the line of duty, or when the firefighter receives an accidental injury in the line of duty and the injury results in the death of the firefighter.<sup>1</sup> The benefit is adjusted each year to the Consumer Price Index for all urban consumers published by the U.S. Department of Labor. The adjustment is made by the Division of State Fire Marshal. By July 1 of each year, it must adjust the benefit using the most recent month for which data are available at the time of the adjustment. The current benefit amount is \$59,879.<sup>2</sup>

In addition to the accidental death benefit payment current law provides for an additional \$50,000 payment if a firefighter is accidentally killed in the line of duty while responding to an emergency involving the protection of life and property.<sup>3</sup> This benefit is adjusted for inflation. The current adjusted amount is \$59,879.<sup>4</sup>

If a firefighter is unlawfully and intentionally killed, or dies as a result of a fire caused by an act of arson, an additional benefit of \$150,000, adjusted for inflation, must be paid. The current adjusted benefit is \$166,779.<sup>5</sup>

Any political subdivision of the state that employs a full-time firefighter must pay the entire health insurance premium for the firefighter's surviving spouse until the spouse remarries.<sup>6</sup> The same requirement applies to each dependent child until the child reaches the age of majority or, until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support or if the child is a full-time or part-time student and is dependent for support. The health insurance premiums must be paid when:

- The firefighter is killed in the line of duty;
- The firefighter's death is due to an act of violence inflicted by another person while the firefighter is in the performance of his or her duty;

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<sup>1</sup> Section 112.191(2)(a), F.S.

<sup>2</sup> [http://dms.myflorida.com/business\\_operations/state\\_purchasing/vendor\\_information/state\\_contracts\\_agreements\\_and\\_price\\_lists/insurance\\_coverage\\_program/accidental\\_death\\_and\\_dismemberment](http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_agreements_and_price_lists/insurance_coverage_program/accidental_death_and_dismemberment).

<sup>3</sup> Section 112.191(2)(b), F.S.

<sup>4</sup> [http://dms.myflorida.com/business\\_operations/state\\_purchasing/vendor\\_information/state\\_contracts\\_agreements\\_and\\_price\\_lists/insurance\\_coverage\\_program/accidental\\_death\\_and\\_dismemberment](http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_agreements_and_price_lists/insurance_coverage_program/accidental_death_and_dismemberment).

<sup>5</sup> *Id.*

<sup>6</sup> Section 112.191(2)(f), F.S.

- The firefighter's death is a result of a fire caused by an act of arson; or
- The firefighter's death is a result of an assault against the firefighter in riot conditions.

### **Effect of Proposed Changes**

The bill expands the purposes for which an accidental death benefit of \$50,000, adjusted for inflation, is payable by providing for payment of the benefit when a firefighter's death occurs due to participation in a training exercise. The bill further expands the purposes for which an additional death benefit of \$150,000, adjusted for inflation, is payable by providing that the benefit is payable when a firefighter is injured in the line of duty, and dies as a result of such injuries.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 112.191, F.S., to revise firefighter death benefits.

**Section 2:** Provides an effective date upon becoming a law and applies to deaths of firefighters occurring on or after November 1, 2007.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

The Division of State Group Insurance at the Department of Management Services makes Accidental Death and Dismemberment Coverage available to covered personnel including all state law enforcement officers and firefighters. The division reported in an analysis to a bill with similar provisions last year<sup>7</sup> that the bill should have no impact on the contract to provide coverage for state employees.<sup>8</sup>

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

The fiscal impact to local governments is not known at this time due to the infrequency of deaths associated with training activities.<sup>9</sup>

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Additional death benefits are payable to the beneficiaries of firefighters who are killed in the line of duty. These benefits include accidental death and dismemberment payments as well as the payment of specified health insurance premiums.

#### **D. FISCAL COMMENTS:**

None.

<sup>7</sup> HB 259 (2009)

<sup>8</sup> Email from staff of the Department of Management Services to staff of the Senate Committee on Community Affairs (Mar. 5, 2009) (on file with the Governmental Affairs Policy Committee).

<sup>9</sup> Department of Financial Services HB 259 (2009) Substantive Bill Analysis (Mar. 12, 2009) at 1 (on file with the Governmental Affairs Policy Committee).

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a shared state tax or premium sales tax received by cities or counties.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

##### Drafting Issues

The term "training exercise" on line 20 of the bill is not defined. To provide clarity to the scope of training the term "firefighter training programs" as defined in s. 633.35, F.S., should be considered.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 25, 2010, the Governmental Affairs Policy Committee adopted two amendments. The first amendment provides an additional death benefit when a firefighter is injured by an unlawful and intentional act of another in the performance of his or her duties and dies as the result of such injury. The second amendment provides application of the act to deaths of firefighters occurring on or after November 1, 2007 and changed the effective date to upon becoming a law.

The bill was reported favorably as a committee substitute.