

By the Committee on Governmental Oversight and Accountability;  
and Senator Flores

585-02618-18

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1 A bill to be entitled  
2 An act relating to firefighters; creating s. 112.1816,  
3 F.S.; providing definitions; granting certain benefits  
4 to a firefighter upon receiving a diagnosis of cancer  
5 if certain conditions are met; requiring an employer  
6 to make certain disability payments to a firefighter  
7 in the event of a total and permanent disability;  
8 providing for death benefits to a firefighter's  
9 beneficiary if a firefighter died as a result of  
10 cancer or cancer treatments; specifying that any costs  
11 associated with benefits granted by the act are to be  
12 borne by the employer; requiring the Division of State  
13 Fire Marshal to adopt certain rules; providing a  
14 declaration of important state interest; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 112.1816, Florida Statutes, is created  
20 to read:

21 112.1816 Firefighters; cancer diagnosis.-

22 (1) As used in this section, the term:

23 (a) "Employer" has the same meaning as in s. 112.191.

24 (b) "Firefighter" means an individual employed as a full-  
25 time firefighter within the fire department or public safety  
26 department of an employer whose primary responsibility is the  
27 prevention and extinguishing of fires; the protection of life  
28 and property; and the enforcement of municipal, county, and  
29 state fire prevention codes and laws pertaining to the

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30 prevention and control of fires.

31 (2) Upon a diagnosis of cancer, a firefighter is entitled  
32 to the following benefits, as an alternative to pursuing  
33 workers' compensation benefits under chapter 440, if the  
34 firefighter has been employed by his or her employer for at  
35 least 5 continuous years, has not used tobacco products for at  
36 least the preceding 5 years, and has not been employed in any  
37 other position in the preceding 5 years which is proven to  
38 create a higher risk for any cancer:

39 (a) Cancer treatment, at no cost to the firefighter,  
40 covered within an employer-sponsored health plan or through a  
41 group health insurance trust fund. The health plan, trust fund,  
42 or insurance policy, or a rider added to such policy, may not  
43 require the firefighter to contribute toward any deductible,  
44 copayment, or coinsurance amount for the treatment of cancer.  
45 The employer may timely reimburse the firefighter for out-of-  
46 pocket deductible, copayment, or coinsurance costs incurred by  
47 the firefighter in complying with this paragraph.

48 (b) A one-time cash payout of \$25,000, upon the  
49 firefighter's initial diagnosis of cancer.

50  
51 The benefits specified in paragraphs (a) and (b) must be made  
52 available by a former employer of a firefighter for 10 years  
53 following the date that the firefighter terminates employment,  
54 so long as the firefighter otherwise met the criteria specified  
55 in this subsection when he or she terminated employment and was  
56 not subsequently employed as a firefighter following that date.  
57 For purposes of determining leave time and employee retention  
58 policies, a firefighter's cancer diagnosis must be considered an

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59 injury or illness incurred in the line of duty by the employer.

60 (3) (a) If the firefighter participates in an employer-  
61 sponsored retirement plan, the retirement plan must consider the  
62 firefighter totally and permanently disabled if he or she is  
63 prevented from rendering useful and effective service as a  
64 firefighter and is likely to remain disabled continuously and  
65 permanently due to the diagnosis of cancer or circumstances  
66 arising out of the treatment of cancer.

67 (b) If the firefighter does not participate in an employer-  
68 sponsored retirement plan, the employer must provide a  
69 disability retirement plan that provides the firefighter with at  
70 least 42 percent of his or her annual salary, at no cost to the  
71 firefighter, until the firefighter's death as coverage for total  
72 and permanent disabilities attributable to the diagnosis of  
73 cancer arising out of the treatment of cancer.

74 (4) (a) If the firefighter participated in an employer-  
75 sponsored retirement plan, the retirement plan must consider the  
76 firefighter to have died in the line of duty if he or she dies  
77 as a result of cancer or circumstances arising out of the  
78 treatment of cancer.

79 (b) If the firefighter did not participate in an employer-  
80 sponsored retirement plan, the employer must provide a death  
81 benefit to the firefighter's beneficiary, at no cost to the  
82 firefighter or his or her beneficiary, totaling at least 42  
83 percent of the firefighter's most recent annual salary for at  
84 least 10 years following the firefighter's death as a result of  
85 cancer or circumstances arising out of the treatment of cancer.

86 (c) Firefighters who die as a result of cancer or  
87 circumstances arising out of the treatment of cancer are

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88 considered to have died in the manner as described in s.  
89 112.191(2) (a) and all of the benefits arising out of such death  
90 are available to the deceased firefighter's beneficiary.

91 (5) The costs of purchasing an insurance policy that  
92 provides the cancer benefits contained in this section, or the  
93 costs of providing such benefits through a self-funded system,  
94 must be borne solely by the employer that employs firefighters  
95 and may not be funded by individual firefighters, by any group  
96 health insurance trust fund funded partially or wholly by  
97 firefighters, or by any self-insured trust fund that provides  
98 health insurance coverage which is funded partially or wholly by  
99 firefighters.

100 (6) The Division of State Fire Marshal within the  
101 Department of Financial Services shall adopt rules to establish  
102 employer cancer prevention best practices as it relates to  
103 personal protective equipment, decontamination, fire suppression  
104 apparatus, and fire stations.

105 Section 2. The Legislature determines and declares that  
106 this act fulfills an important state interest.

107 Section 3. This act shall take effect July 1, 2018.