

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 dies as a result of
 10 cancer or cancer treatments; specifying that any costs
 11 associated with benefits granted by the act must be
 12 borne by the employer; requiring the Division of State
 13 Fire Marshal to adopt certain rules; amending s.
 14 121.735, F.S.; adjusting the allocation of funds to
 15 provide line-of-duty death benefits for members in the
 16 investment plan of the Florida Retirement System;
 17 directing the Division of Law Revision to adjust the
 18 employer contribution rates for the Special Risk Class
 19 and DROP in the Florida Retirement System; providing a
 20 declaration of important state interest; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 112.1816, Florida Statutes, is created

26 | to read:

27 | 112.1816 Firefighters; cancer diagnosis.-

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

29 | (a) "Cancer" includes:

30 | 1. Bladder cancer.

31 | 2. Brain cancer.

32 | 3. Breast cancer.

33 | 4. Cervical cancer.

34 | 5. Colon cancer.

35 | 6. Esophageal cancer.

36 | 7. Invasive skin cancer.

37 | 8. Kidney cancer.

38 | 9. Large intestinal cancer.

39 | 10. Lung cancer.

40 | 11. Malignant melanoma.

41 | 12. Mesothelioma.

42 | 13. Multiple myeloma.

43 | 14. Non-Hodgkin's lymphoma.

44 | 15. Oral cavity and pharynx cancer.

45 | 16. Ovarian cancer.

46 | 17. Prostate cancer.

47 | 18. Rectal cancer.

48 | 19. Stomach cancer.

49 | 20. Testicular cancer.

50 | 21. Thyroid cancer.

51 (b) "Employer" has the same meaning as in s. 112.191.

52 (c) "Firefighter" means an individual employed as a full-
53 time firefighter within the fire department or public safety
54 department of an employer whose primary responsibilities are the
55 prevention and extinguishing of fires; the protection of life
56 and property; and the enforcement of municipal, county, and
57 state fire prevention codes and laws pertaining to the
58 prevention and control of fires.

59 (2) Upon a diagnosis of cancer, a firefighter is entitled
60 to the following benefits, as an alternative to pursuing
61 workers' compensation benefits under chapter 440, if the
62 firefighter has been employed by his or her employer for at
63 least 5 continuous years, has not used tobacco products for at
64 least the preceding 5 years, and has not been employed in any
65 other position in the preceding 5 years which is proven to
66 create a higher risk for any cancer:

67 (a) Cancer treatment covered within an employer-sponsored
68 health plan or through a group health insurance trust fund. The
69 employer must timely reimburse the firefighter for any out-of-
70 pocket deductible, copayment, or coinsurance costs incurred due
71 to the treatment of cancer.

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

74
75 If the firefighter elects to continue coverage in the employer-

76 sponsored health plan or group health insurance trust fund after
77 he or she terminates employment, the benefits specified in
78 paragraphs (a) and (b) must be made available by the former
79 employer of a firefighter for 10 years following the date on
80 which the firefighter terminates employment so long as the
81 firefighter otherwise met the criteria specified in this
82 subsection when he or she terminated employment and was not
83 subsequently employed as a firefighter following that date. For
84 purposes of determining leave time and employee retention
85 policies, the employer must consider a firefighter's cancer
86 diagnosis as an injury or illness incurred in the line of duty.

87 (3) (a) If the firefighter participates in an employer-
88 sponsored retirement plan, the retirement plan must consider the
89 firefighter totally and permanently disabled in the line of duty
90 if he or she meets the retirement plan's definition of totally
91 and permanently disabled due to the diagnosis of cancer or
92 circumstances that arise out of the treatment of cancer.

93 (b) If the firefighter does not participate in an
94 employer-sponsored retirement plan, the employer must provide a
95 disability retirement plan that provides the firefighter with at
96 least 42 percent of his or her annual salary, at no cost to the
97 firefighter, until the firefighter's death, as coverage for
98 total and permanent disabilities attributable to the diagnosis
99 of cancer which arise out of the treatment of cancer.

100 (4) (a) If the firefighter participated in an employer-

HB 7129

2019

101 sponsored retirement plan, the retirement plan must consider the
102 firefighter to have died in the line of duty if he or she dies
103 as a result of cancer or circumstances that arise out of the
104 treatment of cancer.

105 (b) If the firefighter did not participate in an employer-
106 sponsored retirement plan, the employer must provide a death
107 benefit to the firefighter's beneficiary, at no cost to the
108 firefighter or his or her beneficiary, totaling at least 42
109 percent of the firefighter's most recent annual salary for at
110 least 10 years following the firefighter's death as a result of
111 cancer or circumstances that arise out of the treatment of
112 cancer.

113 (c) Firefighters who die as a result of cancer or
114 circumstances that arise out of the treatment of cancer are
115 considered to have died in the manner as described in s.
116 112.191(2)(a), and all of the benefits arising out of such death
117 are available to the deceased firefighter's beneficiary.

118 (5) The costs of providing the reimbursement, lump sum,
119 and retirement benefits made available under this section must
120 be borne solely by the employer that employs firefighters.

121 (6) The Division of State Fire Marshal within the
122 Department of Financial Services shall adopt rules to establish
123 employer cancer prevention best practices as it relates to
124 personal protective equipment, decontamination, fire suppression
125 apparatus, and fire stations.

126 Section 2. Subsection (3) of section 121.735, Florida
 127 Statutes, is amended to read:

128 121.735 Allocations for member line-of-duty death
 129 benefits; percentage amounts.—

130 (3) ~~Effective July 1, 2017,~~ Allocations from the Florida
 131 Retirement System Contributions Clearing Trust Fund to provide
 132 line-of-duty death benefits for members in the investment plan
 133 and to offset the costs of administering said coverage, are as
 134 follows:

135

Membership Class	Percentage of Gross Compensation
Regular Class	0.05%
Special Risk Class	<u>1.21%</u> 1.15%
Special Risk Administrative Support Class	0.03%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers,	0.15%

State Attorneys, Public
Defenders

141

Elected Officers' Class— 0.09%
Justices, Judges

142

Elected Officers' Class— 0.20%
County Elected Officers

143

Senior Management Service Class 0.05%

144

145 Section 3. (1) In order to fund the benefit changes
146 provided by this act to the Florida Retirement System, the
147 required employer contribution rates for the members of the
148 Florida Retirement System are increased as follows:

149 (a) By 0.08 percentage point for the rate established in
150 s. 121.71(4), Florida Statutes, for the Special Risk Class.

151 (b) By 0.01 percentage point for the rate established in
152 s. 121.71(5), Florida Statutes, for the Special Risk Class.

153 (c) By 0.02 percentage point for the rate established in
154 s. 121.71(5), Florida Statutes, for DROP.

155 (2) The adjustments provided in subsection (1) are in
156 addition to any other changes to such contribution rates which
157 may be enacted into law to take effect on July 1, 2019. The
158 Division of Law Revision is directed to adjust accordingly the

HB 7129

2019

159 | contribution rates provided in s. 121.71, Florida Statutes.

160 | Section 4. The Legislature determines and declares that
161 | this act fulfills an important state interest.

162 | Section 5. This act shall take effect July 1, 2019.