

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 259 Firefighter Death Benefits

SPONSOR(S): Soto and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 792

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	<u>Governmental Affairs Policy Committee</u>	<u></u>	<u>Haug</u>	<u>Williamson</u>
2)	<u>Economic Development & Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
3)	<u>Government Operations Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4)	<u>Full Appropriations Council on General Government & Health Care</u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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 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 bill also limits the conditions under which an employer is obligated to pay 100 percent of the health insurance premiums for a firefighter who is killed in the line of duty, and expands the purposes for which 100 percent of a health insurance premium is paid when a firefighter suffers a catastrophic injury in the line of duty.

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

The bill takes effect July 1, 2009.

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

Section 112.191(2)(a), F.S., 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. 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 \$59,965.¹

In addition to the accidental death benefit payment, s. 112.191(2)(b), F.S., 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. This benefit also is adjusted for inflation and the current adjusted amount is \$59,695.²

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 \$179,085.³

Section 112.191(2)(f), F.S., provides that 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. The same requirement applies as 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;
- 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.

¹http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_agreements_and_price_lists/insurance_coverage_program/accidental_death_and_dismemberment.

² *Id.*

³ *Id.*

Section 112.191(2)(g), F.S., provides that any employer who employs a full-time firefighter who suffers a catastrophic injury, as defined in s. 440.02, F.S., (2002), in the line of duty is required to pay 100 percent of the health insurance premiums for the injured firefighter, and the firefighter's spouse and dependent children. The insurance premium for the children must be paid until the child reaches the age of majority or until the end of the calendar year in which the child reaches age 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.

Effect of Proposed Change

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.

The bill limits the conditions under which an employer of a full-time firefighter must pay 100 percent of the health insurance premiums for the spouse and dependent children by providing that the premium will be paid for firefighters killed in the line of duty, but deleting the remaining conditions under which the benefit is paid.

The bill expands the conditions under which an employer of a full-time firefighter must pay 100 percent of the health insurance premiums for a firefighter who suffered a catastrophic injury, and the spouse and dependent children of such firefighter, by providing that the premiums will be paid for catastrophic injuries that are work-related, rather than those that occurred as a result of a firefighter responding to an emergency situation.

B. SECTION DIRECTORY:

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

Section 2. Provides an effective date of July 1, 2009.

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 reports that the provisions of the bill should have no impact on the contract to provide coverage for state employees.⁴

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

⁴ 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).

2. Expenditures:

The fiscal impact to local governments is not known at this time due to the infrequency of deaths associated with training activities.⁵

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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision does not appear to apply because this bill is not expected to require counties and municipalities to spend funds or to take an action requiring the expenditure of funds, reduce the percentage of a state tax shared with counties or municipalities, or reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The bill inadvertently deletes provisions of current law relating to the payment of certain health insurance premiums for the families of firefighters who are killed under certain circumstance. The sponsor is expected to offer an amendment to reinstate the deleted provisions.

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.

Other Comments

The Florida Association of Counties provided the following comment:

Legislature has already authorized too many special benefits and presumptions for police and fire.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

Not applicable.

⁵ Department of Financial Services HB 259 (2009) Substantive Bill Analysis (Mar. 12, 2009) at 1 (on file with the Governmental Affairs Policy Committee).