

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

BILL: CS/SB 792

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Baker

SUBJECT: Firefighter Death Benefits

DATE: April 21, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Molloy	Yeatman	CA	Fav/1 amendment
2.	Wilson	Wilson	GO	Fav/CS
3.			GA	
4.			WPSC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill provides for a death benefit payment when a firefighter's death is due to participation in a training exercise. 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 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.

This bill substantially amends section 112.191, Florida Statutes.

II. Present Situation:

Section 112.191, F.S. – Firefighters’ death benefits.

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 who must, by July 1 of each year, 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.

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 is also adjusted for inflation and the current adjusted amount is \$59,695.

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.

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 remarried, and for 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.

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.

Section 440.02, F.S. (2002)

Section 440.02, F.S., (2002), defines “catastrophic injury” as a permanent impairment constituted by:

- Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;
- Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of the appendage;

- Severe brain or closed-head injury as evidenced by:
 - Severe sensory or motor disturbances;
 - Severe communication disturbances;
 - Severe complex integrated disturbances of cerebral function;
 - Severe episodic neurological disorders; or
 - Other severe brain and closed-head injury conditions which are as severe as any of the others listed.
- Second or third-degree burns over 25 percent or more of the total body surface or third-degree burns of 5 percent or more to the face and hands;
- Total or industrial blindness, or
- Any other injury that would qualify an employee to receive disability benefits or supplemental security income benefits from Social Security as the Social Security Act existed on July 1, 1992.

III. 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.

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 which are work-related, rather than those which occurred as a result of a firefighter's responding to an emergency situation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

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.

C. Government Sector Impact:

The Division of State Purchasing at the Department of Management Services makes Accidental Death and Dismemberment Coverage available to covered personnel which includes all state law enforcement officers, including firefighters. The division reports that the provisions of the bill should have no impact on the contract to provide coverage for state employees. However, the impact to local governments are not known at this time.

VI. Technical Deficiencies:

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

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 21, 2009:

Incorporates amendment from Community Affairs Committee, Barcode 758010, which removes provisions of the bill revising requirements for the payment of certain health insurance premiums for firefighters and the families of firefighters who are killed under certain circumstances.

B. Amendments:

None.