

By the Committee on Governmental Oversight and Accountability;  
and Senators Latvala, Soto, Grimsley, Garcia, Flores, and  
Bullard

585-03646-16

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1 A bill to be entitled

2 An act relating to firefighters; creating s. 112.1816,  
3 F.S.; defining the term "firefighter"; establishing a  
4 presumption as to a firefighter's condition or  
5 impairment of health caused by certain types of cancer  
6 while in the line of duty; specifying criteria a  
7 firefighter must meet to be entitled to the  
8 presumption; requiring an employing agency to provide  
9 a physical examination for a firefighter; specifying  
10 circumstances under which the presumption does not  
11 apply; providing for applicability; requiring the  
12 Legislature to review specified cancer research  
13 programs by a certain date; providing for an employer  
14 contribution rate increase to fund changes made by the  
15 act; providing a directive to the Division of Law  
16 Revision and Information; providing a declaration of  
17 important state interest; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 112.1816, Florida Statutes, is created  
22 to read:

23 112.1816 Firefighter disability or death from cancer  
24 presumed incurred in the line of duty.-

25 (1) DEFINITION.-As used in this section, the term  
26 "firefighter" has the same meaning as in s. 112.81.

27 (2) PRESUMPTION; ELIGIBILITY CONDITIONS.-

28 (a) Any condition or impairment of the health of a  
29 firefighter employed full time by the state or any municipality,  
30 county, port authority, special tax district, or fire control

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31 district which is caused by multiple myeloma, non-Hodgkin's  
32 lymphoma, prostate cancer, or testicular cancer and results in  
33 total or partial disability or death is presumed to have been  
34 accidental and to have been suffered in the line of duty unless  
35 the contrary is shown by competent evidence. In order to be  
36 entitled to this presumption, the firefighter:

37 1. Must have successfully passed a physical examination  
38 administered before the individual began service as a  
39 firefighter and which failed to reveal any evidence of such a  
40 health condition;

41 2. Must have been employed as a firefighter with his or her  
42 current employer for at least 5 continuous years before becoming  
43 totally or partially disabled or before his or her death;

44 3. Must not have used tobacco products for at least 5 years  
45 before becoming totally or partially disabled or before his or  
46 her death; and

47 4. Must not have been employed during the preceding 5 years  
48 in any other position that is proven to create a higher risk for  
49 multiple myeloma, non-Hodgkin's lymphoma, prostate cancer, or  
50 testicular cancer. This includes any other employment as a  
51 firefighter at another employing agency within the preceding 5  
52 years.

53 (b) An employing agency must provide a physical examination  
54 for a firefighter before he or she begins service or immediately  
55 thereafter. Notwithstanding subparagraph (a)1., if the employing  
56 agency fails to provide a physical examination before the  
57 firefighter begins service, or immediately thereafter, the  
58 firefighter is entitled to the presumption provided that he or  
59 she meets the criteria specified in subparagraphs (a)2., (a)3.,

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60 and (a)4.

61 (c) The presumption does not apply to benefits payable  
62 under or granted in a life insurance or disability insurance  
63 policy unless the insurer and insured have negotiated for the  
64 additional benefits to be included in the policy contract.

65 (3) APPLICABILITY.—A firefighter employed on July 1, 2016,  
66 is not required to meet the physical examination requirement in  
67 subsection (2) in order to be entitled to the presumption set  
68 forth in this section.

69 Section 2. The Legislature shall review the current status  
70 of research programs, funded wholly or in part by the General  
71 Appropriations Act, which study the incidence of cancer in  
72 firefighters before the convening of the 2017 Regular Session of  
73 the Legislature to determine whether any further statutory  
74 changes to this act are necessary.

75 Section 3. (1) In order to fund the benefit changes  
76 provided in this act, the required employer contribution rate  
77 for members of the Florida Retirement System established in s.  
78 121.71(4), Florida Statutes, for the Special Risk Class is  
79 increased by 0.01 percentage point.

80 (2) The adjustment provided in subsection (1) is in  
81 addition to any other changes to such contribution rates which  
82 may be enacted into law to take effect on July 1, 2016. The  
83 Division of Law Revision and Information is directed to adjust  
84 accordingly the contribution rates provided in s. 121.71,  
85 Florida Statutes.

86 Section 4. The Legislature determines and declares that  
87 this act fulfills an important state interest.

88 Section 5. This act shall take effect July 1, 2016.