

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 he or she contracts in the line of duty; specifying
 7 criteria a 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.

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

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

23 112.1816 Firefighter disability or death from cancer
 24 presumed contracted 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
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 contracted in the line of duty
35 unless the contrary is shown by competent evidence. In order to
36 be 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
42 her current employer for at least 5 continuous years before
43 becoming totally or partially disabled or before his or her
44 death;

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

48 4. Must not have been employed during the preceding 5
49 years in any other position that is proven to create a higher
50 risk for multiple myeloma, non-Hodgkin's lymphoma, prostate

51 cancer, or testicular cancer. This includes any other employment
52 as a firefighter at another employing agency within the
53 preceding 5 years.

54 (b) An employing agency must provide a physical
55 examination for a firefighter before he or she begins service or
56 immediately thereafter. Notwithstanding subparagraph (a)1., if
57 the employing agency fails to provide a physical examination
58 before the firefighter begins service, or immediately
59 thereafter, the firefighter is entitled to the presumption,
60 provided that he or she meets the criteria specified in
61 subparagraphs (a)2., (a)3., and (a)4.

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

66 (3) APPLICABILITY.—A firefighter employed on July 1, 2017,
67 is not required to meet the physical examination requirement in
68 subsection (2) in order to be entitled to the presumption set
69 forth in this section.

70 Section 2. The Legislature shall review the current status
71 of research programs, funded wholly or in part by the General
72 Appropriations Act, which study the incidence of cancer in
73 firefighters. This review must be conducted before the convening
74 of the 2018 Regular Session of the Legislature to determine
75 whether any further statutory changes to this act are necessary.

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

81 (2) The adjustment provided in subsection (1) is in
82 addition to any other changes to such contribution rates which
83 may be enacted into law to take effect on July 1, 2017. The
84 Division of Law Revision and Information is directed to adjust
85 accordingly the contribution rates provided in s. 121.71,
86 Florida Statutes.

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

89 Section 5. This act shall take effect July 1, 2017.