

By Senator Latvala

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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 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

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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 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.,
60 and (a)4.

61 (c) The presumption does not apply to benefits payable

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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, 2017,
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. This review must be conducted before the convening
73 of the 2018 Regular Session of the Legislature to determine
74 whether any further statutory 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, 2017. 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, 2017.