



516282

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Governmental Oversight and Accountability  
(Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

112.1816 Firefighters; cancer diagnosis.-

(1) As used in this section, the term:

(a) "Employer" has the same meaning as in s. 112.191.

(b) "Firefighter" means an individual employed as a full-



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11 time firefighter within the fire department or public safety  
12 department of an employer whose primary responsibility is the  
13 prevention and extinguishing of fires; the protection of life  
14 and property; and the enforcement of municipal, county, and  
15 state fire prevention codes and laws pertaining to the  
16 prevention and control of fires.

17 (2) Upon a diagnosis of cancer, a firefighter is entitled  
18 to the following benefits, as an alternative to pursuing  
19 workers' compensation benefits under chapter 440, if the  
20 firefighter has been employed by his or her employer for at  
21 least 5 continuous years, has not used tobacco products for at  
22 least the preceding 5 years, and has not been employed in any  
23 other position in the preceding 5 years which is proven to  
24 create a higher risk for any cancer:

25 (a) Cancer treatment, at no cost to the firefighter,  
26 covered within an employer-sponsored health plan or through a  
27 group health insurance trust fund. The health plan, trust fund,  
28 or insurance policy, or a rider added to such policy, may not  
29 require the firefighter to contribute toward any deductible,  
30 copayment, or coinsurance amount for the treatment of cancer.  
31 The employer may timely reimburse the firefighter for out-of-  
32 pocket deductible, copayment, or coinsurance costs incurred by  
33 the firefighter in complying with this paragraph.

34 (b) A one-time cash payout of \$25,000, upon the  
35 firefighter's initial diagnosis of cancer.

36  
37 The benefits specified in paragraphs (a) and (b) must be made  
38 available by a former employer of a firefighter for 10 years  
39 following the date that the firefighter terminates employment,



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40 so long as the firefighter otherwise met the criteria specified  
41 in this subsection when he or she terminated employment and was  
42 not subsequently employed as a firefighter following that date.  
43 For purposes of determining leave time and employee retention  
44 policies, a firefighter's cancer diagnosis must be considered an  
45 injury or illness incurred in the line of duty by the employer.

46 (3) (a) If the firefighter participates in an employer-  
47 sponsored retirement plan, the retirement plan must consider the  
48 firefighter totally and permanently disabled if he or she is  
49 prevented from rendering useful and effective service as a  
50 firefighter and is likely to remain disabled continuously and  
51 permanently due to the diagnosis of cancer or circumstances  
52 arising out of the treatment of cancer.

53 (b) If the firefighter does not participate in an employer-  
54 sponsored retirement plan, the employer must provide a  
55 disability retirement plan that provides the firefighter with at  
56 least 42 percent of his or her annual salary, at no cost to the  
57 firefighter, until the firefighter's death as coverage for total  
58 and permanent disabilities attributable to the diagnosis of  
59 cancer arising out of the treatment of cancer.

60 (4) (a) If the firefighter participated in an employer-  
61 sponsored retirement plan, the retirement plan must consider the  
62 firefighter to have died in the line of duty if he or she dies  
63 as a result of cancer or circumstances arising out of the  
64 treatment of cancer.

65 (b) If the firefighter did not participate in an employer-  
66 sponsored retirement plan, the employer must provide a death  
67 benefit to the firefighter's beneficiary, at no cost to the  
68 firefighter or his or her beneficiary, totaling at least 42



69 percent of the firefighter's most recent annual salary for at  
70 least 10 years following the firefighter's death as a result of  
71 cancer or circumstances arising out of the treatment of cancer.

72 (c) Firefighters who die as a result of cancer or  
73 circumstances arising out of the treatment of cancer are  
74 considered to have died in the manner as described in s.  
75 112.191(2) (a) and all of the benefits arising out of such death  
76 are available to the deceased firefighter's beneficiary.

77 (5) The costs of purchasing an insurance policy that  
78 provides the cancer benefits contained in this section, or the  
79 costs of providing such benefits through a self-funded system,  
80 must be borne solely by the employer that employs firefighters  
81 and may not be funded by individual firefighters, by any group  
82 health insurance trust fund funded partially or wholly by  
83 firefighters, or by any self-insured trust fund that provides  
84 health insurance coverage which is funded partially or wholly by  
85 firefighters.

86 (6) The Division of State Fire Marshal within the  
87 Department of Financial Services shall adopt rules to establish  
88 employer cancer prevention best practices as it relates to  
89 personal protective equipment, decontamination, fire suppression  
90 apparatus, and fire stations.

91 Section 2. The Legislature determines and declares that  
92 this act fulfills an important state interest.

93 Section 3. This act shall take effect July 1, 2018.

94  
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete everything before the enacting clause



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98 and insert:

99 A bill to be entitled

100 An act relating to firefighters; creating s. 112.1816,  
101 F.S.; providing definitions; granting certain benefits  
102 to a firefighter upon receiving a diagnosis of cancer  
103 if certain conditions are met; requiring an employer  
104 to make certain disability payments to a firefighter  
105 in the event of a total and permanent disability;  
106 providing for death benefits to a firefighter's  
107 beneficiary if a firefighter died as a result of  
108 cancer or cancer treatments; specifying that any costs  
109 associated with benefits granted by the act are to be  
110 borne by the employer; requiring the Division of State  
111 Fire Marshal to adopt certain rules; providing a  
112 declaration of important state interest; providing an  
113 effective date.