

By Senator Flores

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1 A bill to be entitled
2 An act relating to firefighters; creating s. 112.1816,
3 F.S.; providing definitions; granting certain benefits
4 to a firefighter upon receiving a diagnosis of cancer
5 if certain conditions are met; requiring an employer
6 to make certain disability payments to a firefighter
7 in the event of a total and permanent disability;
8 providing for death benefits to a firefighter's
9 beneficiary if a firefighter died as a result of
10 cancer or cancer treatments; specifying that any costs
11 associated with benefits granted by the act are to be
12 borne by the employer; requiring the Division of the
13 State Fire Marshal to adopt certain rules; providing a
14 declaration of important state interest; providing an
15 effective date.

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

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

21 112.1816 Firefighters; cancer diagnosis.-

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

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

24 (b) "Firefighter" means an individual employed as a full-
25 time firefighter within the fire department or public safety
26 department of an employer whose primary responsibility is the
27 prevention and extinguishing of fires; the protection of life
28 and property; and the enforcement of municipal, county, and
29 state fire prevention codes and laws pertaining to the

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30 prevention and control of fires.

31 (2) Upon a diagnosis of cancer, a firefighter is entitled
32 to the following benefits, at no cost to the firefighter, if the
33 firefighter has been employed by his or her employer for at
34 least 5 continuous years, has not used tobacco products for at
35 least the preceding 5 years, and has not been employed in any
36 other position in the preceding 5 years which is proven to
37 create a higher risk for any cancer:

38 (a) A group health insurance or self-insurance policy that
39 provides cancer treatment using the same health care network as
40 the group health insurance or self-insurance policy provided to
41 all other employees of the employer. The policy, or a rider
42 added to the group health insurance or self-insurance policy,
43 may not require the firefighter to contribute toward any
44 premium, deductible, copayment, or coinsurance amount. The
45 policy must remain available, at no cost to the firefighter, for
46 at least 10 years after the firefighter leaves employment.

47 (b) A cash payout of \$25,000.

48
49 For purposes of determining employer policies and the provision
50 of benefits, a firefighter's cancer diagnosis must be considered
51 an injury or illness incurred in the line of duty by the
52 employer.

53 (3) (a) If the firefighter participates in an employer-
54 sponsored retirement plan, the retirement plan must consider the
55 firefighter totally and permanently disabled if he or she is
56 prevented from rendering useful and effective service as a
57 firefighter and is likely to remain disabled continuously and
58 permanently due to the diagnosis of cancer or circumstances

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59 arising out of the treatment of cancer.

60 (b) If the firefighter does not participate in an employer-
61 sponsored retirement plan, the employer must provide a
62 disability retirement plan that provides the firefighter with at
63 least 42 percent of his or her annual salary, at no cost to the
64 firefighter, until the firefighter's death as coverage for
65 disabilities attributable to the diagnosis of cancer or
66 disabilities arising out of the treatment of cancer.

67 (4) (a) If the firefighter participated in an employer-
68 sponsored retirement plan, the retirement plan must consider the
69 firefighter to have died in the line of duty if he or she dies
70 as a result of cancer or circumstances arising out of the
71 treatment of cancer.

72 (b) If the firefighter did not participate in an employer-
73 sponsored retirement plan, the employer must provide a death
74 benefit to the firefighter's beneficiary, at no cost to the
75 firefighter or his or her beneficiary, totaling at least 42
76 percent of the firefighter's most recent annual salary for at
77 least 10 years following the firefighter's death.

78 (c) Firefighters who die as a result of cancer or
79 circumstances arising out of the treatment of cancer are
80 considered to have died in the manner as described in s.
81 112.191(2) (a) and all of the benefits arising out of such death
82 are available to the deceased firefighter's beneficiary.

83 (5) The costs of purchasing an insurance policy that
84 provides the benefits contained in this section, or the costs of
85 providing such benefits through a self-funded system, must be
86 borne solely by the employer that employs firefighters and may
87 not be funded by individual firefighters, by any group health

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88 insurance trust fund funded partially or wholly by firefighters,
89 or by any self-insured trust fund that provides health insurance
90 coverage which is funded partially or wholly by firefighters.

91 (6) The Division of the State Fire Marshal within the
92 Department of Financial Services shall adopt rules to establish
93 employer best practices regarding how to prevent or reduce the
94 incidence of cancer among firefighters.

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

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