

By the Committees on Community Affairs; and Governmental Oversight and Accountability; and Senator Flores

578-03171-18

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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 State
13 Fire Marshal to adopt certain rules; providing a
14 declaration of important state interest; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
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) "Cancer" includes:

24 1. Bladder cancer.

25 2. Brain cancer.

26 3. Breast cancer.

27 4. Cervical cancer.

28 5. Colon cancer.

29 6. Esophageal cancer.

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30 7. Kidney cancer.

31 8. Large intestinal cancer.

32 9. Lung cancer.

33 10. Malignant melanoma.

34 11. Mesothelioma.

35 12. Multiple myeloma.

36 13. Non-Hodgkin's lymphoma.

37 14. Oral cavity and pharynx cancer.

38 15. Ovarian cancer.

39 16. Prostate cancer.

40 17. Rectal cancer.

41 18. Skin cancer.

42 19. Stomach cancer.

43 20. Testicular cancer.

44 21. Thyroid cancer.

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

46 (c) "Firefighter" means an individual employed as a full-
47 time firefighter within the fire department or public safety
48 department of an employer whose primary responsibility is the
49 prevention and extinguishing of fires; the protection of life
50 and property; and the enforcement of municipal, county, and
51 state fire prevention codes and laws pertaining to the
52 prevention and control of fires.

53 (2) Upon a diagnosis of cancer, a firefighter is entitled
54 to the following benefits, as an alternative to pursuing
55 workers' compensation benefits under chapter 440, if the
56 firefighter has been employed by his or her employer for at
57 least 5 continuous years, has not used tobacco products for at
58 least the preceding 5 years, and has not been employed in any

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59 other position in the preceding 5 years which is proven to
60 create a higher risk for any cancer:

61 (a) Cancer treatment, at no cost to the firefighter,
62 covered within an employer-sponsored health plan or through a
63 group health insurance trust fund. The health plan, trust fund,
64 or insurance policy, or a rider added to such policy, may not
65 require the firefighter to contribute toward any deductible,
66 copayment, or coinsurance amount for the treatment of cancer.
67 The employer may timely reimburse the firefighter for out-of-
68 pocket deductible, copayment, or coinsurance costs incurred by
69 the firefighter in complying with this paragraph.

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

72
73 The benefits specified in paragraphs (a) and (b) must be made
74 available by a former employer of a firefighter for 10 years
75 following the date that the firefighter terminates employment,
76 so long as the firefighter otherwise met the criteria specified
77 in this subsection when he or she terminated employment and was
78 not subsequently employed as a firefighter following that date.
79 For purposes of determining leave time and employee retention
80 policies, a firefighter's cancer diagnosis must be considered an
81 injury or illness incurred in the line of duty by the employer.

82 (3) (a) If the firefighter participates in an employer-
83 sponsored retirement plan, the retirement plan must consider the
84 firefighter totally and permanently disabled if he or she is
85 prevented from rendering useful and effective service as a
86 firefighter and is likely to remain disabled continuously and
87 permanently due to the diagnosis of cancer or circumstances

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88 arising out of the treatment of cancer.

89 (b) If the firefighter does not participate in an employer-
90 sponsored retirement plan, the employer must provide a
91 disability retirement plan that provides the firefighter with at
92 least 42 percent of his or her annual salary, at no cost to the
93 firefighter, until the firefighter's death as coverage for total
94 and permanent disabilities attributable to the diagnosis of
95 cancer arising out of the treatment of cancer.

96 (4) (a) If the firefighter participated in an employer-
97 sponsored retirement plan, the retirement plan must consider the
98 firefighter to have died in the line of duty if he or she dies
99 as a result of cancer or circumstances arising out of the
100 treatment of cancer.

101 (b) If the firefighter did not participate in an employer-
102 sponsored retirement plan, the employer must provide a death
103 benefit to the firefighter's beneficiary, at no cost to the
104 firefighter or his or her beneficiary, totaling at least 42
105 percent of the firefighter's most recent annual salary for at
106 least 10 years following the firefighter's death as a result of
107 cancer or circumstances arising out of the treatment of cancer.

108 (c) Firefighters who die as a result of cancer or
109 circumstances arising out of the treatment of cancer are
110 considered to have died in the manner as described in s.
111 112.191(2) (a) and all of the benefits arising out of such death
112 are available to the deceased firefighter's beneficiary.

113 (5) The costs of purchasing an insurance policy that
114 provides the cancer benefits contained in this section, or the
115 costs of providing such benefits through a self-funded system,
116 must be borne solely by the employer that employs firefighters

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117 and may not be funded by individual firefighters, by any group
118 health insurance trust fund funded partially or wholly by
119 firefighters, or by any self-insured trust fund that provides
120 health insurance coverage which is funded partially or wholly by
121 firefighters.

122 (6) The Division of State Fire Marshal within the
123 Department of Financial Services shall adopt rules to establish
124 employer cancer prevention best practices as it relates to
125 personal protective equipment, decontamination, fire suppression
126 apparatus, and fire stations.

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

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