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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
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The Committee on Community Affairs (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) "Cancer" includes:

1. Bladder cancer.



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- 11 2. Brain cancer.
- 12 3. Breast cancer.
- 13 4. Cervical cancer.
- 14 5. Colon cancer.
- 15 6. Esophageal cancer.
- 16 7. Invasive skin cancer.
- 17 8. Kidney cancer.
- 18 9. Large intestinal cancer.
- 19 10. Lung cancer.
- 20 11. Malignant melanoma.
- 21 12. Mesothelioma.
- 22 13. Multiple myeloma.
- 23 14. Non-Hodgkin's lymphoma.
- 24 15. Oral cavity and pharynx cancer.
- 25 16. Ovarian cancer.
- 26 17. Prostate cancer.
- 27 18. Rectal cancer.
- 28 19. Stomach cancer.
- 29 20. Testicular cancer.
- 30 21. Thyroid cancer.
- 31 (b) "Employer" has the same meaning as in s. 112.191.
- 32 (c) "Firefighter" means an individual employed as a full-
- 33 time firefighter within the fire department or public safety
- 34 department of an employer whose primary responsibilities are the
- 35 prevention and extinguishing of fires; the protection of life
- 36 and property; and the enforcement of municipal, county, and
- 37 state fire prevention codes and laws pertaining to the
- 38 prevention and control of fires.
- 39 (2) Upon a diagnosis of cancer, a firefighter is entitled



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40 to the following benefits, as an alternative to pursuing
41 workers' compensation benefits under chapter 440, if the
42 firefighter has been employed by his or her employer for at
43 least 5 continuous years, has not used tobacco products for at
44 least the preceding 5 years, and has not been employed in any
45 other position in the preceding 5 years which is proven to
46 create a higher risk for any cancer:

47 (a) Cancer treatment covered within an employer-sponsored
48 health plan or through a group health insurance trust fund. The
49 employer must timely reimburse the firefighter for any out-of-
50 pocket deductible, copayment, or coinsurance costs incurred due
51 to the treatment of cancer.

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

54
55 If the firefighter elects to continue coverage in the employer-
56 sponsored health plan or group health insurance trust fund after
57 he or she terminates employment, the benefits specified in
58 paragraphs (a) and (b) must be made available by the former
59 employer of a firefighter for 10 years following the date on
60 which the firefighter terminates employment so long as the
61 firefighter otherwise met the criteria specified in this
62 subsection when he or she terminated employment and was not
63 subsequently employed as a firefighter following that date. For
64 purposes of determining leave time and employee retention
65 policies, the employer must consider a firefighter's cancer
66 diagnosis as an injury or illness incurred in the line of duty.

67 (3) (a) If the firefighter participates in an employer-
68 sponsored retirement plan, the retirement plan must consider the



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69 firefighter totally and permanently disabled in the line of duty
70 if he or she meets the retirement plan's definition of totally
71 and permanently disabled due to the diagnosis of cancer or
72 circumstances that arise out of the treatment of cancer.

73 (b) If the firefighter does not participate in an employer-
74 sponsored retirement plan, the employer must provide a
75 disability retirement plan that provides the firefighter with at
76 least 42 percent of his or her annual salary, at no cost to the
77 firefighter, until the firefighter's death, as coverage for
78 total and permanent disabilities attributable to the diagnosis
79 of cancer which arise out of the treatment of cancer.

80 (4) (a) If the firefighter participated in an employer-
81 sponsored retirement plan, the retirement plan must consider the
82 firefighter to have died in the line of duty if he or she dies
83 as a result of cancer or circumstances that arise out of the
84 treatment of cancer.

85 (b) If the firefighter did not participate in an employer-
86 sponsored retirement plan, the employer must provide a death
87 benefit to the firefighter's beneficiary, at no cost to the
88 firefighter or his or her beneficiary, totaling at least 42
89 percent of the firefighter's most recent annual salary for at
90 least 10 years following the firefighter's death as a result of
91 cancer or circumstances that arise out of the treatment of
92 cancer.

93 (c) Firefighters who die as a result of cancer or
94 circumstances that arise out of the treatment of cancer are
95 considered to have died in the manner as described in s.
96 112.191(2) (a), and all of the benefits arising out of such death
97 are available to the deceased firefighter's beneficiary.



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98 (5) The costs of providing the reimbursement, lump sum, and
99 retirement benefits made available under this section must be
100 borne solely by the employer that employs firefighters.

101 (6) The Division of State Fire Marshal within the
102 Department of Financial Services shall adopt rules to establish
103 employer cancer prevention best practices as it relates to
104 personal protective equipment, decontamination, fire suppression
105 apparatus, and fire stations.

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

108 Section 3. This act shall take effect July 1, 2019.

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110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete everything before the enacting clause
113 and insert:

114 A bill to be entitled
115 An act relating to firefighters; creating s. 112.1816,
116 F.S.; providing definitions; granting certain benefits
117 to a firefighter upon receiving a diagnosis of cancer
118 if certain conditions are met; requiring an employer
119 to make certain disability payments to a firefighter
120 in the event of a total and permanent disability;
121 providing for death benefits to a firefighter's
122 beneficiary if a firefighter dies as a result of
123 cancer or cancer treatments; specifying that any costs
124 associated with benefits granted by the act must be
125 borne by the employer; requiring the Division of State
126 Fire Marshal to adopt certain rules; providing a



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declaration of important state interest; providing an
effective date.