

By the Committee on Community Affairs; and Senators Flores,
Torres, and Hooper

578-02724-19

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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 dies as a result of
10 cancer or cancer treatments; specifying that any costs
11 associated with benefits granted by the act must 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:

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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) "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. Invasive skin cancer.
31 8. Kidney cancer.
32 9. Large intestinal cancer.
33 10. Lung cancer.
34 11. Malignant melanoma.
35 12. Mesothelioma.
36 13. Multiple myeloma.
37 14. Non-Hodgkin's lymphoma.
38 15. Oral cavity and pharynx cancer.
39 16. Ovarian cancer.
40 17. Prostate cancer.
41 18. Rectal 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 responsibilities are 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 covered within an employer-sponsored
62 health plan or through a group health insurance trust fund. The
63 employer must timely reimburse the firefighter for any out-of-
64 pocket deductible, copayment, or coinsurance costs incurred due
65 to the treatment of cancer.

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

68
69 If the firefighter elects to continue coverage in the employer-
70 sponsored health plan or group health insurance trust fund after
71 he or she terminates employment, the benefits specified in
72 paragraphs (a) and (b) must be made available by the former
73 employer of a firefighter for 10 years following the date on
74 which the firefighter terminates employment so long as the
75 firefighter otherwise met the criteria specified in this
76 subsection when he or she terminated employment and was not
77 subsequently employed as a firefighter following that date. For
78 purposes of determining leave time and employee retention
79 policies, the employer must consider a firefighter's cancer
80 diagnosis as an injury or illness incurred in the line of duty.

81 (3) (a) If the firefighter participates in an employer-
82 sponsored retirement plan, the retirement plan must consider the
83 firefighter totally and permanently disabled in the line of duty
84 if he or she meets the retirement plan's definition of totally
85 and permanently disabled due to the diagnosis of cancer or
86 circumstances that arise out of the treatment of cancer.

87 (b) If the firefighter does not participate in an employer-

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88 sponsored retirement plan, the employer must provide a
89 disability retirement plan that provides the firefighter with at
90 least 42 percent of his or her annual salary, at no cost to the
91 firefighter, until the firefighter's death, as coverage for
92 total and permanent disabilities attributable to the diagnosis
93 of cancer which arise out of the treatment of cancer.

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

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

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

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

115 (6) The Division of State Fire Marshal within the
116 Department of Financial Services shall adopt rules to establish

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117 employer cancer prevention best practices as it relates to
118 personal protective equipment, decontamination, fire suppression
119 apparatus, and fire stations.

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

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