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1  
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; specifying that an employer may  
13 not increase employee contributions to fund the  
14 benefits granted by this act; requiring the Division  
15 of State Fire Marshal to adopt certain rules; amending  
16 s. 121.735, F.S.; adjusting the allocation of funds to  
17 provide line-of-duty death benefits for members in the  
18 investment plan of the Florida Retirement System;  
19 directing the Division of Law Revision to adjust the  
20 employer contribution rates for the Special Risk Class  
21 and DROP in the Florida Retirement System; providing a  
22 declaration of important state interest; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Section 112.1816, Florida Statutes, is created  
28 to read:

29 112.1816 Firefighters; cancer diagnosis.-

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- 30        (1) As used in this section, the term:  
31        (a) "Cancer" includes:  
32        1. Bladder cancer.  
33        2. Brain cancer.  
34        3. Breast cancer.  
35        4. Cervical cancer.  
36        5. Colon cancer.  
37        6. Esophageal cancer.  
38        7. Invasive skin cancer.  
39        8. Kidney cancer.  
40        9. Large intestinal cancer.  
41        10. Lung cancer.  
42        11. Malignant melanoma.  
43        12. Mesothelioma.  
44        13. Multiple myeloma.  
45        14. Non-Hodgkin's lymphoma.  
46        15. Oral cavity and pharynx cancer.  
47        16. Ovarian cancer.  
48        17. Prostate cancer.  
49        18. Rectal cancer.  
50        19. Stomach cancer.  
51        20. Testicular cancer.  
52        21. Thyroid cancer.  
53        (b) "Employer" has the same meaning as in s. 112.191.  
54        (c) "Firefighter" means an individual employed as a full-  
55 time firefighter within the fire department or public safety  
56 department of an employer whose primary responsibilities are the  
57 prevention and extinguishing of fires; the protection of life  
58 and property; and the enforcement of municipal, county, and

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59 state fire prevention codes and laws pertaining to the  
60 prevention and control of fires.

61 (2) Upon a diagnosis of cancer, a firefighter is entitled  
62 to the following benefits, as an alternative to pursuing  
63 workers' compensation benefits under chapter 440, if the  
64 firefighter has been employed by his or her employer for at  
65 least 5 continuous years, has not used tobacco products for at  
66 least the preceding 5 years, and has not been employed in any  
67 other position in the preceding 5 years which is proven to  
68 create a higher risk for any cancer:

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

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

76  
77 If the firefighter elects to continue coverage in the employer-  
78 sponsored health plan or group health insurance trust fund after  
79 he or she terminates employment, the benefits specified in  
80 paragraphs (a) and (b) must be made available by the former  
81 employer of a firefighter for 10 years following the date on  
82 which the firefighter terminates employment so long as the  
83 firefighter otherwise met the criteria specified in this  
84 subsection when he or she terminated employment and was not  
85 subsequently employed as a firefighter following that date. For  
86 purposes of determining leave time and employee retention  
87 policies, the employer must consider a firefighter's cancer

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88 diagnosis as an injury or illness incurred in the line of duty.

89 (3) (a) If the firefighter participates in an employer-  
90 sponsored retirement plan, the retirement plan must consider the  
91 firefighter totally and permanently disabled in the line of duty  
92 if he or she meets the retirement plan's definition of totally  
93 and permanently disabled due to the diagnosis of cancer or  
94 circumstances that arise out of the treatment of cancer.

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

102 (4) (a) If the firefighter participated in an employer-  
103 sponsored retirement plan, the retirement plan must consider the  
104 firefighter to have died in the line of duty if he or she dies  
105 as a result of cancer or circumstances that arise out of the  
106 treatment of cancer.

107 (b) If the firefighter did not participate in an employer-  
108 sponsored retirement plan, the employer must provide a death  
109 benefit to the firefighter's beneficiary, at no cost to the  
110 firefighter or his or her beneficiary, totaling at least 42  
111 percent of the firefighter's most recent annual salary for at  
112 least 10 years following the firefighter's death as a result of  
113 cancer or circumstances that arise out of the treatment of  
114 cancer.

115 (c) Firefighters who die as a result of cancer or  
116 circumstances that arise out of the treatment of cancer are

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117 considered to have died in the manner as described in s.  
118 112.191(2)(a), and all of the benefits arising out of such death  
119 are available to the deceased firefighter's beneficiary.

120 (5)(a) The costs to provide the reimbursements and lump sum  
121 payments under subsection (2) and the costs to provide  
122 disability retirement benefits under paragraph (3)(b) and the  
123 line-of-duty death benefits under paragraph (4)(b) must be borne  
124 solely by the employer.

125 (b) The employer or employers participating in a retirement  
126 plan or system are solely responsible for the payment of the  
127 contributions necessary to fund the increased actuarial costs  
128 associated with the implementation of the presumptions under  
129 paragraphs (3)(a) and (4)(a), respectively, that cancer has, or  
130 the circumstances that arise out of the treatment of cancer  
131 have, either rendered the firefighter totally and permanently  
132 disabled or resulted in the death of the firefighter in the line  
133 of duty.

134 (c) An employer may not increase employee contributions  
135 required to participate in a retirement plan or system to fund  
136 the costs associated with enhanced benefits provided in  
137 subsections (3) and (4).

138 (6) The Division of State Fire Marshal within the  
139 Department of Financial Services shall adopt rules to establish  
140 employer cancer prevention best practices as it relates to  
141 personal protective equipment, decontamination, fire suppression  
142 apparatus, and fire stations.

143 Section 2. Subsection (3) of section 121.735, Florida  
144 Statutes, is amended to read:

145 121.735 Allocations for member line-of-duty death benefits;

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146 percentage amounts.—

147 (3) ~~Effective July 1, 2017,~~ Allocations from the Florida  
148 Retirement System Contributions Clearing Trust Fund to provide  
149 line-of-duty death benefits for members in the investment plan  
150 and to offset the costs of administering said coverage, are as  
151 follows:

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Membership Class	Percentage of Gross Compensation
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Regular Class	0.05%
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155

Special Risk Class	<u>1.21%</u> <del>1.15%</del>
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156

Special Risk Administrative Support Class	0.03%
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Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.15%
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158

Elected Officers' Class— Justices, Judges	0.09%
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Elected Officers' Class- 0.20%  
County Elected Officers

Senior Management Service 0.05%  
Class

Section 3. (1) In order to fund the benefit changes provided by this act to the Florida Retirement System, the required employer contribution rates for the members of the Florida Retirement System are increased as follows:

(a) By 0.08 percentage point for the rate established in s. 121.71(4), Florida Statutes, for the Special Risk Class.

(b) By 0.01 percentage point for the rate established in s. 121.71(5), Florida Statutes, for the Special Risk Class.

(c) By 0.02 percentage point for the rate established in s. 121.71(5), Florida Statutes, for DROP.

(2) The adjustments provided in subsection (1) are in addition to any other changes to such contribution rates which may be enacted into law to take effect on July 1, 2019. The Division of Law Revision is directed to adjust accordingly the contribution rates provided in s. 121.71, Florida Statutes.

Section 4. The Legislature determines and declares that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2019.