

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS**

BILL #: HB 7129 PCB SAC 19-04 Firefighters
SPONSOR(S): State Affairs Committee, Ingoglia and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 426, HB 857

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Affairs Committee	24 Y, 0 N	Moore	Williamson
FINAL HOUSE FLOOR ACTION:			
116	Y's 0	N's	GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 7129 passed the House on April 24, 2019, as CS/CS/SB 426.

The bill creates certain monetary benefits for firefighters who are diagnosed with certain types of cancer. In lieu of pursuing workers' compensation coverage, a firefighter who is diagnosed with one of 21 specific cancers enumerated in the bill is entitled to receive:

- Cancer treatment covered within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for out-of-pocket deductible, copayment, or coinsurance costs incurred by the firefighter.
- A one-time cash payout of \$25,000 upon the firefighter's initial cancer diagnosis.

To be eligible for such benefits, the firefighter must be employed full-time as a firefighter with certain primary responsibilities, have been employed by his or her employer for at least five continuous years, not have used tobacco products for at least the preceding five years, and not have been employed in any other position in the preceding five years that is proven to create a higher risk for cancer.

The bill also provides disability and death benefits to such firefighters by requiring the firefighter's employer to consider the firefighter permanently and totally disabled if he or she meets his or her retirement plan's definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Moreover, disability or death resulting from the cancer or the treatment of cancer is deemed to have occurred in the line of duty, resulting in higher disability and death benefits.

If the firefighter does not participate in an employer-sponsored retirement plan, the employer must provide a disability retirement plan that provides the firefighter with at least 42 percent of his or her annual salary, at no cost to the firefighter, until the firefighter's death. The employer also must provide a death benefit to the firefighter's beneficiary, at no cost to the firefighter or his or her beneficiary, totaling at least 42 percent of the firefighter's most recent annual salary for at least 10 years following the firefighter's death as a result of cancer or circumstances arising out of the treatment of cancer.

The bill also requires the Division of State Fire Marshal within the Department of Financial Services to adopt rules to establish employer cancer prevention best practices.

The bill may have an indeterminate fiscal impact to the state and local governments. See Fiscal Comments.

The bill was approved by the Governor on May 3, 2019, ch. 2019-21, L.O.F., and will become effective on July 1, 2019.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Under Florida law, a firefighter¹ may be eligible for certain monetary benefits upon showing by a preponderance of the evidence that exposure to a specific toxic substance, at the levels to which the firefighter was exposed, can cause the injury or disease sustained by the firefighter and that the exposure arose out of employment.²

Cancer Studies Regarding Firefighters

The incidence of cancer among firefighters appears to be higher on average than other occupations. Firefighters work in inherently dangerous situations on a daily basis. They are exposed to many different carcinogens, either inhaled or absorbed through the skin both on the scene and in the firehouse. Studies have been conducted at the state, national, and international level resulting in the identification of cancers found to be common among firefighters. This information has been used to train and educate firefighters to reduce exposure to carcinogens resulting from firefighting activities.

In 2010, the National Institute for Occupational Safety and Health initiated a study to evaluate the cancer risk of firefighters.³ The study served to identify whether firefighters are at a higher risk of developing cancer related to exposure to carcinogens on the job. The researchers studied deaths related to cancer as well as specific types of cancers involved. The researchers took into consideration the types and number of fire runs, use of protective equipment, and diesel exhaust controls. The study spanned four years and the sample size included 30,000 career firefighters serving in Chicago, Philadelphia, and San Francisco between 1950 and 2009. The results of the study showed that certain cancers occur in firefighters at a greater rate than in the U.S. population overall. The cancers mostly responsible for this higher rate were respiratory (lung, mesothelioma), gastrointestinal (buccal, pharynx, esophageal, large intestine), and kidney.⁴

Workers' Compensation Insurance

Under ch. 440, F.S., which relates to workers' compensation, an employer must pay compensation or furnish benefits if an employee suffers an accidental compensable injury or death arising out of work performed in the course and scope of employment.⁵ The injury, its occupational cause, and any resulting disability must be established to a reasonable degree of medical certainty, and the accidental compensable injury must be the major contributing cause of any resulting injuries.⁶

Compensation for permanent total disability is equal to 66 2/3 percent of the employee's average weekly wages payable to the employee during the continuance of the total disability.⁷ In addition, an employee will generally receive an annual supplemental income benefit equal to 3 percent per year of

¹ Section 633.102(9), F.S., defines the term "firefighter" as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services under s. 633.408, F.S.

² Section 112.1815(2)(a), F.S.

³ See Robert D. Daniels, Travis L. Kubale, James H. Yiin, *et al.*, *Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009)*, 71 OCCUP. ENVIRON. MED. 388-397, available at <https://oem.bmj.com/content/oemed/71/6/388.full.pdf>.

⁴ *Id.*

⁵ Section 440.09(1), F.S.

⁶ *Id.*

⁷ Section 440.15(1)(a), F.S.

the compensation payment, multiplied by the number of calendar years since the date of the injury, until age 62.⁸

Compensation for temporary total disability is equal to 66 2/3 percent of the employee's average weekly wages payable to the employee during the continuance of the total disability, but payment may not exceed 104 weeks. At the earlier of the 104th week or the employee reaching maximum medical improvement, the temporary disability payment will cease and the injured employee's permanent impairment will be determined.⁹

Where the disability or death of an employee results from an "occupational disease," it will be treated as an injury by accident.¹⁰ The employee or his or her survivors will be entitled to compensation. "Occupational disease" is defined to mean "only a disease for which there are epidemiological studies showing that exposure to the specific substance involved, at the levels to which the employee was exposed, may cause the precise disease sustained by the employee."¹¹

An accidental compensable injury must be the major contributing cause of any resulting injury, meaning that the cause must be more than 50 percent responsible for the injury as compared to all other causes combined, as demonstrated by medical evidence only. For an injury or disease involving an occupational disease or repetitive exposure, both causation and sufficient exposure to support causation must be proven by clear and convincing evidence.¹²

Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹³ The FRS is a multi-employer, contributory plan governed by the Florida Retirement System Act.¹⁴ As of June 30, 2018, the FRS had 643,333 active members, 415,800 annuitants, 16,032 disabled retirees, and 33,432 active participants of the Deferred Retirement Option Program (DROP).¹⁵ As of June 30, 2018, the FRS consisted of 1,002 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College System institutions, and state universities, and also includes the 173 cities and 267 special districts that have elected to join the system.¹⁶

The membership of the FRS is divided into five membership classes:

- The Regular Class¹⁷ consists of 551,997 active members and 7,349 in renewed membership;
- The Special Risk Class¹⁸ includes 72,642 active members and 976 in renewed membership;
- The Special Risk Administrative Support Class¹⁹ has 87 active members;

⁸ Section 440.15(1)(f), F.S.

⁹ Section 440.15(2)(a), F.S.

¹⁰ Section 440.151(1)(a), F.S.

¹¹ Section 440.151(2), F.S.

¹² Section 440.09(1), F.S.

¹³ Florida Retirement System Pension Plan and Other State Administered Retirement Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2018, (FRS CAFR) at 35, *available at* https://www.rol.frs.state.fl.us/forms/2017-18_CAFR.pdf. (last visited April 15, 2019.)

¹⁴ Chapter 121, F.S.

¹⁵ *Id.* at 160.

¹⁶ *Id.* at 196.

¹⁷ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

¹⁸ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

- The Elected Officers' Class²⁰ has 2,050 active members and 120 in renewed membership; and
- The Senior Management Service Class²¹ has 7,881 active members and 207 in renewed membership.²²

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:

- The defined contribution plan, also known as the investment plan; and
- The defined benefit plan, also known as the pension plan.

Certain members, as specified by law and position, may, in lieu of FRS participation, participate in optional retirement plans.

The Special Risk Class of the FRS

The Special Risk Class of the FRS consists of state and local government employees who meet the criteria for special risk membership. The class covers persons employed in law enforcement, firefighting, criminal detention, and emergency and forensic medical care who meet the statutory criteria.²³

When originally establishing the Special Risk Class of membership in the FRS, the Legislature recognized that persons employed in certain categories of positions:

are required to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other membership classes and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom.²⁴

Compared to Regular Class members, a person who is a member in the Special Risk Class earns a higher annual service accrual rate, may retire at an earlier age, and is eligible to receive higher disability and death benefits. As a result, the contribution rates to fund the normal cost of the special risk benefits are higher than the contribution rates to fund the normal cost of the Regular Class benefits. Similarly, the contribution rates to fund the unfunded liabilities of the Special Risk Class are higher than those contribution rates for the Regular Class.

Disability Retirement Benefits for Special Risk Members of the FRS

There are two types of disability retirement available under the FRS: regular disability retirement and in-the-line-of-duty disability retirement. To qualify for either type of disability retirement, members must be

¹⁹ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the FRS. Section 121.0515(8), F.S.

²⁰ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

²¹ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

²² *Supra*, note 13 at 163.

²³ *See* s. 121.0515, F.S.

²⁴ Section 121.0515(1), F.S.

totally and permanently disabled to the extent that they are unable to work.²⁵ An employee who is physically or mentally unable to continue performing in his or her present occupation, but is able to perform another type of work, will not qualify for disability benefits.²⁶

To be eligible for regular disability retirement under the FRS, a member must complete eight years of creditable service.²⁷ Under the FRS Pension Plan, the minimum benefit under regular disability retirement, regardless of class, is 25 percent of the employee's average final compensation.²⁸ In contrast, in-the-line-of-duty disability benefits are available to members on their first day of employment. There is no vesting period. Special Risk Class members receive a minimum in-the-line-of-duty disability benefit of 65 percent of their average final compensation.²⁹ Members in all other classes are eligible to receive a minimum in-the-line-of-duty disability benefit of 42 percent of their average final compensation.³⁰

Under the FRS Investment Plan, the disability benefits are provided in lieu of the normal retirement benefits (the accumulations of contributions and investment earnings in the member's retirement account).³¹ To receive the disability benefits, the member must transfer all of his or her accumulations to the investment plan disability account. The member will then receive a monthly benefit calculated the same as a similarly situated pension plan member.³²

Death Benefits for Special Risk Members of the FRS

If a member of the FRS is terminated by reason of death prior to becoming vested in the FRS, the member's beneficiary is only entitled to the member's accumulated contributions.³³ Under the pension plan, if the member is vested at the time of his or her death, the member's joint annuitant³⁴ is entitled to receive the optional form³⁵ of payment for the annuitant's lifetime.³⁶ If the designated beneficiary does not qualify as a joint annuitant, the member's beneficiary is only entitled to the return of the member's personal contributions, if any.³⁷

The FRS currently provides death benefits for surviving spouses and/or eligible dependents of active members of the pension plan. Death benefits may be paid for an active member of the FRS Pension Plan who dies before retirement due to an injury or illness.³⁸ Certain health conditions for firefighters and law enforcement, correctional, and correctional probation officers are deemed to be accidental and suffered in-the-line-of-duty.³⁹ If the injury or illness arises out of and in the actual performance of duties required by a member's job, the member's surviving spouse and/or eligible dependent(s) are entitled to

²⁵ Section 121.091(4)(b), F.S.

²⁶ Florida Retirement System Employer Handbook, Disability Retirement, ch. 10-2, *available at* https://www.rol.frs.state.fl.us/forms/EH_ch10.pdf.

²⁷ Sections 121.091(4)(a) and 121.591(2)(b)2., F.S.

²⁸ Section 121.091(4)(f), F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 121.591(2), F.S.

³² Section 121.591(2)(g), F.S.

³³ For purposes of disbursement of benefits, a member is considered retired as of the date of the death.

³⁴ A joint annuitant is considered to be the member's spouse, natural or legally adopted child who is either under age 25 or is physically or mentally disabled and incapable of self-support (regardless of age), or any person who is financially dependent upon the member for one-half or more of his or her support and is the member's parent, grandparent, or person for whom the member is the legal guardian. Section 121.021(28), F.S.

³⁵ Under the pension plan, a member has a choice of payment options. If the member dies prior to retirement, the member's joint annuitant is entitled to select either to receive the member's contributions or a reduced monthly benefit payment for life.

³⁶ Section 121.091(7)(b)1., F.S.

³⁷ Section 121.091(7)(b)2., F.S.

³⁸ Section 121.091(7), F.S.

³⁹ Section 112.18(1)(a), F.S., provides any condition of health caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and suffered in the line of duty.

in-the-line-of-duty death benefits. These in-the-line-of-duty death benefits are also available to members of the investment plan if the member's beneficiary elects to transfer the accumulations in the member's investment plan account to the pension fund.⁴⁰

If an FRS member who is not in the Special Risk Class dies in the line of duty, the surviving spouse of the member is entitled to receive a monthly benefit equal to one-half of the monthly salary being received by the member at the time of death for the rest of the surviving spouse's lifetime.⁴¹ If there is no surviving spouse or the surviving spouse dies, the member's children under 18 years of age and unmarried may receive the benefits until the youngest child's 18th birthday.

If an FRS member who is in the Special Risk Class dies in the line of duty, the member's surviving spouse and children are eligible to receive a monthly payment equal to the member's total monthly salary at the time of death.⁴² These benefits may be extended to the 25th birthday of an unmarried child enrolled as a full time student if there is no surviving spouse or the surviving spouse dies.⁴³

Retirement Plans for Municipalities and Special Districts

Chapter 175, F.S., provides funding mechanisms for municipal firefighters' pension plans. The statute provides a uniform retirement system for firefighters and sets standards for operating and funding pension systems through a trust fund supported by a tax on insurance premiums. Most Florida firefighters participate in these plans. Two types of plans are governed by ch. 175, F.S.: chapter plans⁴⁴ and local law plans.⁴⁵ To be considered totally and permanently disabled, chapter plan and local law plan employees must be found wholly prevented from rendering useful and efficient service as a firefighter.⁴⁶ Under local law plans, the standards may vary for determining eligibility for disability retirement, death benefits, and the benefits paid, although all plans must abide by minimum standards established under s. 175.351, F.S.

Presumptions and Burdens of Proof Relating to In-the-line-of-duty Disability and Death

Existing In-the-line-of-duty Presumptions for Firefighters

Section 112.18, F.S., provides a presumption applicable to any state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer that any such employee qualifies for in-the-line-of-duty disability or death benefits if such disability or death is the result of tuberculosis, heart disease, or hypertension.

Section 175.231, F.S., provides a similar presumption for the firefighters in any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under ch. 175, F.S., whose death or disability is the result of tuberculosis, heart disease, or hypertension.

Section 112.181, F.S., provides a presumption applicable to any emergency rescue or public safety worker, including a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer that such employee qualifies for in-the-line-of-duty disability or death if such disability or death is due to hepatitis, meningococcal meningitis, or tuberculosis.

⁴⁰ Section 121.591(4), F.S.

⁴¹ Section 121.091(7)(d)1., F.S. If the surviving spouse dies, or if the member is not married, the monthly payment that would have otherwise gone to the surviving spouse must be paid for the use and benefit of the member's child or children who are under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Section 121.091(7)(d)2. and 3., F.S.

⁴² Section 121.091(7)(i), F.S.

⁴³ *Id.*

⁴⁴ A chapter plan is a plan that adopts the provisions of ch. 175, F.S., by reference. *See* s. 175.032(4), F.S.

⁴⁵ A local law plan is a plan that is created by special act of the Legislature, or by a local ordinance or resolution that meets the minimum statutory requirements. *See* s. 175.032(14), F.S.

⁴⁶ Section 175.191, F.S.

Successful passage of a pre-employment physical examination is required for these presumptions.

Burden of Proof for In-the-line-of-duty Benefits

Absent one of the existing presumptions, an FRS member has the burden of proof when claiming in-the-line-of-duty disability or death benefits. The member must show by competent medical evidence that the death or disability occurred in-the-line-of-duty in order to receive the higher benefits.⁴⁷ If the employee or the employee's survivors cannot meet the burden of proof, the employee or the employee's survivors are entitled only to the lesser benefits available under regular death or disability benefits.

Under existing law, a firefighter that is disabled or dies as a result of cancer must show that the cancer was contracted due to some factor directly related to the employment as a firefighter. Due to latency periods,⁴⁸ it may be difficult for an employee to meet this burden.

Firefighter Death Benefits under s. 112.191, F.S.

Section 112.191(2)(a), F.S., grants a death benefit of \$50,000 to each firefighter who, while engaged in the performance of his or her firefighter duties, is accidentally killed or receives accidental bodily injury that subsequently results in the loss of the firefighter's life. The Division of the State Fire Marshal is required to adjust the death benefit annually based on the increase in the Consumer Price Index for All Urban Consumers. As of July 1, 2018, the amount of the benefit is \$69,801.⁴⁹

Special Actuarial Study of Firefighter in-line-of-duty Cancer Presumption

On March 26, 2019, a special study was completed of Senate Bill 426 (2019), which mirrors this bill, to determine the contribution rates necessary to fund the FRS benefits that may be paid based on the presumptions proposed by the bill.⁵⁰ The results of this study determined that the contribution rates should be increased by nine basis points (0.09 percent) for the Special Risk Class and two basis points (0.02 percent) for the DROP to fund associated costs.⁵¹

Effect of the Bill

The bill creates certain monetary benefits for firefighters who are diagnosed with certain types of cancer. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter who is diagnosed with one of 21 specific cancers enumerated in the bill⁵² is entitled to receive:

- Cancer treatment covered within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for out-of-pocket deductible, copayment, or coinsurance costs incurred by the firefighter.
- A one-time cash payout of \$25,000 upon the firefighter's initial cancer diagnosis.

To be eligible for such benefits, the firefighter must:

⁴⁷ Sections 121.091(4)(c) and (7)(d), F.S.

⁴⁸ "The time between first exposure to a cancer-causing agent and clinical recognition of the disease is called the latency period. Latency periods vary by cancer type, but usually are 15 to 20 years, or longer. Because of this, past exposures are more relevant than current exposures as potential causes of cancers occurring in workers today. Often, these exposures are hard to document." The National Institute for Occupational Safety and Health, *available at* <http://www.cdc.gov/niosh/topics/cancer/clusters.html> (last visited April 16, 2019).

⁴⁹ Rule 69A-64.005, F.A.C.

⁵⁰ Florida Senate, Analysis of 2019 Senate Bill 426, p. 9 (April 15, 2019).

⁵¹ *Id.*

⁵² The bill provides benefits for the following types of cancer: bladder cancer, brain cancer, breast cancer, cervical cancer, colon cancer, esophageal cancer, invasive skin cancer, kidney cancer, large intestinal cancer, lung cancer, malignant melanoma, mesothelioma, multiple myeloma, non-Hodgkin's lymphoma, oral cavity and pharynx cancer, ovarian cancer, prostate cancer, rectal cancer, stomach cancer, testicular cancer, and thyroid cancer.

- Be employed full-time as a firefighter whose primary responsibilities are the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires;
- Be employed by a state board, commission, department, division, bureau, or agency, or a county, municipality, or other political subdivision of the state;
- Have been employed by his or her employer for at least five continuous years;
- Not have used tobacco products for at least the preceding five years; and
- Not have been employed in any other position in the preceding five years that is proven to create a higher risk for cancer.

If a firefighter elects to continue coverage in an employer-sponsored health plan or group health insurance trust fund after he or she terminates employment, the above benefits must be made available by the firefighter's former employer for 10 years following the date that the firefighter terminates employment, so long as the firefighter has otherwise met the employment criteria when he or she terminated employment and was not subsequently employed as a firefighter. The bill requires a firefighter's cancer diagnosis to be considered an injury or illness incurred in the line of duty by the employer for purposes of determining leave time and employee retention policies.

Under the bill, the firefighter also becomes eligible for disability and death benefits. If the firefighter participates in an employer-sponsored retirement plan, the retirement plan must consider the firefighter totally and permanently disabled if he or she meets the retirement plan's definition of totally and permanently disabled due to the diagnosis of cancer or circumstances arising out of the treatment of cancer. The retirement plan also must consider the firefighter to have died in-the-line-of-duty if he or she dies as a result of cancer or circumstances arising out of the treatment of cancer.

If the firefighter does not participate in an employer-sponsored retirement plan, the employer must provide a disability retirement plan that provides the firefighter with at least 42 percent of his or her annual salary, at no cost to the firefighter, until the firefighter's death. This will serve as coverage for total and permanent disabilities attributable to the diagnosis of cancer or arising out of the treatment of cancer. The employer also must provide a death benefit to the firefighter's beneficiary, at no cost to the firefighter or his or her beneficiary, totaling at least 42 percent of the firefighter's most recent annual salary for at least 10 years following the firefighter's death as a result of cancer or circumstances arising out of the treatment of cancer.

A firefighter who dies as a result of cancer or circumstances arising out of the treatment of cancer is considered to have died while engaged in the performance of his or her firefighter duties under s. 112.191(2)(a), F.S., and all of the benefits arising out of such death are available to the deceased firefighter's beneficiary.⁵³

The bill requires the costs of providing the reimbursements, lump sum payments, disability retirement benefits, and line-of-duty death benefits made available under the bill to be borne solely by the employer. The bill specifies that the employer or employers participating in a retirement plan or system are responsible for the payment of the contributions necessary to fund the increased actuarial costs associated with the enhanced benefits provided in the bill.

To cover the costs associated with changes to FRS benefits (disability retirement benefits and in-the-line-of-duty benefits), the bill modifies the employer-paid contribution rates for the Special Risk Class

⁵³ Section 112.191(2)(a), F.S., provides that the sum of \$50,000 must be paid to a firefighter's beneficiary when the firefighter, while engaged in the performance of his or her firefighter duties, is accidentally killed or receives accidental bodily injury that subsequently results in the loss of the firefighter's life. However, such killing must not be the result of suicide and such bodily injury must not be intentionally self-inflicted.

and the DROP that fund the FRS's normal costs and unfunded actuarial liability, and adjusts the percentage of funds allocated to provide in-the-line-of-duty death benefits for investment plan members.

The bill requires the Division of State Fire Marshal within the Department of Financial Services to adopt rules to establish employer cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations.

The bill contains a legislative finding that determines and declares that the bill fulfills an important state interest.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The overall fiscal impact on the state, universities, counties, municipalities, and special fire control districts is unknown at this time. However, these employers should anticipate incurring additional costs:

- To provide a \$25,000 payment to each firefighter diagnosed with one of the 21 specific cancers enumerated in the bill;
- For any cancer treatment undertaken by an eligible firefighter;
- Associated with potentially higher disability retirement benefits;
- Associated with potentially higher in-the-line-of-duty death benefits; and
- Associated with the adjusted \$50,000 death benefit granted by s. 112.191(2)(a), F.S.

The bill modifies the FRS employer-paid contributions for the Special Risk Class and DROP retirement benefits. In terms of the impact associated with changes to FRS benefits (disability retirement benefits and in-the-line-of-duty benefits), as noted in the special study, additional proposed statutory employer

contributions for the Fiscal Year 2019-2020 plan year are estimated to be \$4.84 million.⁵⁴ The costs to various employer groups are noted in the table below.

Employer Group	Additional Contributions
State	\$0.99 m
School Boards	\$0.23 m
Universities	\$0.05 m
Colleges	\$0.02 m
Counties	\$3.28 m
Other	\$0.28 m
Total	\$4.85 m

⁵⁴ Florida Senate, Analysis of 2019 Senate Bill 426, p. 13 (April 15, 2019).