

By Senator Garcia

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1 A bill to be entitled
2 An act relating to firefighter benefits; amending s.
3 112.1816, F.S.; revising the definition of the term
4 "caner" to include acute myeloid leukemia for the
5 purpose of expanding cancer treatment benefits;
6 providing a declaration of important state interest;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 112.1816, Florida Statutes, is amended
12 to read:

13 112.1816 Firefighters; cancer diagnosis.—

14 (1) As used in this section, the term:

15 (a) "Caner" includes:

16 1. Acute myeloid leukemia.

17 2. Bladder cancer.

18 ~~3.2. Brain cancer.~~

19 ~~4.3. Breast cancer.~~

20 ~~5.4. Cervical cancer.~~

21 ~~6.5. Colon cancer.~~

22 ~~7.6. Esophageal cancer.~~

23 ~~8.7. Invasive skin cancer.~~

24 ~~9.8. Kidney cancer.~~

25 ~~10.9. Large intestinal cancer.~~

26 ~~11.10. Lung cancer.~~

27 ~~12.11. Malignant melanoma.~~

28 ~~13.12. Mesothelioma.~~

29 ~~14.13. Multiple myeloma.~~

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30 15.14. Non-Hodgkin's lymphoma.

31 16.15. Oral cavity and pharynx cancer.

32 17.16. Ovarian cancer.

33 18.17. Prostate cancer.

34 19.18. Rectal cancer.

35 20.19. Stomach cancer.

36 21.20. Testicular cancer.

37 22.21. Thyroid cancer.

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

39 (c) "Firefighter" means an individual employed as a full-
40 time firefighter or full-time, Florida-certified fire
41 investigator within the fire department or public safety
42 department of an employer whose primary responsibilities are the
43 prevention and extinguishing of fires; the protection of life
44 and property; and the enforcement of municipal, county, and
45 state fire prevention codes and laws pertaining to the
46 prevention and control of fires; or the investigation of fires
47 and explosives.

48 (2) Upon a diagnosis of cancer, a firefighter is entitled
49 to the following benefits, as an alternative to pursuing
50 workers' compensation benefits under chapter 440, if the
51 firefighter has been employed by his or her employer for at
52 least 5 continuous years, has not used tobacco products for at
53 least the preceding 5 years, and has not been employed in any
54 other position in the preceding 5 years which is proven to
55 create a higher risk for any cancer:

56 (a) Cancer treatment covered within an employer-sponsored
57 health plan or through a group health insurance trust fund. The
58 employer must timely reimburse the firefighter for any out-of-

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59 pocket deductible, copayment, or coinsurance costs incurred due
60 to the treatment of cancer.

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

63 (c) Leave time and employee retention benefits equivalent
64 to those provided for other injuries or illnesses incurred in
65 the line of duty.

66

67 If the firefighter elects to continue coverage in the employer-
68 sponsored health plan or group health insurance trust fund after
69 he or she terminates employment, the benefits specified in
70 paragraphs (a) and (b) must be made available by the former
71 employer of a firefighter for 10 years following the date on
72 which the firefighter terminates employment so long as the
73 firefighter otherwise met the criteria specified in this
74 subsection when he or she terminated employment and was not
75 subsequently employed as a firefighter following that date.

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

82 (b) If the firefighter does not participate in an employer-
83 sponsored retirement plan, the employer must provide a
84 disability retirement plan that provides the firefighter with at
85 least 42 percent of his or her annual salary, at no cost to the
86 firefighter, until the firefighter's death, as coverage for
87 total and permanent disabilities attributable to the diagnosis

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88 of cancer which arise out of the treatment of cancer.

89 (4) (a) If the firefighter participated in an employer-
90 sponsored retirement plan, the retirement plan must consider the
91 firefighter to have died in the line of duty if he or she dies
92 as a result of cancer or circumstances that arise out of the
93 treatment of cancer.

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

102 (c) Firefighters who die as a result of cancer or
103 circumstances that arise out of the treatment of cancer are
104 considered to have died in the manner as described in s.
105 112.191(2) (a), and all of the benefits arising out of such death
106 are available to the deceased firefighter's beneficiary.

107 (5) (a) The costs to provide the reimbursements and lump sum
108 payments under subsection (2) and the costs to provide
109 disability retirement benefits under paragraph (3) (b) and the
110 line-of-duty death benefits under paragraph (4) (b) must be borne
111 solely by the employer.

112 (b) The employer or employers participating in a retirement
113 plan or system are solely responsible for the payment of the
114 contributions necessary to fund the increased actuarial costs
115 associated with the implementation of the presumptions under
116 paragraphs (3) (a) and (4) (a), respectively, that cancer has, or

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117 the circumstances that arise out of the treatment of cancer
118 have, either rendered the firefighter totally and permanently
119 disabled or resulted in the death of the firefighter in the line
120 of duty.

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

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

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

132 Section 3. This act shall take effect July 1, 2025.