



249998

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2016	.	
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The Committee on Governmental Oversight and Accountability  
(Latvala) 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 Firefighter disability or death from cancer  
presumed incurred in the line of duty.—

(1) DEFINITION.—As used in this section, the term  
“firefighter” has the same meaning as in s. 112.81.



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11 (2) PRESUMPTION; ELIGIBILITY CONDITIONS.-

12 (a) Any condition or impairment of the health of a  
13 firefighter employed full time by the state or any municipality,  
14 county, port authority, special tax district, or fire control  
15 district which is caused by multiple myeloma, non-Hodgkin's  
16 lymphoma, prostate cancer, or testicular cancer and results in  
17 total or partial disability or death is presumed to have been  
18 accidental and to have been suffered in the line of duty unless  
19 the contrary is shown by competent evidence. In order to be  
20 entitled to this presumption, the firefighter:

21 1. Must have successfully passed a physical examination  
22 administered before the individual began service as a  
23 firefighter and which failed to reveal any evidence of such a  
24 health condition;

25 2. Must have been employed as a firefighter with his or her  
26 current employer for at least 5 continuous years before becoming  
27 totally or partially disabled or before his or her death;

28 3. Must not have used tobacco products for at least 5 years  
29 before becoming totally or partially disabled or before his or  
30 her death; and

31 4. Must not have been employed during the preceding 5 years  
32 in any other position that is proven to create a higher risk for  
33 multiple myeloma, non-Hodgkin's lymphoma, prostate cancer, or  
34 testicular cancer. This includes any other employment as a  
35 firefighter at another employing agency within the preceding 5  
36 years.

37 (b) An employing agency must provide a physical examination  
38 for a firefighter before he or she begins service or immediately  
39 thereafter. Notwithstanding subparagraph (a)1., if the employing



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40 agency fails to provide a physical examination before the  
41 firefighter begins service, or immediately thereafter, the  
42 firefighter is entitled to the presumption provided that he or  
43 she meets the criteria specified in subparagraphs (a)2., (a)3.,  
44 and (a)4.

45 (c) The presumption does not apply to benefits payable  
46 under or granted in a life insurance or disability insurance  
47 policy unless the insurer and insured have negotiated for the  
48 additional benefits to be included in the policy contract.

49 (3) APPLICABILITY.—A firefighter employed on July 1, 2016,  
50 is not required to meet the physical examination requirement in  
51 subsection (2) in order to be entitled to the presumption set  
52 forth in this section.

53 Section 2. The Legislature shall review the current status  
54 of research programs, funded wholly or in part by the General  
55 Appropriations Act, which study the incidence of cancer in  
56 firefighters before the convening of the 2017 Regular Session of  
57 the Legislature to determine whether any further statutory  
58 changes to this act are necessary.

59 Section 3. (1) In order to fund the benefit changes  
60 provided in this act, the required employer contribution rate  
61 for members of the Florida Retirement System established in s.  
62 121.71(4), Florida Statutes, for the Special Risk Class is  
63 increased by 0.01 percentage point.

64 (2) The adjustment provided in subsection (1) is in  
65 addition to any other changes to such contribution rates which  
66 may be enacted into law to take effect on July 1, 2016. The  
67 Division of Law Revision and Information is directed to adjust  
68 accordingly the contribution rates provided in s. 121.71,



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69 Florida Statutes.

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

72 Section 5. This act shall take effect July 1, 2016.

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

75 And the title is amended as follows:

76 Delete everything before the enacting clause  
77 and insert:

78 A bill to be entitled  
79 An act relating to firefighters; creating s. 112.1816,  
80 F.S.; defining the term "firefighter"; establishing a  
81 presumption as to a firefighter's condition or  
82 impairment of health caused by certain types of cancer  
83 while in the line of duty; specifying criteria a  
84 firefighter must meet to be entitled to the  
85 presumption; requiring an employing agency to provide  
86 a physical examination for a firefighter; specifying  
87 circumstances under which the presumption does not  
88 apply; providing for applicability; requiring the  
89 Legislature to review specified cancer research  
90 programs by a certain date; providing for an employer  
91 contribution rate increase to fund changes made by the  
92 act; providing a directive to the Division of Law  
93 Revision and Information; providing a declaration of  
94 important state interest; providing an effective date.