

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 900
 INTRODUCER: Senator Flores
 SUBJECT: Firefighters
 DATE: January 29, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	GO	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____

I. Summary:

SB 900 requires fire service employers of full-time firefighters to offer cancer insurance coverage to its firefighter employees. These agencies would be allowed to provide coverage through purchased insurance coverages or a self-insurance program. The bill would not affect workers compensation claims. The bill provides definitions and establishes benefits to be made available to firefighters following the diagnosis of cancer if certain conditions of employment service are met.

If approved, the bill will take effect July 1, 2018.

II. Present Situation:

According to the Department of Financial Services (DFS), Florida law does not provide benefits to firefighters who receive a diagnosis or treatment of cancer.¹ There is a provision relating to employment-related accidents and injuries of first responders. Benefits may be available upon a showing by a preponderance of the evidence that exposure to a specific toxic substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee and that the exposure arose out of employment.²

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

¹ Department of Financial Services, Agency bill analysis, Nov. 29, 2017, p. 1, on file with the Senate Committee on Governmental Oversight and Accountability.

² Section 112.1815(2)(a), F.S.

level resulting in the identification of cancers found to be common among firefighters.³ This information has been used to train and education firefighters to reduce exposure to carcinogens resulting from firefighting activities.

In 2010, the National Institute for Occupational Safety and Health (NIOSH) initiated a study to evaluate the cancer risk of firefighters.⁴ The study served to identify whether firefighters are at a higher risk of developing cancer related to exposure on the job. Researchers studied death related to cancer as well as specific types of cancers involved. Researchers took into consideration the types and number of fire runs, use of protective equipment, and diesel exhaust controls. The study spanned 4 years and the sample size included over 30,000 career firefighters serving in Chicago, Philadelphia, and San Francisco between 1950 and 2010. This was the largest study of firefighters ever completed.⁵

According to the 2010 study, firefighters have a 9 percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general population in the United States. The cancers mostly responsible for this higher risk were respiratory (lung, mesothelioma), gastrointestinal (oral cavity, esophageal, large intestine) and kidney.⁶

III. Effect of Proposed Changes:

The bill creates a new section within Chapter 112, F.S., which addresses employees. The bill defines the terms “employer” to mean the same as in s. 112.191 F.S., and “firefighter” to mean an individual employed as a full-time firefighter within the fire department or public safety department of an employer whose primary responsibility is 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.

The bill provides that upon a diagnosis of cancer, a firefighter is entitled to certain benefits at no cost to the firefighter, if the firefighter has been employed by his or her employer for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and has not been employed in any other position in the preceding years which is proven to create a higher risk for cancer. The benefits are:

³ Occupation and Cancer, American Cancer Society, <https://www.cancer.org/content/dam/cancer-org/cancer-control/en/booklets-flyers/occupation-and-cancer-fact-sheet.pdf>; 15 Jobs That Put You at a Higher Risk of Cancer, <https://www.cheatsheet.com/money-career/jobs-put-higher-cancer-risk.html/?a=viewall>; Cancer Facts and Figures, American Cancer Society, <https://www.cancer.org/research/cancer-facts-statistics/all-cancer-facts-figures.html>; Exposure–response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009), [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\).pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015).pdf).

⁴ A copy of the study is on file with the Senate Committee on Governmental Oversight and Accountability. *See also*, Exposure–response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009), [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\).pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015).pdf).

⁵ <http://www.modernfirefighter.com/cancer-the-unseen-firefighter-killer/> (last visited January 25, 2018).

⁶ *Supra*, note 1.

- A group health insurance or self-insurance policy that provides cancer treatment using the same health care network as the group health insurance or self-insurance policy provided to all other employees of the employer. The firefighter may not be required to contribute toward any premium, deductible, co-payment, or coinsurance amount, and the Policy must remain available for at least 10 years after the firefighter leaves employment.
- A cash payout of \$25,000.

A firefighter's cancer diagnosis must be considered an injury or illness incurred in the line of duty by the employer for purposes of determining employer policies and the provision of benefits.

Employer-sponsored retirement plans, in which firefighters participate, must consider the firefighter totally and permanently disabled if her or she is prevented from rendering useful and effective service as a firefighter and is likely to remain disabled continuously and permanently due to the diagnosis of cancer or circumstances arising out of the treatment of cancer. If the firefighter does not participate, the employer must provide a disability retirement plan that provides the firefighter with at least 442 percent of his or her annual salary, at no cost to the firefighter, until the firefighter's death as coverage for disabilities attributable to the diagnosis of cancer or disabilities 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 duties⁷ and all of the benefits arising out of such death are available to the deceased firefighter's beneficiary.

The costs of purchasing the insurance policy or providing benefits through a self-funded system must be borne solely by the employer that employs firefighters and may not be funded by individual firefighters, by any group health insurance trust fund funded partially or wholly by firefighters, or by any self-insured trust fund that provides health insurance coverage which is funded partially or wholly by firefighters.

The division of the State Fire Marshal within the Department of Financial services must adopt rules to establish employer best practices regarding how to prevent or reduce the incidence of cancer among firefighters.

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

The act would take effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (a) of s. 18, Art. VII of the Florida Constitution provides in pertinent part that "no county or municipality shall be bound by any general law requiring such county or

⁷ See s. 112.191(2)(a), F.S., provides for a death of a firefighter that occurs while engaged in the performance of his or her duties, is accidentally killed or receives accidental bodily injury which subsequently results in the loss of the firefighter's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

municipality to spend funds . . . unless the legislature has determined that such law fulfills an important state interest and unless: . . . the expenditure is required to comply with a law that applies to all persons similarly situated.”

This bill includes legislative findings that the bill fulfills important state interests (see section 9), and the bill applies to all persons similarly situated (those employers participating in the Florida Retirement System), including state agencies, school boards, universities, community colleges, counties, and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Firefighters will receive the benefits of cancer insurance and will not be required to pay the associated premiums.

C. Government Sector Impact:

Employers of firefighters will incur costs to pay the insurance premiums or bear the self-insurance costs as required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 112.1816 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
