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LEGISLATIVE ACTION

Senate

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House

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The Committee on Community Affairs (Flores) 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 Firefighters; cancer diagnosis.-

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

(a) "Cancer" includes:

1. Bladder cancer.



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- 11        2. Brain cancer.
- 12        3. Breast cancer.
- 13        4. Cervical cancer.
- 14        5. Colon cancer.
- 15        6. Esophageal cancer.
- 16        7. Invasive skin cancer.
- 17        8. Kidney cancer.
- 18        9. Large intestinal cancer.
- 19        10. Lung cancer.
- 20        11. Malignant melanoma.
- 21        12. Mesothelioma.
- 22        13. Multiple myeloma.
- 23        14. Non-Hodgkin's lymphoma.
- 24        15. Oral cavity and pharynx cancer.
- 25        16. Ovarian cancer.
- 26        17. Prostate cancer.
- 27        18. Rectal cancer.
- 28        19. Stomach cancer.
- 29        20. Testicular cancer.
- 30        21. Thyroid cancer.
- 31        (b) "Employer" has the same meaning as in s. 112.191.
- 32        (c) "Firefighter" means an individual employed as a full-
- 33 time firefighter within the fire department or public safety
- 34 department of an employer whose primary responsibilities are the
- 35 prevention and extinguishing of fires; the protection of life
- 36 and property; and the enforcement of municipal, county, and
- 37 state fire prevention codes and laws pertaining to the
- 38 prevention and control of fires.
- 39        (2) Upon a diagnosis of cancer, a firefighter is entitled



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40 to the following benefits, as an alternative to pursuing  
41 workers' compensation benefits under chapter 440, if the  
42 firefighter has been employed by his or her employer for at  
43 least 5 continuous years, has not used tobacco products for at  
44 least the preceding 5 years, and has not been employed in any  
45 other position in the preceding 5 years which is proven to  
46 create a higher risk for any cancer:

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

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

54  
55 If the firefighter elects to continue coverage in the employer-  
56 sponsored health plan or group health insurance trust fund after  
57 he or she terminates employment, the benefits specified in  
58 paragraphs (a) and (b) must be made available by the former  
59 employer of a firefighter for 10 years following the date on  
60 which the firefighter terminates employment so long as the  
61 firefighter otherwise met the criteria specified in this  
62 subsection when he or she terminated employment and was not  
63 subsequently employed as a firefighter following that date. For  
64 purposes of determining leave time and employee retention  
65 policies, the employer must consider a firefighter's cancer  
66 diagnosis as an injury or illness incurred in the line of duty.

67 (3) (a) If the firefighter participates in an employer-  
68 sponsored retirement plan, the retirement plan must consider the



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69 firefighter totally and permanently disabled in the line of duty  
70 if he or she meets the retirement plan's definition of totally  
71 and permanently disabled due to the diagnosis of cancer or  
72 circumstances that arise out of the treatment of cancer.

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

80 (4) (a) If the firefighter participated in an employer-  
81 sponsored retirement plan, the retirement plan must consider the  
82 firefighter to have died in the line of duty if he or she dies  
83 as a result of cancer or circumstances that arise out of the  
84 treatment of cancer.

85 (b) If the firefighter did not participate in an employer-  
86 sponsored retirement plan, the employer must provide a death  
87 benefit to the firefighter's beneficiary, at no cost to the  
88 firefighter or his or her beneficiary, totaling at least 42  
89 percent of the firefighter's most recent annual salary for at  
90 least 10 years following the firefighter's death as a result of  
91 cancer or circumstances that arise out of the treatment of  
92 cancer.

93 (c) Firefighters who die as a result of cancer or  
94 circumstances that arise out of the treatment of cancer are  
95 considered to have died in the manner as described in s.  
96 112.191(2) (a), and all of the benefits arising out of such death  
97 are available to the deceased firefighter's beneficiary.



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98           (5) The costs of providing the reimbursement, lump sum, and  
99 retirement benefits made available under this section must be  
100 borne solely by the employer that employs firefighters.

101           (6) The Division of State Fire Marshal within the  
102 Department of Financial Services shall adopt rules to establish  
103 employer cancer prevention best practices as it relates to  
104 personal protective equipment, decontamination, fire suppression  
105 apparatus, and fire stations.

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

108           Section 3. This act shall take effect July 1, 2019.

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

111 And the title is amended as follows:

112           Delete everything before the enacting clause  
113 and insert:

114                           A bill to be entitled  
115           An act relating to firefighters; creating s. 112.1816,  
116           F.S.; providing definitions; granting certain benefits  
117           to a firefighter upon receiving a diagnosis of cancer  
118           if certain conditions are met; requiring an employer  
119           to make certain disability payments to a firefighter  
120           in the event of a total and permanent disability;  
121           providing for death benefits to a firefighter's  
122           beneficiary if a firefighter dies as a result of  
123           cancer or cancer treatments; specifying that any costs  
124           associated with benefits granted by the act must be  
125           borne by the employer; requiring the Division of State  
126           Fire Marshal to adopt certain rules; providing a



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declaration of important state interest; providing an  
effective date.