A bill to be entitled
An act relating to firefighters; creating s. 112.1816, F.S.; providing definitions; granting certain benefits to a firefighter upon receiving a diagnosis of cancer if certain conditions are met; requiring an employer to make certain disability payments to a firefighter in the event of a total and permanent disability; providing for death benefits to a firefighter's beneficiary if a firefighter dies as a result of cancer or cancer treatments; specifying that any costs associated with benefits granted by the act must be borne by the employer; requiring the Division of State Fire Marshal to adopt certain rules; providing a declaration of important state interest; providing an effective date.

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

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.
2. Brain cancer.
5. Colon cancer.
7. Invasive skin cancer.
9. Large intestinal cancer.
10. Lung cancer.
11. Malignant melanoma.
12. Mesothelioma.
13. Multiple myeloma.
15. Oral cavity and pharynx cancer.
17. Prostate cancer.
18. Rectal cancer.
20. Testicular cancer.
21. Thyroid cancer.

(b) "Employer" has the same meaning as in s. 112.191.
(c) "Firefighter" means an individual employed as a full-time firefighter within the fire department or public safety department of an employer 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.

(2) Upon a diagnosis of cancer, a firefighter is entitled
to the following benefits, as an alternative to pursuing
workers' compensation benefits under chapter 440, 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 5 years which is proven to
create a higher risk for any cancer:

(a) Cancer treatment, at no cost to the firefighter,
covered within an employer-sponsored health plan or through a
group health insurance trust fund. The health plan, trust fund,
or insurance policy, or a rider added to such policy, may not
require the firefighter to contribute toward any deductible,
copayment, or coinsurance amount for the treatment of cancer. In
complying with this paragraph, the employer may timely reimburse
the firefighter for any out-of-pocket deductible, copayment, or
coinsurance costs incurred.

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

The benefits specified in paragraphs (a) and (b) must be made
available by a former employer of a firefighter for 10 years
following the date that the firefighter terminates employment,
so long as the firefighter otherwise met the criteria specified
in this subsection when he or she terminated employment and was
not subsequently employed as a firefighter following that date.
For purposes of determining leave time and employee retention
policies, the employer must consider a firefighter's cancer
diagnosis as an injury or illness incurred in the line of duty.

(3)(a) 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 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 that
arise out of the treatment of cancer.

(b) 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, as coverage for
total and permanent disabilities attributable to the diagnosis
of cancer which arise out of the treatment of cancer.

(4)(a) If the firefighter participated in an employer-
sponsored retirement plan, the retirement plan must consider the
firefighter to have died in the line of duty if he or she dies
as a result of cancer or circumstances that arise out of the
treatment of cancer.
(b) If the firefighter did not participate in an employer-sponsored retirement plan, the employer 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 that arise out of the treatment of cancer.

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

(5) The costs of purchasing an insurance policy that provides the cancer benefits contained in this section, or the costs of providing such 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.

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

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

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