



2018

Legislative
Issue
Briefs



Firefighter Cancer Benefits

Priority Statement:

The Florida League of Cities SUPPORTS legislation that protects municipalities' Home Rule powers to negotiate and fund municipal employee benefit levels. Additionally, the League opposes any legislation that imposes unfunded mandates on taxpayers.

Background:

Current law treats all employees, including firefighters, the same relating to "occupational diseases," like cancer. That is, the employee must establish a connection between his or her job (such as being exposed to toxic substances or smoke) and a health condition related to cancer, to be entitled to workers' compensation and disability pension benefits.

Current law provides firefighters and law enforcement officers, with special protections for occupational or other specified diseases. A disease caused by exposure to a toxic substance is an injury arising out of employment if there is a preponderance of the evidence establishing that exposure to the specific substance, at the levels to which the first responder was exposed, can cause the disease. For occupational diseases, both causation and sufficient exposure to a specific harmful substance shown to be present in the workplace to support causation must be proven by a preponderance of the evidence. Occupational disease excludes all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process or employment than for the general public. There are inconsistent outcomes in the medical research to show a substantially higher association between cancers suffered by firefighters versus the general population.

Currently, approximately 41,500 firefighters are employed in Florida, of which approximately 39,500 are employed by cities, counties and other local governmental entities.

Status:

CS/CS/SB 900 (Flores) and **HB 695** (Latvala) establish cancer benefits for firefighters. The Florida League of Cities OPPOSES the bills as being a significant unfunded state mandate. Mandated benefits will have considerable increases in expenses for local governments for health insurance and disability pension benefits.

The HB 695 does not limit the types of cancer that would apply to access these benefits, CS/CS/SB 90 was amended to limit the ability to access these benefits to 21 types of cancer. To be entitled to the cancer benefits, the firefighter:

1. Must have been employed as a firefighter with his or her current employer for at least five continuous years before suffering the health condition.

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2. Must not have used tobacco products for at least five years before suffering the health condition.
3. Must not have been employed during the preceding five years in any other position that has been proven to create a higher risk for cancer, which includes other employment as a firefighter at another employing agency.

Upon diagnosis of cancer, full-time firefighters, at no cost to them, are entitled to a group health insurance or self-insurance policy utilizing the same health care network as all other employees. This policy is available to the firefighter for at least 10 years after leaving employment and provides for a cash payout of \$25,000. CS/SB 900 was amended to clarify that the cash payout of \$25,000 was a one-time payment at the initial cancer diagnosis. If the firefighter participates in an employee-sponsored retirement plan, the 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 or treatment of cancer. The plan must consider that the firefighter died in the line of duty if they die as a result of the cancer or treatment of cancer. If the firefighter does not participate in an employee-sponsored retirement plan, the employer must provide a disability retirement plan that provides at least 42 percent of annual salary, at no cost to them, until the firefighters death. The employer must provide a death benefit to the firefighter's beneficiary totaling at least 42 percent of the most recent annual salary for at least 10 years.

Firefighters who die as a result of cancer or cancer treatment are considered to have died in the manner described in the line of duty as described in s. 112.191 (2)(a), F.S., and are entitled to the statutory established death benefits.

For determining employer policies and the provision of benefits, a firefighter's cancer diagnosis must be considered an "injury or illness incurred in the line of duty."

The bills also require the Division of State Fire Marshal within the Department of Financial Services to adopt rules to establish employer best practices for preventing or reducing the incidence of cancer among firefighters.

CS/SB 900 passes the Senate Community Affairs Committee and is now in Senate Appropriations Committee. HB 695 was workshopped in the House Oversight, Transparency and Administration Subcommittee. No vote was taken and that committee is not expected to meet again this session.

Revised: 2/16/2018