



# FLORIDA PROFESSIONAL FIREFIGHTERS

May 7, 2019

TO: FPF Executive Council Members

FROM: Jim Tolley, FPF President 

SUBJECT: Educational Sessions RE: Firefighter Cancer Coverage (SB 426)

Brothers and Sisters,

You may know by now that SB 426, the Firefighter Cancer Coverage bill, was signed into law Friday, May 3, 2019, and becomes effective July 1, 2019.

We have scheduled two (2) educational sessions to explain the new law and the application of its benefits. There will be a morning (8:30 a.m. – 11:30 a.m.) and afternoon (1:00 p.m. – 4:00 p.m.) session at convention on Wednesday, June 12<sup>th</sup>, in the Coquina E room of the Hilton Daytona Beach Oceanfront Resort located at 100 N Atlantic Avenue in Daytona Beach. A question and answer period will follow each session.

You may want to have your Chiefs, Human Resources Officers, or Risk Management Personnel attend to have the best information that will assist with implementation of the law.

## **Senate Summary CS/CS/SB 426 — Firefighters**

The bill makes firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000.00 upon the firefighter's initial diagnosis of cancer. In order to be entitled to such benefits, the firefighter must:

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**343 West Madison Street**      **Tallahassee, Florida 32301-1625**  
**Phone: (850) 224-7333 | Fax: (850) 222-1751 | E-mail: [fpf@fpfp.org](mailto:fpf@fpfp.org) | Website: <http://www.fpfp.org>**

**Affiliated with: INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

- Be employed full-time as a firefighter;
- Be employed by the state, university, city, county, port authority, special district, or fire control district;
- Have been employed by his or her employer for at least five continuous years;
- Not have used tobacco products for at least the preceding five years; and
- Have not been employed in any other position in the preceding five years, which is proven to create a higher risk for cancer.

The bill provides that the term "cancer" includes bladder cancer, brain cancer, breast cancer, cervical cancer, colon cancer, esophageal cancer, invasive skin cancer, kidney cancer, large intestinal cancer, lung cancer, malignant melanoma, mesothelioma, multiple myeloma, non-Hodgkin's lymphoma, oral cavity and pharynx cancer, ovarian cancer, prostate cancer, rectal cancer, stomach cancer, testicular cancer, and thyroid cancer.

The employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

For disability and death benefits, the employer must consider a firefighter permanently and totally disabled if diagnosed with one of the 21 enumerated cancers and meets the retirement's plan definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Moreover, the cancer or the treatment of cancer is deemed to have occurred in the line of duty, resulting in higher disability and death benefits.

Attached, please find a copy of the explanation of benefits that are applicable based on specific qualifying events.

JT/tkw

Attachment



## Summary of SB 426-Firefighter Cancer benefits



The bill was signed into law on May 3, 2019 becomes effective July 1, 2019.

Any of these events that take place AFTER the effective date will make the firefighter (in some cases a former firefighter or his/her beneficiary) eligible for the corresponding benefit, if the firefighter qualifies\*

Event	Benefit
A: Initial Cancer diagnosis (21 cancers qualify)	One time \$25k payment **
B: Cancer treatment	Out-of-pocket healthcare cost reimbursement by employer **
C: Leave time and job retention	Employer policies must be applied in the same way as for other line of duty injuries
D: Total & Permanent Disability	Line of Duty disability benefits from the retirement plan
E: Death	Line of Duty Death benefits from the retirement plan AND the employer under FL ST Chapter 112.191(2)(a)

### Examples:

Firefighter #1 was diagnosed with stomach cancer on 8/13/2015. He is still on the job and is not disqualified by any of the required criteria\*. His "initial diagnosis" was several years prior to the bill becoming law; therefore he would not receive the \$25k payment. He would also not be reimbursed for any out-of-pocket expenses incurred prior to 7/1/19. However, if he incurs out-of-pocket healthcare costs for continued treatment of his stomach cancer after 7/1/19, he would be entitled to reimbursement. Additionally, any of the other events, listed in the chart above, which occur after 7/1/19 would qualify him for the corresponding benefit.

Firefighter #2 does not have cancer. She left employment at the Fire Department on 4/26/17 and was not subsequently employed as a firefighter. If she elected to continue coverage with her employee sponsored health insurance and met the required criteria\* for coverage when she terminated employment, she is eligible for the benefits listed above upon any of the qualifying events through 4/25/27.

Firefighter #3 has been on the job since 12/26/99 and will be diagnosed with brain cancer on 8/5/19. If he is not disqualified by any of the required criteria\*, he would receive \$25k, reimbursement for any out-of-pocket healthcare costs, the same workplace policies would be applied to him as are applied for line-of-duty injuries (time off, job retention), any total and permanent disability incurred due to cancer would be considered "in the line of duty", and his death from cancer would be considered "in the line of duty" by the retirement plan and FL ST Chapter 112.191(2)(a).

*\*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*

*\*\*If the firefighter elects to continue coverage in the employer-sponsored health plan or group health insurance trust fund after he or she terminates employment, the benefits specified in paragraphs (a) and (b) must be made available by the former employer of a firefighter for 10 years following the date on which 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*

Please contact your local IAFF union, FPF District Vice President, or FPF Headquarters at (850) 224-7333 with questions or for assistance obtaining benefits.