

Section 112.1816, FS Cancer Bill and How it Relates to Section 112.191, FS Death Benefits

This document is independent, as Statute defines, from Memorial Inclusion documents although they may overlap.

Benefits for Cancer Diagnosis:

ELIGIBILITY – Have They:

- Been diagnosed with 1 of the 21 enumerated cancers;
- Been included within definition of Employer and Firefighter [112.1816(1)(b) and (c)]
- Been employed for 5 years of continuous employment with Employer; and
- Not used tobacco products for a least the proceeding 5 years; and
- Not been employed in another position which is proven to create a higher risk of cancer for the proceeding 5 years

If the above answers are
fulfilled, they are eligible for
the following benefits:

For Benefits Upon
Diagnosis, go to Section
1.

For
Retirement/Disability
Benefits, go to Section
2.

For Cancer Death
Benefits, go to Section
3.

Line of Duty Death
Benefits, go to Section
4.

1. Benefits Upon Diagnosis:

- Cancer treated under employer-sponsored health plan or through group health insurance trust fund.
- Diagnosis - \$25,000 upon initial diagnosis
- Benefits - reimbursed for out of pocket deductibles, copayments or coinsurance costs incurred for treatment of cancer
- Leave Time – employer must consider a firefighter’s cancer diagnosis as an injury or illness incurred in the line of duty
- Termination of employment – if the firefighter elects to continue coverage in an employee sponsored group health insurance plan after employment is terminated, some benefits must be available for ten years following the date of termination if not subsequently employed by a different department following that date.
- Death – must be an active employee to receive the \$75,000 death benefit, [s. 112.191\(2\)\(a\), F.S.](#)

2. Retirement/Disability:

- **If the firefighter participates in an employer-sponsored retirement plan,** the retirement plan must consider the firefighter totally and permanently disabled in the line of duty if he or she meets the retirement plan’s definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer.
- **If the firefighter did not participate in a retirement plan or system,** the employer must provide a disability retirement plan that provides the firefighter with at least 42% of the 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.

3. Benefits for Cancer Deaths:

- **If the firefighter participated in an employer-sponsored retirement plan**, the plan must consider the firefighter to have died in the line of duty if the firefighter dies as a result of cancer or circumstances that arise out of the result of cancer, [s. 112.1816, F.S.](#)
- **If the firefighter did not participate in an employer-sponsored retirement plan**, the employer must provide the death benefit to the firefighter's beneficiary, at no cost to the firefighter or his or her beneficiary, totaling at least 42% 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.

4. Line of Duty Death Benefits

- **If the firefighter participated in an employer-sponsored retirement plan**, the plan must consider the firefighter to have died in the line of duty if the firefighter dies as a result of cancer or circumstances that arise out of the result of cancer, [s. 112.1816, F.S.](#)
- Firefighter cancer death considered in the manner of [s. 112.191\(2\)\(a\), F.S.](#)
 - S. 112.191, F.S. states, "The sum of \$75,000 must be paid as provided in this section when a firefighter, while engaged in the performance of his or her firefighter 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."
 - The cost is borne solely by the Employer. The Employer may not increase employee contributions required to participate in a retirement plan or system to fund the costs associated with enhanced benefits, [s. 112.1816\(5\)\(a\), F.S.](#)

HELPFUL TIPS

To expedite the process from insurer;

- Access to medical records
- Tobacco use affidavit
- Employment confirmation
- Submission of claim form – HR or Risk Management should have form

Issue with a claim:

- Keep record verifying 5-year employment requirement
- Any employment that would be a higher risk?
- If agency is self-insured
 - Be sure to get medical records
 - Verify tobacco affidavit
 - Employment records